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**Rivalry or synergy? Formal and informal local governance in rural India**

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## **Summary**

*Informal local governance institutions* (ILGIs) are complex organisations, which continue to be prevalent at village level in rural India. Although generally perceived by educated Indians to be “oppressive”, ILGIs also have progressive features and often perform a range of useful, collective functions at the village level. Rather than shrinking in the face of modernity ILGIs have found ways to interact, often in a positive manner, with the newer formal, elected local government institutions – *Grama Panchayats*. On the basis of field research in Karnataka state, this paper tries to present a more holistic picture of ILGIs, including their role in village governance and service delivery; the ways in which they interact with *Grama Panchayats*, and the implications of their existence and role for local democracy. Finally, I present a tentative theoretical framework that might help explain why in Karnataka – and in India generally – ILGIs seem to be less repressive, more functional, and more likely to survive than in some other countries of the South.

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## 1 Introduction

*In a brutal display of its power, a caste panchayat in Haryana threw a couple, with their 18-month-old child, out of their village on August 23 for the reason that they had defied “the community norms of marriage”.*

(Frontline, 10 November 2000)

*JATIYA PANCHAYAT – a traditional judicial system based on castes – makes mockery of 53 years of Independence. The system is still prevalent in as many as 21,450 villages in Rajasthan . . . In Bharatpur district, people still remember the incident of 6 June 1992 when 17 harijans were killed by higher castes following a verdict of “jatiya panchayat” in their favour in Kumber town.*

(Hindustan Times, 21 November 2000)

*Week before last, a 19-year-old girl and her fiancé were paraded naked through the streets of a UP village by outraged members of the community. Their “crime”: three days before the scheduled wedding, the couple were allegedly “caught” spending time together at the girl’s house. It was a full two hours before the “community” felt satisfied that the guilty had been punished and the ends of justice duly met. A little earlier, offended members of a powerful agricultural caste had burnt alive a young Dalit boy, dead in the centre of another village square, for courting a girl from the dominant community.*

(Times of India, 29 July 2001)

Indian newspapers often headline horrific stories about atrocities committed against Dalits<sup>1</sup> or women by village *panchayats* (councils). These *panchayats* often mete out harsh punishments, including excommunication and even death sentences, to villagers who transgress social norms, especially those who defy caste boundaries and caste endogamy and engage in inter-caste sexual relationships. The cases cited above are not isolated. Such stories are innumerable.

What are these *panchayats*, and how should we best label them? They go under a wide variety of local names in India. Generic labels may be controversial, as they may be read as implying a particular interpretation of these organisations. This is especially the case with words like “traditional” and “informal”. I want to be as neutral as possible, and will simply label them *informal local governance institutions* (ILGIs). ILGIs are prevalent in most of rural India in some form or other. Krishna (2002: 136) finds them functioning in every one of the 69 villages he studied in the North Indian states of Rajasthan and Madhya Pradesh. I found the same in the 30 randomly selected villages that I am currently studying in three districts of the South Indian state of Karnataka. The Eastern Indian state of West Bengal has been

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<sup>1</sup> Here used synonymously with Scheduled Castes (formerly known as “untouchables” and referred to as “harijans” by Gandhi). Increasingly the term Dalit is also used in a wider political sense, representing all those that are socially and politically marginalised.

governed for 26 years by a Communist Party – the Communist Party of India (Marxist) – that has penetrated deeply into rural society. Yet informal local dispute resolution bodies (Shalishi) continue to play a significant role there at village level (Gupta 2001).

Not only are ILGIs prevalent in rural India but, as I show below, they are also highly institutionalised: they embody stable, recurring and valued behaviour patterns (Huntington 1965). Yet we know relatively little about them, and there is a great difference between reality and the beliefs held by urban and middle class Indians, that are shaped principally by newspaper reports, but also by some social science literature. The typical urban perception is that ILGIs are:

1. Essentially instruments of caste dominance, that either simply represent a single caste or, where they include representatives of more than one caste, are controlled by the locally dominant caste.
2. Oppressive in nature, serving solely or mainly to enforce “traditional” norms and hierarchies, notably in relation to caste and gender.
3. Shrinking or fading in face of modernity, especially in the face of competition from the formal, elected local village councils (*Grama Panchayats*).

These popular beliefs may not be entirely wrong. However, the full picture is more complex. ILGIs have “functional” and “progressive”, as well as “oppressive” features. They interact with formal local government institutions. And they sometimes perform broad developmental roles, as well as acting as mechanisms of (repressive) social control. The purpose of this paper is to tell these other sides of the story. It is based in part on the existing literature on informal local institutions in India and elsewhere. The principal sources are however (a) my previous research on local political communication and women’s participation in local governance in Karnataka state and (b) my current research on informal local governance in 30 villages in three Karnataka districts. ILGIs are actually quite diverse, even in terms of how villagers describe and name them. They are also quite variable in structure and in activities. Detailed research is essential to enable us to (1) counter the stereotypes propagated in sensationalist newspaper stories, (2) understand in more detail what these institutions do, and (3) therefore appreciate properly their role in local governance. On the basis of the various sources available to me, I conclude that in reality ILGIs:

1. Typically are inter-caste institutions, comprising the leaders of different caste groups in a community, and are in some real sense representative bodies whose procedures are characterised more by deliberation, negotiation, and compromise than by simple rule enforcement.
2. Do not only enforce “traditional” rules and norms, but also perform a range of useful collective functions at the village level, often in a consensual manner. They arbitrate a range of disputes at the village level, act as support structures by providing monetary and other assistance to people in distress, and, as Wade (1988) found in Andhra Pradesh state, often mobilise significant sums of financial and other resources for developmental projects.

3. Are not linearly declining or shrinking in the face either of modernity in general, and more modern, elected local councils in particular. Instead, they interact with these formal, local governance institutions, often in a positive way. Note that one reason for this is that in Karnataka at least, and probably in most of India, a single ILGI typically serves a single “natural” village that often has a nucleated residence pattern, while the formal, elected *Grama Panchayats* usually covers a cluster of such “natural” villages.<sup>2</sup>

I summarise, in Sections 2 to 4 respectively, the evidence from Karnataka on each of these three conclusions. In Section 5, I comment on the question of why there appears to be such a mismatch between the reality about ILGIs and popular (urban) perceptions. In Section 6, I present a tentative framework that helps explain why, in India relative to some other developing countries, ILGIs might be more benign, less in conflict with formal, elected local governments, and more able to contribute to local development. Section 7 contains some concluding comments.

## 2 The composition of ILGIs in Karnataka

Indian society is very much (self-) organised around cellular units – mainly caste. But that organisation is so natural and implicit that, when researchers ask people about existing “associations” and their activities, they often do not find anything, or are directed towards modern associations formed under the influence of external interventions of various kinds. This is true of Karnataka. In reality, a profusion of local organisations, structured mainly around individual caste groups, exist in the villages. These may be intra-village caste panchayats and/or street panchayats<sup>3</sup> (for a single street or a group of streets). These organisations operate at sub-village level and have limited authority – restricted to a caste group in the case of caste panchayats or limited to the population of a street or few streets in case of street panchayats. The ILGI is a higher level organisation, with jurisdiction over the entire village, that essentially comprises a “congress” of these sub-village caste organisations. Authority over the entire village allows the ILGI to act as a higher forum for “appeals” if issues are not satisfactorily resolved in lower bodies. These whole-village organisations, that I term ILGIs, are among the more widely-found of a set of informal, caste-based local governance institutions that vary from place to place.

The diversity of ILGIs is evident above all in the terms that villagers use to label them. My current research, in the Mysore, Dharwad and Raichur districts<sup>4</sup> of Karnataka state, illustrates this very clearly. In the southern part of the state, particularly in Mysore district, ILGIs are known locally as *panchayati (Council)*, *Halli panchayati* (Village Council), *nadu* or *nadu panchayati* (Regional Council), *nyaya panchayati* (Justice

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<sup>2</sup> For a further understanding of this distinction between nucleated villages and natural villages, see ‘The Dominant Caste in Rampura’ (Srinivas 2002).

<sup>3</sup> I came across street *panchayats* in only one big village where the ILGI was relatively weak.

<sup>4</sup> During the colonial period, these three districts belonged to different regions. Mysore was the capital of princely state of Mysore, Dharwad belonged to Bombay Presidency and Raichur was part of Hyderabad State under the rule of the Nizam of Hyderabad. These three districts represent regions with distinctive agrarian structures, agricultural development patterns, and social and cultural backgrounds.

Council) or even *nyaya samiti* (Justice Committee). In northern Karnataka, particularly in the area covered by the former Dharwad district, the terms *pancharu* or *Hireru* (village elders) are prevalent, while in one village the ILGI is known as the *Civic Board*. In Raichur district the common term is *Daiva* (God).

This diversity of names indicates the diverse nature of the institution itself. Throughout Karnataka ILGIs seem to have a common core agenda of upholding social norms and customs and preserving local law and order. At the same time, they also find ways to adapt to differing and changing contexts. The resilience and adaptability of ILGIs derive in large measure from the caste system. Caste is not as inflexible and rigid as is often supposed, and has survived the advent of democracy and the forces of modernisation. Contrary to “optimistic” expectations that it would wilt under the pressure of modernity and (hopefully) wither away, caste has adapted itself to changing contexts. Its role in electoral politics is very evident. Similarly, ILGIs continue to operate at the local level despite the increased importance of their statutory, elected counterparts, the *Grama Panchayats*. ILGIs might be viewed as a manifestation or extension of the caste system. It should, therefore, induce no surprise that they also share its resilience and adaptability. The basic reasons for this adaptability are common to both cases. The more “traditional” leaderships of ILGIs know that they will lose power and authority unless they adapt the institution to accommodate changes in the broader political context.

Srinivas describes “village councils” (ILGIs) as being ‘informal and flexible’ bodies with ‘no hard and fast rule about who should constitute them’. He has also observed a variation in membership over space and context (2002: 81). Mandelbaum’s (1970) detailed study of “village *panchayats*” from different parts of the country indicates a similar flexible pattern of representation. This fluidity and flexibility allows ILGIs to adapt to local and to changing contexts.

ILGIs are variable over space and time. But all appear to have visible *memberships*: a set of people who are recognised as having the right or duty to meet in a structured way to discuss, debate and, sometimes, to decide. I will call these members *panchas*, employing a term that is no longer widely used in Karnataka; and will call the leader the *Yajamana* – a term that is still in widespread use. The nature of membership varies from village to village, and changes a little from time to time within individual villages. However, two facts stand out. First, virtually all *panchas* are men. The only exceptions I found were that, in two cases (not part of my sample of 30 villages), elected female members of the formal *Grama Panchayat* were sometimes invited to join in the deliberations of the ILGI for specific purposes. Otherwise, men dominate totally. Second, ILGIs are constituted on the basis of caste, and understood to be so.

Generally, the size of an ILGI is broadly proportional to the number of caste groups present in a village. In all villages the ILGI consists of (a) a core membership representing mainly the leaders of the major caste groups in the village and (b) occasional other members, invited according to context or need. In most villages, some or all of the core members are viewed as having lifetime tenure unless and until they decide to step down. These are normally people considered to have inherited leadership of a

particular caste group.<sup>5</sup> ILGIs are generally linked “upwards” with the elected *Grama Panchayats* that have territorial responsibility for several “natural villages”. But they are also linked “downwards” to caste organisations within individual villages. In single caste villages, caste organisations are effectively the ILGIs. In multi caste villages, in Karnataka as elsewhere in rural India, each caste tends to have one or more recognised “caste leaders”<sup>6</sup> who have informal responsibilities that are both internal to their own constituency (e.g. in resolving small disputes within the caste group) and external (e.g. mediating relations with other caste groups). Both these roles make them “natural” members of the ILGI. The ILGI broadly represents caste groups in the village. But it does not represent them equally. For instance, an ILGI might have more members from an “upper” or locally dominant caste group compared to other caste groups considered lower in the caste hierarchy. Krishna’s study of village councils in Rajasthan indicates a similar composition – a roughly proportionate representation of all caste groups in the village (2002: 136).

Apart from the core membership rooted in caste, some ILGIs have other members whose inclusion is based on more modern criteria. It is here that the variation in the membership of ILGIs is most visible. An interesting phenomenon is the emergence of “new leadership” in most villages. Some ILGIs now include new members who are local leaders because of their political linkages, education, mobility, and ability to interact with government officials. The emergence of new and parallel leadership at the village level is not a new phenomenon. It is driven above all by the expansion in the number of government rural development programmes and the increasing value and power of people who have the education, personal skills and political connections to act as intermediaries between villages and political and bureaucratic arenas. As early as the 1960s, Bailey (1960) had identified changes taking place in traditional leaderships with the emergence of new types of leaderships based on new networks. Subsequently, Beteille (1965) identified the emergence of a new set of leaders, to a certain extent independent of both caste and class in villages of Tamil Nadu. In his study of Rajasthan and Madhya Pradesh villages, Krishna (2002) identifies three sets of leaders: traditional village leaders, elected *Grama Panchayat* leaders and *naya netas* (“new leaders”), with little overlap between them. The experience from Karnataka seems to differ. The “new leaders” often find a place on ILGIs and play active roles there. Another set of people who are sometimes represented in ILGIs are the people elected from the village to the new (since 1993) *Grama Panchayats* that encompass several “natural villages”.

ILGIs are headed by the *Yajamana*, who usually takes initiatives, plays the major role in framing a consensus in the decision-making process, and may take decisions if there is no consensus. He is thus able to exercise considerable influence. To be considered as a *Yajamana*, a person should be acceptable to different communities in the village. This invariably means that he should belong to a caste that is acceptable to all. Consequently, despite the diversification of membership, in Karnataka the leadership of

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<sup>5</sup> Villagers still recognise hereditary positions but are quick to state that the future generations or the youth in the village should prove their leadership qualities and cannot expect a leadership position because of this entitlement.

<sup>6</sup> Some caste groups in a few villages have a leadership, that is at times elected, and accounts (of funds collected by that particular caste group for religious and other purposes) that are checked by the people belonging to that particular caste group around every Hindu New Year. Caste organisations have jurisdiction over all families belonging to that caste in the village. These organisations are often quite formal and institutionalised.

ILGIs remains in the hands of locally dominant caste groups such as the *Lingayats* or *Vokkaligas*.<sup>7</sup> The *Yajamana* of the ILGI is usually the leader of the dominant and/or forward caste of the village. A junior leader (*Chikka Yajamana*) is usually appointed to take care of such issues as organising meetings, and informing the community about meetings.

However, the nature of leadership has undergone significant changes in the sense that ILGIs are no longer *controlled* by a single, dominant caste leader or big landowner of the village. It is perceived as a more deliberative forum, where decisions are arrived at after discussions and consensus. This “egalitarianism” is not unique to Karnataka ILGIs but also found in the village councils of Rajasthan where “*panchas*” (representatives) of all caste groups sit as equals on the central platform’ (Krishna 2002: 136).

**Table 2.1 Caste profile of ILGI leaders in 30 villages in Karnataka**

District	Castes					
	Lingayat	Vokkaliga	Brahmin	Scheduled Caste <sup>8</sup>	Scheduled Tribe <sup>9</sup>	Others*
<b>Mysore</b>	2	5		1	2	1
<b>Dharwad</b>	8		1			1
<b>Raichur</b>	7		2		1	1
<b>Total</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>

\* Others include Muslims and other caste groups such as Marathas and Kshatriyas.

Table 2.1 relates to 30 sample villages and 32 ILGI leaders, because a few ILGIs have more than one leader. This apparent power sharing usually occurs in villages with a numerically dominant population from the Scheduled Castes or Scheduled Tribes. In such instances, the Scheduled Caste or Scheduled Tribe leader is considered an ILGI leader along with a leader belonging to another group. In two villages, Muslim leaders are considered as ILGI leaders along with Scheduled Caste/Scheduled Tribe leaders. This is because Muslims are considered to be higher in the social hierarchy than Scheduled Castes/Scheduled Tribes in the sample villages.

The normal pattern in Karnataka is that ILGIs are composed of representatives of dominant and major caste groups. There is variation in the extent of inclusion of (a) new leaders and (b) Scheduled Castes. While marginalised groups such as Scheduled Castes and Scheduled Tribes have better access and representation in ILGIs than do women, the extent of their inclusion seems to vary from region to region. In some villages, particularly in southern Karnataka, where Scheduled Caste population is substantial, Scheduled Caste leaders are part of the ILGI. In most north Karnataka villages they are excluded. Even

<sup>7</sup> Traditionally land owning and numerically strong caste groups.

<sup>8</sup> ‘“Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution’ (Constitution of India).

<sup>9</sup> ‘“Scheduled Tribes” mean such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of the Constitution’ (Constitution of India).

where they are part of the ILGI, the influence of Scheduled Caste leaders is sometimes very limited. Thus a whole range of situations is visible, from total exclusion to active involvement of Scheduled Caste leaders.<sup>10</sup>

I know of a village in Mysore district where the Scheduled Caste population was able to get the *Lingayat* ILGI leader changed. When the Scheduled Caste population felt insulted by him during a village festival, they cut off all direct contact with the *Lingayat* community. The matter was resolved only when the ILGI called a meeting of the villagers and agreed to the demand of the Scheduled Caste population that the leadership be changed. A former *Lingayat* ILGI leader, who had given up the leadership, was reinstated. In another Mysore village, an active Scheduled Caste leader (also a former *Grama Panchayat* president) is considered by the villagers as one of the ILGI leaders. Such cases are not common and still restricted to villages with substantial Scheduled Caste or Scheduled Tribe populations, but they point to the changing nature of ILGIs.

ILGIs meet as and when required. The attendance of various *panchas* in meetings may vary with occasion, circumstances and the nature of business under consideration. The *Yajamana* is almost always present. The degree of formalisation of the meeting schedule varies widely. I know of one village in Mysore District where the ILGI meets every Monday for purposes of dispute resolution. If however no cases are notified by 7.30 pm on Sunday, the meeting is cancelled.

The presence of ordinary villagers at ILGI meetings depends upon the purpose for which the meeting is called. For instance, the process of dispute resolution (unless it is marital dispute) usually takes place in the presence of many villagers, mainly men. Men who are not *panchas* can plead their own cases before the ILGI. Women very rarely do so, but are in most cases silent observers of the proceedings from the periphery of the gathering. Their issues and views are placed before the ILGI by their male relatives. ILGIs in Karnataka continue to be gender biased. Positive changes in the status of women in other socio-political spheres seem to have had minimal impact on this institution.

Men's attendance varies from village to village, but in most villages at least one male member from each family – usually the head of the household – is expected to attend. Young men may attend, but are allowed to participate in the discussions only if expressly permitted. Essentially, older men or male heads of the household are expected to represent and speak for the whole family. However the level of participation of the community in ILGI meetings depends upon the gravity of the issues being debated. The presence of the villagers in ILGI meetings is a way of ensuring community endorsement of decisions.

While ILGIs draw their legitimacy from custom and tradition and are largely rooted in caste, they are not bound by “tradition”. They adapt to changing circumstances, as is evidenced by the appearance in some cases of Scheduled Caste leaders or members chosen by virtue of their election to the formal *Grama Panchayat*. But the change in membership has not extended to include better gender representation. ILGIs are still very patriarchal.

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<sup>10</sup> Relatively better representation of Scheduled Caste leaders in ILGIs in southern Karnataka, to a certain extent, may have its roots in the stronger mobilisation of the Dalit community and a relatively less skewed pattern of land holding there compared to other regions of the state.

### 3 Activities of ILGIs

The common outsiders' perception is that ILGIs are relics of the past, trying to maintain their centrality in village governance by reinforcing "traditional" values and norms, generally in an oppressive manner. Most media reports highlight this aspect of ILGIs, and rarely deal with their more positive and practical functions.

Apart from their role as custodians of "traditional" norms and rules, ILGIs in Karnataka perform a wide range of useful, collective activities. These include organising social activities, dispensing informal justice, providing financial and moral support to those in need, and maintenance of local law and order. ILGIs may perform some or all these functions depending upon their influence and degree of activism.

In all the 30 villages I studied in Karnataka, ILGIs were involved in collecting funds for religious activities, including temple construction, repairs and maintenance; and organising religious festivals, rituals and processions (*Jathre*). These are important tasks for ILGIs. Village festivals, especially those related to the village deity – *grama devathe* – are considered to be important social (and religious) events. They not only involve the entire village, but also establish and reinforce social networks with neighbouring villages. As Mandelbaum (1970) has observed, these village festivals are a manifestation of village solidarity. Formal invitations are often extended to neighbouring ILGIs to participate in them. There are also instances of ILGIs from 4–5 villages getting together to organise festivals.

Local "dispute resolution" is an equally important task. It is generally believed that traditional justice institutions in India thrived during the colonial rule and gradually faded out there after (Galanter and Krishna 2003). This belief is not supported by my field evidence from Karnataka, where ILGIs are involved in dispute resolution in all the 30 sample villages. Krishna found that, in the 69 villages he studied in Rajasthan and Madhya Pradesh, ILGIs dealt with nearly 80 per cent of disputes, and that 80 per cent of a sample of villagers preferred that formal, legal authority for dispute resolution should rest exclusively with these "informal" councils (Krishna 2002: 138).

Villagers do not necessarily see dispute resolution by ILGIs as an end point, but rather as the first opportunity for justice because it is quick, affordable and accessible.<sup>11</sup> In most villages, disputes brought before the ILGIs may be taken to the police station or to the formal legal system if not satisfactorily resolved there. The types of disputes that come before the ILGI are varied. They include petty disputes, thefts, encroachment issues, minor property disputes, drunken brawls, and marital problems including spouse abuse, desertion, bigamy, and alcoholism. Land or property disputes, between siblings and/or other people, are usually brought to the ILGI in the first instance. If they are not resolved to the satisfaction of both parties, then the ILGI advises them to approach the formal institutions of justice. Criminal cases are handed over to the police. Sexual offences are deemed to be extremely serious, and may lead to the ILGI meting out very heavy penalties.

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<sup>11</sup> While in most cases villagers respect the ILGI as an institution capable of delivering fair judgement, there are instances where ILGIs have been accused of being biased and corrupt.

An intra-caste dispute, in the first instance, is taken to the leader of that particular caste. If an acceptable solution is not reached at this level, it is then referred to the ILGI. Similarly, some petty disputes may be handled initially by caste or street *panchayats*, and referred to the ILGI only if the dispute is not satisfactorily resolved. Inter-caste disputes and/or issues that have relevance for the entire village are taken up directly by the ILGI. Disputes between two villages are usually resolved jointly by the ILGIs of both villages.

Women's cases are brought before the ILGI by the male members of the family. Only in extreme cases might a woman be asked to come before the ILGI to submit her case. Asking a woman to come before the ILGI is considered demeaning for the woman concerned. It is deeply inter-linked with the concept of *Maryade*<sup>12</sup> (a keen sense of self-respect). A woman who has been either summoned by the ILGI or argues a case before the ILGI is presumed to have lost her and her family's *Maryade* in the village. Interestingly, this proposition does not seem to have been put to test in the villages under study, as there are no verifiable cases or stories of women who, having appeared before the ILGI, lost their *Maryade*. But the concept is internalised to such an extent that women, especially young, educated women, interested in actively participating in the activities of the ILGI are unwilling to take the risk of contesting this myth.

ILGIs also act as support mechanisms in specific situations. There are a number of cases of their helping destitute or widowed women to get a share of their husbands' property, collecting funds from the villagers to help accident victims (generally from poor families), arranging funeral rites for destitute people, organising mass marriages for the poor, donating stationery to local school children, or supporting the education of gifted students.

ILGIs have also played a significant role in maintaining communal harmony in villages with substantial Muslim populations. Varshney (2002) finds that the incidence of communal violence is significantly less in rural India compared to cities. In the cities, he found that 'inter-communal' networks forged through 'associational forms of civic engagements' help to promote communal harmony. I found much the same thing in villages with a Muslim population. For example, in a village in North Karnataka, the ILGI leader is the first to visit the mosque and present offerings during Muslim festivals. In some others, before the advent of any festival, either Hindu or Muslim, ILGI and Muslim leaders meet to ensure that the festivities are celebrated without any conflicts or tensions. In some ILGIs different caste groups also seek the support and cooperation of the ILGI during their festivities. Not only do ILGIs resolve conflicts, but they also play an active role in preventing them. Using an elaborate Index of Communal Harmony for 60 Rajasthan villages, Krishna found that the strength of the village council and the extent to which each village possesses "social capital" (i.e. a predisposition to cooperate) were factors 'significantly associated with the level of communal harmony in villages' (2002: 118–30).

All ILGIs raise resources, both cash and kind, for religious festivals. In addition, (a) some raise matching funds for development projects part-funded by state or central governments; and (b) a few raise

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<sup>12</sup> *Maryade* in the local language *Kannada* is a value-laden word. The closest equivalent in English is "honour". *Maryade* is actually a combination of honour, self-respect and reputation of self and family. It is often used contextually.

resources for local economic development or collective local infrastructure, such as school buildings and local hospitals, or for organising the patrolling of fields to prevent thefts and unauthorised grazing. ILGIs do not have any permanent sources of finances. The two main sources of funds are donations and fines. Donations are collected from villagers for religious festivals and temple activities. Fines are imposed on those found to be guilty during dispute resolution processes. The size of fines varies with the severity of the offences. It could be as little as Rs.5, which is symbolic, or as high as Rs.500 for serious offences such as thefts, misbehaving with women, or repeat offences. In many villages a form of marriage tax is also collected. For example, when a man from the village gets married and brings back a bride, he or his family is expected to pay a small tax to the ILGI (from Rs.50–100 depending upon the village). If a girl marries and leaves the village, her family is also expected to pay a tax of Rs.25–50.

How are ILGI decisions enforced? The ILGI leaders I interviewed agree that their decisions, particularly regarding dispute resolution, are not absolutely enforceable. One or other party to the dispute has the option of accessing formal police or judicial channels. ILGIs still manage to enforce most of their decisions through social pressure. For example, a person who has openly violated the dictates of the ILGI does not find support in the village in times of need or distress unless he or she openly tenders an apology to the ILGI for violating its dictates. However, the legitimacy of ILGIs and the extent to which they are able to enforce their decisions are somewhat contested. There is a general perception that they no longer enjoy the influence they once did when formal local institutions were relatively weak. But they remain very influential. Villagers, especially women, believe that in a context where they are still distant from the formal law and order mechanisms like the police and the judiciary, there is a need for locally-rooted institutions that provide justice and maintain local law and order.

#### **4 Interaction with formal local governance institutions**

Contrary to widespread belief, ILGIs are not shrinking or fading as elected local government institutions (*Grama Panchayat*) become more institutionalised and influential. I have already shown that ILGIs continue to perform a wide range of functions. They are continuously finding new avenues of influence. One such avenue of influence lies in interaction with *Grama Panchayat*, the lowest tier of the formal elected local government institutions. I will term *Grama Panchayats* Formal Local Governance Institutions (FLGIs). This interaction between ILGIs and FLGIs takes a variety of forms. Before explaining these forms, let me first note that there is even less understanding of this interaction than of other roles and activities of ILGIs. This is true of ordinary villagers as much as outside observers. Ordinary villagers do not always appreciate the behind-the-scene influence that is wielded by their ILGIs. Villagers tend to view ILGIs and FLGIs as very different institutions: the first principally “social” and operating at the village level and the second “political” and operating at a higher governmental level. This is specifically because in Karnataka FLGIs usually cover a group of natural villages.

The 1992 constitutional amendment that established an elected three-tier government structure at the sub-state level – Panchayati Raj Institutions – was silent on the role of ILGIs. In 1996, national level

legislation – ‘The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996’ – allowed for the accommodation of the tribal laws and customs in tribally dominated regions.<sup>13</sup> 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 ways of life (Mahi Pal 2000). ILGIs have not received any equivalent recognition, and although influential in some ways, have remained entirely informal.

The interaction between ILGIs and FLGIs that I uncovered was surprising given Karnataka’s long history and impressive record of democratic decentralisation. While statutory elected institutions have existed for decades, and particularly so after 1959, it is the 1983 state-level legislation<sup>14</sup> that was truly politically empowering. The constitutional amendment in 1992<sup>15</sup> has reinforced their position.

Quite a lot of research has been undertaken on Panchayati Raj Institutions in Karnataka. However, the interaction between ILGIs and FLGIs has not been detected.

My evidence from the field reveals several types of interactions, which I label:

1. Influencing FLGI elections
2. Overlap of leadership
3. Implementation of development projects
4. Selection of beneficiaries for government anti-poverty projects
5. Informal resource mobilisation

The extent of interaction varies from village to village. All five types are present in some places. The extent of interaction depends largely on the strength and influence of ILGIs. The influence is two-way: ILGIs influence FLGIs, and vice versa. The nature and outcomes of the interaction can be positive in some contexts and negative in others.

#### **4.1 Influencing FLGI elections**

An important type of interaction between formal and informal institutions is found in the process of electing members to the *Grama Panchayats*. The average *Grama Panchayat* (FLGI) in Karnataka represents 5–7,000 people. One representative is elected for a population of 400 on the first-past-the-post principle. Thus individual ILGIs are able to exercise a decisive influence on one or more electorates. They play a

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<sup>13</sup> India has a significant tribal population. It is estimated that they constitute about 8 per cent of the total population. Quotas are provided for the tribal population in various spheres to make the governance and development process more inclusive.

<sup>14</sup> The first major landmark was the 1983 Act, which introduced a two-tier, elected sub-state level governance structure. A notable feature was 25 per cent reservation for women in these bodies even before this was mandated by the Constitution. Elections under this Act were held in 1987.

<sup>15</sup> The 1983 Act was substituted by a new law in 1993 (the Karnataka Panchayat Raj Act, 1993) to accommodate the mandatory provisions brought in by the 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution. The 1993 Act provides for a three-tier structure – *Zilla Panchayat* (district level), *Taluk Panchayat* (block level) and *Gram Panchayat* (village level) – with representation for women, Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs).

role in *influencing nominations* to the FLGIs and ensuring where possible that elections are *unanimous* (i.e. uncontested). In 28 out of 30 villages under study, the ILGI had played a role in selecting candidates for local elections in 2000.

The process of influencing nominations to FLGIs varies. In some villages, the ILGI calls for a meeting of the villagers after the elections are announced and decides on the list of candidates. Candidates endorsed by the ILGI are advised to file their nomination papers and other people interested in contesting elections are asked not to do so. In other villages, the decision on candidates for FLGIs is taken only when the last date for withdrawal of nominations is announced. At this point the ILGI intervenes, and other candidates are made to withdraw their nomination papers in favour of its candidates. The means of intervention may vary from requests, coercion and payoffs, (promises of benefits or chance to contest the next elections) to threats.<sup>16</sup> In 18 out of my 30 sample villages “unanimous” elections took place in 2000: in four cases all the seats were uncontested, and in 16 villages at least one seat was uncontested. This is especially likely in seats reserved for women. In villages where there were contested elections – where the ILGI was unable to persuade the villagers on their choice of candidates – respondents say that most of the candidates who were finally elected were those originally chosen by the ILGIs. The villages I studied seem to be typical of Karnataka as a whole: in the 2000 *Grama Panchayat* elections, 26 per cent seats were filled by “unanimous” elections (*The Hindu*, 1 March 2000; *The Deccan Herald* 2000).

Broadly, ILGIs act as “gatekeeper” institutions that control nominations to local elections and influence the pattern of representation. They perform the same functions as the other “gatekeeper” institutions – party leaders, political funders, interest group leaders – that Conway (2001: 231–3) has identified for US politics. Conway deals particularly with the effects of gatekeeper institutions on women’s political participation. Her basic point is that, while culture and patriarchy are important influences on reducing women’s political participation, insufficient attention has been paid to the role of gatekeeper institutions. She suggests there is substantial evidence that gatekeepers play a much bigger role than has been believed in influencing the ‘prior selection phase of office seeking’ of women candidates. In Karnataka, the gatekeeper role of ILGIs seems to be especially effective where women candidates are concerned. Political space at the local level has been created for women since 1992 with the reservation of one third of seats in FLGIs for them. However, despite widespread formal compliance with this legislation, women representatives are rarely able to exercise much political influence. The patriarchal bias in Indian culture is generally believed to be largely responsible. My research in Karnataka suggests a more direct and tangible institutional explanation: the influence of the ILGI over candidacy to local elections.

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<sup>16</sup> I found no hard evidence of direct threats, but heard many suggestions about subtle intimidation, such as ‘if you go ahead against our wishes and contest, we will make sure you lose’.

One manifestation of this influence is the low proportion of women representatives elected to FLGIs who are subsequently *re-elected*.<sup>17</sup> My research indicates that the influence of ILGIs in preventing women from re-contesting elections is a major constraint on their political opportunities. The ways in which this is achieved varies widely from open opposition to women's re-nomination to moral blackmail or inducing a feeling of obligation. Women are often accused of being selfish and greedy and denying chances for other women if they insist on re-contesting for elections.

This is a cause of concern as it affects the overall process of developing women's political skills and participation. The lack of continuity in office prevents women from building their political skills and constituencies and limits their political careers. Perpetual turnover of personnel continually places a new set of inexperienced women in elected positions. Their political participation in local governance is likely to be less than impressive. The intense investment in training and capacity building for women representatives is unlikely to yield positive results if this alternation continues (AnanthPur 2002).

#### **4.2. Overlap of leadership**

The control that ILGIs exercise over the selection of candidates to FLGI elections may be used to have the ILGI leadership elected to the FLGIs. Overlap among the leaders of FLGIs and ILGIs is widespread. In 26 out of my 30 villages, some form of overlap of leadership occurs. For example, the *Yajamana* of the ILGI in one village is also the president of the FLGI. In another village, an ILGI leader was the previous president of FLGI. In the same village, the son of the ILGI *Yajamana* is presently a member of the FLGI. In a number of villages, *panchas* are also members of the FLGI. A variant of this overlap is particularly likely in the selection of candidates for women's seats. The candidates chosen are often related to the leader or members of ILGI. For example, there are instances of the ILGI leaders' or members' wives, daughters-in-law or sisters being either unanimously elected or chosen to contest elections to FLGIs. The wife of a *pancha* in a village in north Karnataka is also the president of FLGI. As she is illiterate her husband handles most of her official duties. In this instance, most of the issues related to formal local governance activities are brought before the ILGI and decisions taken after consultations with the leader and other members of the ILGI. Consequently, the line between the formal and informal institution is increasingly blurred.

This overlap of leadership at times has the endorsement of the villagers. In many cases villagers propose, initiate and support the candidature of ILGI *Yajamana* and/or members for representation in the FLGI. The rationale is that the ILGI leaders will be able to perform better and bring development to the village. Conversely, the attempts by ILGIs to control nominations to FLGIs or obtain nominations for themselves or their kin are not always successful. Reforms from above in the form of reservation of seats and the process of democratic decentralisation have created awareness among villagers regarding the

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<sup>17</sup> Seats are reserved for women in FLGIs on a rotation basis. For example, if constituency A is reserved for women this term, the reservation may shift to constituency B or C in the next elections thus compelling interested women to contest against men. This has further exacerbated the problem of women's re-election. However the inference arrived at here is based on cases of women who had the opportunity to re-contest elections but were denied that chance by the ILGI.

importance of these formal structures. This has led to an increased interest in local political participation and representation. In a couple of villages, the ILGI *Yajamanas* who belong to the dominant caste groups, have little interest in controlling nominations as all the seats in the village are reserved for Scheduled Castes and Scheduled Tribes. In another case, there was opposition within the village to the list of “consensus candidates”, as there were a number of villagers interested in contesting elections. In yet another village, some people did not accept the unanimous choice of an ILGI *Yajamana’s* son as the candidate for FLGI, and nominated another candidate. The ILGI *Yajamana’s* son went on to win. There are at least couple of instances of *panchas* or their kin losing the elections to candidates who were not part of the ILGI. Such incidents, although limited in number, point to the importance of opening up formal spaces and their potential influence in countering the local political monopolies that ILGIs often represent.

Table 4.1 relates to (a) the ways in which ILGIs influence the FLGI elections in my 30 study villages in Karnataka, and (b) the extent of their influence.

**Table 4.1 Influence of ILGIs on elections to FLGIs in year 2000 in 30 Karnataka villages**

<b>District</b>	<b>Number of villages in which candidates for FLGI election were selected by ILGIs</b>	<b>Number of villages in which elections were unanimous</b>	<b>Number of villages where there was post-election overlap of leadership between ILGI and FLGI</b>
<b>Raichur</b>	9 out of 10	7 out of 10: unanimity for all seats in 1 village, and for some seats in 6 villages	7 out of 10
<b>Dharwad</b>	All 10	6 out of 10: unanimity for all seats in 1 village; 6 out of 10 seats in another village; and some seats in 4 other villages	All 10
<b>Mysore</b>	All 10	5 out of 10: unanimity for all seats in 2 villages and for some seats in 3 villages.	9 out of 10

### **4.3 Implementation of development projects**

In almost all the villages I studied, the ILGI leaders play an important role in negotiating with the formal, local representatives and institutions for benefits to the village even where they have had little involvement in the selection of formal local representatives. This assumes a special significance when the local councillors or representatives are handpicked by the ILGI. In all the villages studied, the elected representatives agreed that they were pressured, subtly or overtly, by the ILGI to secure benefits for the village. The performance of the formal elected leaders is constantly monitored by the ILGI.

The ILGI generally supports the elected members in negotiating with the FLGI for benefits to the village. There are instances of ILGI *Yajamana or panchas* briefing elected members about the development

needs of the village prior to the formal council meeting or accompanying the elected representatives to the FLGI to demand speedy delivery of services or repairs that have been pending. The ILGI constantly puts pressure on the elected members for development projects such as construction or repairs of school buildings and community halls, provision of drinking water, roads, and drainages. This was evident in all the villages visited.

This type of interaction cannot necessarily be construed as negative. It benefits the entire community and it could be argued that it helps to make the elected members more responsive to their electorate, and thus strengthen democracy. However, this relationship is not always benign and to the benefit of the entire community. First, such pressure is unlikely to exist or be effective where there is overlap of leadership. Second, there are instances of ILGIs influencing decisions related to the location of services within the village – such as street lights, water taps, drainage etc – in favour of themselves or of other village elites. This has direct and negative implications for the welfare of the community as whole and the poor in particular.

#### **4.4 Selection of beneficiaries**

Another sphere where ILGI-FLGI interaction might adversely affect the poor relates to the selection of beneficiaries for government anti-poverty projects. Various anti-poverty programmes (employment, housing etc) funded by state or central government are channelled through FLGIs. The selection of beneficiaries usually takes place at the village level thus providing a space for the ILGI to intervene. The involvement of ILGIs in this process may either make the process more transparent, or lead to the ILGI members using their influence to strengthen their position in the village by bestowing favours on those who support them. I have evidence of both types of outcome. ILGI leaders generally claim to be more attuned to the local reality and feel they are better placed to identify beneficiaries. This attitude extends to the ILGI leaders suggesting as beneficiaries people who have not even put in applications.

The process of selection of beneficiaries for anti-poverty schemes is expected take place in an open village assembly (*Grama Sabha*) organised by the FLGI, with the full consensus of the participating villagers. All adults of the village are members of this forum. However the strong role and influence of ILGIs in these processes may subvert the participatory nature of selection, and bring in an element of patronage and clientelism. Equally, there are instances where the intervention of the ILGI has prevented patronage by FLGI members and ensured benefits to the genuine target groups.

While influencing decisions related to village development activities or selection of beneficiaries, the ILGI may not always intervene as an institution but may choose to intervene through its *Yajamana* or individual *panchas*. However these people are not acting in a private capacity but as representatives of the ILGI. Their importance comes from their association with the ILGI.

#### **4.5 Informal resource mobilisation**

The role played by ILGIs in informal resource mobilisation has remained under-explored in most rural research. In all the 30 villages studied, ILGIs were involved in some form of informal resource

mobilisation for religious purposes. This may include organising religious festivals, repairs to old temples or building new temples in the village. A number of ILGIs have used the surplus funds from religious activities, festivals and fines for development or “social” activities such as cleaning the roads/drainages, helping gifted students with school fees, or donating stationery to the local school. Some ILGIs have contributed to village development by donating or soliciting donations of land from villagers or neighbouring villagers for building schools, *anganwadis* (pre-schools), or community halls. Increasingly a number of development projects initiated through FLGIs now require matching grant contributions from the villagers. One such programme is the rural water and sanitation programme, which requires 20 per cent contributory grants to be raised by the community. While in a few villages, ILGI has been successful in raising this matching grant, in others the project was not taken up, as the ILGI was not involved in the process.

ILGIs are not always successful in mobilising resources for development purposes. Villagers by and large donate more readily towards religious festivals than village development activities. There is a general feeling that development activities are the responsibility of FLGIs. However, a few ILGIs have managed to raise resources for development projects initiated both by ILGIs and FLGIs. One such example occurred in Raichur district where the ILGI 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 the construction of a high school building in the village, ensuring that female students had easier access to higher education.
- Purchasing land for building a small hospital in the village.
- Building a community hall which is available free of charge for weddings
- A contributory grant of Rs.200,000 for the sanitation programme implemented by the FLGI, with Rs.100,000 coming from the temple fund, and Rs.100,000 from donations.

In addition, the ILGI leaders have donated land for building a veterinary clinic, and living quarters for the pre-school (*agnanwadi*) teacher and village nurse. The ILGI has also tried to access money from various formal sources, such as the MLA fund<sup>18</sup> and Hyderabad-Karnatak Development Board,<sup>19</sup> for village development.

This does not necessarily signify that people in this village are intrinsically more willing to contribute towards village development than elsewhere. The ILGI is more innovative and active. It has used its power to mobilise resources, at times in the name of religious activities and the numerous village temples,

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<sup>18</sup> Each Member of Legislative Assembly (MLA) is given Rs.40 lakhs as constituency development fund.

<sup>19</sup> Development boards were established to redress regional imbalances in development within Karnataka. Hyderabad-Karnatak Development Board mainly deals with the infrastructure development of districts that belong to this region.

and has diverted some of it to development projects. However, villagers perceive that the ILGI has played a key role in village development, and this in turn has motivated them to donate more generously than elsewhere.

Why are ILGIs more effective in local resource mobilisation in one context and less effective in another? This is especially relevant in the context of the growing popularity of development projects with a built-in requirement for matching local contributions and needs further probing.

In addition, in some villages, informal resource mobilisation for village development activities has also been linked to local elections. Where “unopposed” elections have taken place, potential short-listed candidates were asked to contribute to the village fund the equivalent of what their election campaign would cost. These candidates were then “unanimously” elected. The money is usually utilised for village development or for maintaining the village temple (*The Times of India*, 22 February 2000 and *Indian Express*, 4 February 2000). In one village in Mysore district, Rs.25,000/- was mobilised through “unanimous” FLGI elections, and used to purchase land for living quarters for the local nurse. The ILGI decided to use the money in this manner because the land officially allocated for nurses' quarters was remote from the main road (AnanthPur 2002).

In sum, there is a wide range of interactions between the ILGIs and FLGIs in Karnataka. The extent and type varies from village to village. However, some form of interaction existed in all the villages studied. This clearly indicates that, rather than shrinking, ILGIs have found new ways of relating with and adjusting to the formal local institutions that are believed to be displacing them. ILGIs are responding to new demands and needs that have emerged with the introduction of FLGIs. The interaction has positive and negative dimensions but should certainly receive more attention.

## **5 Why are ILGIs overlooked?**

The previous sections present a more diverse picture of ILGIs than is generally reported or understood. A large body of knowledge exists on informal and “traditional” institutions in India and an equally large body of knowledge is emerging on local governance and democratic decentralisation. But the literature on local governance and democracy has not paid enough attention to the influence of ILGIs on local governance in general and on FLGIs in particular.

Why does this gap exist in our understanding of local governance? There are four potential answers.

1. The media coverage of ILGIs is largely one-dimensional, with the oppressive dimensions being constantly emphasised. A recent report in a local Kannada newspaper sensationalises the news of a murder of one participant in a land dispute between two cousins, which the ILGI was arbitrating. The fact that the ILGI had little or nothing to do with the murder gets camouflaged by the headline which states ‘*Jameenu Vivaada: Nyaya Panchayathi jaagadalle kole*’ (Land dispute: murder at the site of Nyaya Panchayati) (*Kannada Prabha*, 7 July 2003). Newspaper reports such as those presented in Section One generally portray ILGIs in a negative light, often dramatizing their oppressiveness. The more positive

aspects of ILGIs, such as their role as support structures or their efforts in local resource mobilisation for development programmes, are not always covered in the media.

2. A related point is that ILGIs are often observed within a conceptual framework of tradition versus modernity, where modern institutions – FLGIs – are perceived as being more representative and less oppressive.
3. A particular dimension of the previous point is a tendency to underestimate the constructive capacity of “traditional” institutions, especially their capacity to mobilise and handle significant sums of money. Robert Wade (1986) studied irrigated villages in Andhra Pradesh in the early 1980s and discovered some ILGIs raising larger amounts of money that they used to acquire and manage irrigation water. They raised this money partly by manipulating auctions for liquor licences, and partly by renting out fallow village agricultural land to pastoralists for animal grazing. The size of these resources was a surprise to him and to Indian social science. We still know little about the extent to which ILGIs are involved in resource mobilisation in India generally, but it seems to be much greater than widely assumed.
4. Social science research on informal and “traditional” institutions is more holistic and objective, than media reports. “Traditional” and informal institutions in the Indian countryside have long fascinated social scientists. A rich knowledge on various facets of these institutions has emerged over decades of research. However, a large body of research on these “traditional” institutions by anthropologists (Archer 1984; Bailey 1960; Cohn 1987; Mandelbaum 1970), sociologists (Beteille 1971; Srinivas 1959), political scientists (Rudolph and Rudolph 1967), legal experts (Galanter 1989) and political economists (Wade 1988) was carried out before the FLGIs were mandated by the Constitution. Hence, very little is known about the ways in which ILGIs interact with the FLGIs. Few researchers have gone back to study the ways in which pre-existing local institutions at village level adapted when the FLGIs were superimposed on them. Equally, those researching aspects of local democratic institutions have tended to assume the existence of an institutional vacuum at local level, which is filled by the formal local governance institutions. This belief gains credence from the assumption that ILGIs are relics of ‘traditional’ systems and are shrinking in face of competition from FLGIs and will gradually disappear. Consequently, researchers working on local governance have not paid enough attention to the interface between ILGIs and FLGIs.

## **6 Informal local governance: India in comparative perspective**

In much of the world and for much of the time, politics and governance are pursued through informal institutions and channels. There is nothing especially remarkable about informality itself in the public sphere. I have used the term “informality” here to label a set of institutions that is important to the local governance of poor, rural societies: institutions, in various ways rooted in notions of “traditionality” and in locally-specific practices, which exercise public authority at local level through mechanisms distinctly different from those employed by “formal” state institutions. If we accept that informality is a matter of

degree rather than an absolute characteristic, we can see that a wide variety of institutions, especially in the rural areas of poor countries, can be categorised as informal local governance institutions (ILGIs). Some of them, like the “traditional authorities” found in many African countries, have a formal dimension, in that they are (a) recognised (and perhaps nominated) by formal state institutions and (b) have authority in some domains - such as land allocation, “traditional” courts and “customary justice” – which is recognised and supported by the formal state (Keulder 1998; Schärf 2003; Goodenough 2002). By contrast, the ILGIs that I studied in Karnataka are almost totally informal, in the sense that their existence is in no way recognised by the state or in state law, and their authority is accepted by state agencies only in very specific contexts. For example, the police may sometimes seek information about the previous decisions of ILGIs in dispute cases that reach them.

Why do we find so many informal – including quasi-formal – local governance institutions in poor Southern countries? The main reason is that states in the South – and especially in countries formerly ruled by European colonial powers – often remained relatively *incomplete*, especially at local level. It was not worthwhile for the colonial authorities to extend the main institutions of rule, in their standard bureaucratic form, down to the local level. They instead practised variants of what was often termed *indirect rule*, i.e. they used selected powerful local individuals or families to rule locally in a mode that was formally non-bureaucratic. These “local notables” were not public employees, but were represented as exercising “traditional authority”. They were *chiefs* in much of Africa, *zamindars* in parts of India, *mudaliyars* (“headmen”) in Sri Lanka (Ceylon), etc. In India the state relied upon these notables not only for revenue collection but also for other services (Krishna 2002). Below these “traditional authorities”, at the very local level, were governance institutions that combined, in varying degrees, monopolistic, exclusionary power stemming from association with the “traditional authorities” with some more collectivist structures representing different groups in local societies (Cohn 1971; Frykenberg 1969; Mandelbaum 1970). In the Karnataka case, “traditional” village *panchayats* embodied both these elements: they comprised dominant castes and large landowners, but also, through a limited representation principle, permitted a degree of pluralism among these population groups.

In Karnataka – and, to the best of my understanding, in India more generally – the post-colonial history of many of these ILGIs is relatively distinct, especially at the local level. In other countries, and at the level at which *zamindars* operated in India, these “colonial” ILGIs have been politically unpopular. Demands for their abolition or radical reform were often intrinsic to nationalist, anti-colonial political programmes. In Sri Lanka, “village headmen” lost their positions in 1956 (Moore 1985). Kwame Nkrumah, Prime Minister of the first British colony in Africa to gain independence, not only tried to suppress the powers of Ghana’s “traditional chiefs” but also managed to systematically reconstruct “chieftaincy” in the 1950s (Crook 1986; Rathbone 2000). Similarly, soon after independence President Mugabe eliminated “traditional leaders” from rural administration in Zimbabwe mainly to ‘maintain a monopoly of social control’ (Keulder 1998). While most Indian states formally abolished the *zamindari* system soon after Independence, village-level ILGIs have persisted and thrived. Despite what is reported in the early part of this paper about the hostility and suspicions of “urban India”, ILGIs have never

become a significant political issue in post-Independence India. Unlike in Sri Lanka, Ghana and elsewhere, progressive political parties have not called for their abolition. Demands for their abolition, which have mostly come from urban progressive groups, have been sporadic and largely responses to some horrific news report. Ignored by urban populations and by most state agencies, in legislation and in the design of local government, ILGIs have continued to exercise considerable authority, command a fair degree of legitimacy, provide useful services, and enforce, sometimes in controversial ways, norms and behaviour that are often themselves quite contested.

Why do ILGIs have this particular history in India? More precisely, what is it that, in a comparative context, we need to explain about informal local governance in India? A distinctive feature of India is the continued presence of villages that have long history as established “territorial units”. In his case study of 16 Rajasthan villages, Krishna (2002: 33–4) found that some had a history that could be dated back to more than 500 years. Despite a substantial increase in the population, the boundaries of these villages have remained largely unchanged. Apart from the persistence of relatively active ILGIs at local level long after the end of colonial rule, there seem to be two general features of Indian informal local governance for which we need to account:

1. First, it seems that, relative to many other countries, ILGIs in India can often reasonably be described as “local village level governments”. They perform such a wide range of functions that they approximate to local all-purpose territorial authorities. They are not simply “burial societies”, “rural development committees” or “temple committees”, as in Sri Lanka (Moore 1985: 228–9); dispute-resolution bodies, like Bangladeshi *shalish* (Rahman and Islam 2002); or local vigilante committees, as in Tanzania (Mwaikusa 1995). In varying degrees, ILGIs in India: resolve disputes; keep the peace; assist the unfortunate; finance and support temples; organise religious and social festivals; help develop local infrastructure and resources; influence how the village is represented at higher political levels; and negotiate directly with those higher levels.
2. Second, Indian ILGIs have adapted, in composition, activities and in their interactions with higher level institutions, to a range of long-term changes in Indian society and polity, notably to democratisation. Unlike, say, South African “traditional leaders”, Indian ILGIs cannot plausibly be represented dominantly in terms of resistance or opposition to either contemporary values or the agencies of the democratic state.

In characterising Indian ILGIs in this way, I am consciously generalising from my Karnataka research and a few other sources from other parts of the country (Krishna 2002). I accept that we do not yet have enough knowledge about ILGIs in different parts of India to fully justify this degree of generalisation. But I am confident that I am simplifying, rather than misrepresenting, India. Simplification is justified for the present purpose, i.e. stimulating thinking about how and why informal local governance takes certain forms in India, and other forms in other countries. The more we explore that question, the more we are likely to learn – and want to learn – about variations within India.

We need then to explain three things: (a) the persistence of relatively active ILGIs in rural India despite the near-complete lack of official recognition or sponsorship; (b) the fact that they often exercise broad, near-territorial authority; and (c) their capacity to interact with and influence formal elected local governments. How do we account for these things? Any explanation given here has to be tentative. I am asking a question that does not seem to have been addressed before in the social science literature. It seems sensible to assume that some kind of ILGIs are likely to emerge in a country like India where there is a relatively stable rural population, often living in quite distinct nucleated villages, under a state that has limited capacity to reach into village society and provide services for villagers. In such circumstances, it seems predictable that ILGIs of some kind should emerge, and that they should have a dual character: both providing collective services that benefit many people and at the same time embodying local socio-political and gender inequality and helping to bolster the beliefs, norms and practices that conform to the interests of dominant groups. In other words, in explaining the pattern of ILGI activity found in India, we should seek less to explain why ILGIs might emerge, and concentrate more on (a) what form they might take and (b) why they might persist despite potential or actual contrary or hostile pressures. With these assumptions in mind, I can suggest three interconnected answers to the question posed above. I present them in inverse historical order, with the more recent factors coming first:

1. In much of India, including Karnataka, the jurisdiction of the lowest tier of the formal local elected government institutions – the *Grama Panchayat* – encompasses a handful of “natural” villages – and ILGIs. At the same time, the boundaries of the jurisdiction of a single ILGI are rarely, if ever, divided among two or more FLGI areas. ILGIs “nest” neatly into the FLGI structure. In the absence of deep conflicts between FLGIs and ILGIs stemming from other sources, this neat vertical dovetailing of different levels of jurisdiction creates scope for the kinds of positive, synergistic interactions between the two discussed in Section 4. By contrast, one of several reasons for the more conflictual relationship between traditional authorities and elected local governments in South Africa is that the boundaries of the two sometimes cross-cut one another in a relatively arbitrary fashion (Goodenough 2002; Mzimela 2001, and personal interviews with some traditional chiefs in KwaZulu Natal region, 2003). This militates against the coordination of action or policy in both domains, and increases the chances of conflict.
2. India has long been a democracy, with a relatively active and politically aware electorate. This has contributed to a fairly tolerant environment: in the absence of strong electoral demands to abolish or curtail ILGIs, no government has been eager to take action against them. Equally, other local government institutions, whether bureaucratic or, more recently, democratic, have all been under the general supervision of democratically-elected higher level state and central governments. Even if they had perceived ILGIs as competitors to be suppressed, people in positions of authority in these other

local government institutions could not expect to receive support from above for any such practices. These kinds of antagonisms are more likely in a non-democratic environment.<sup>20</sup>

3. Most important in the long term, ILGIs in India have not generally been able to exercise such extensive or arbitrary power over their constituents that they have generated strong internal tensions and antagonisms, and for that reason either decayed or stimulated demands for government interventions. There are of course exceptions to this statement: I opened this paper with some of them. But, in a comparative international context, it is the limits on the authority of Indian ILGIs that are most striking. In that comparative context, three particular factors place limits on the authority of Indian ILGIs:
  - Unlike traditional authorities in other countries, including many in Africa, ILGIs in India are only marginally involved in decisions affecting land rights. They do sometimes rule over inheritance, encroachment, and other land disputes, but the extent of their effective authority to re-allocate land among individuals and families is very limited – and has been so for a very long time. By contrast, in much of Africa, *chiefs* and other traditional authorities still have considerable authority to allocate unused land to existing residents or new arrivals, to authorise land transactions between ordinary citizens, and even to dispossess existing rights holders involuntarily (Keulder 1998; Goodenough 2002; Mamdani 1998). Such power is inevitably controversial. The institution that wields it is perpetually vulnerable to the allegation of having used it for private benefit. And there often is a great deal of truth in such allegations. It is difficult to imagine that ILGIs enjoying such powers could survive long in democratic India. They never had to, for two reasons. One is that, relative to much of Africa, the land frontier has long been closed in mainstream rural India. Excepting some relatively marginal (often tribal) agricultural areas and parts of the remote northeast of the country, we can, as a rough approximation, say that the land frontier has been closed since Independence over half a century ago. The second reason stretches further back into history. The colonial authorities, extending the practices already established by pre-colonial rulers, relied heavily for their revenue on a land tax system that typically harvested for the state a high proportion of the value of agricultural output. And that land tax system in turn depended on the early creation and maintenance of an elaborate system of written records of land ownership and use that, in principle at least, contained details on individual land plots and holding in every village. In reality, these records were not fully accurate. But the wonder is that they were so extensive in a poor agrarian society. A necessary corollary to the effectiveness of the land record system was a system of legislation and courts through which major land disputes could be fought. The courts were in reality imperfect and biased institutions. If decisions were made there, they could be influenced by the contents of the land records maintained at village level. Differences over land rights did not always go to court, but were

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<sup>20</sup> In addition, in some African countries, including Botswana, South Africa, Zimbabwe and Ghana, “traditional authorities” are represented, collectively and/or individually, formally or informally, in national level politics, whether through political parties, individual influence or special representative arrangements. This kind of influence is also likely to generate competition and controversy.

rather “settled” by those who controlled those records. But the important outcome for the purposes of this paper is that, over a long period of historical time,<sup>21</sup> ILGIs in rural India could not alone exercise a major influence over local land allocation, did not control the dominant economic resource, and therefore were not subjected to the stresses, internal conflicts and criticism that such authority tends to generate.

- There exists in India a relatively accessible court system that is widely used by significant sections of the population, for land disputes or other purposes. Similarly, despite their well-known limitations, the police are frequently approached by rural people for assistance of various kinds. Much of the time, some rural people at least have a realistic possibility of approaching formal state institutions to deal with the kinds of issues that generally go to ILGIs. In effect, there is some scope to “appeal” the decisions of ILGIs to higher authorities. And, on some occasions, those higher authorities might be disposed, for ethical reasons or because of political considerations, to take seriously the concerns of members of “backward” sections of society. I guess – and this is not easy to demonstrate with the research methods I have so far employed – that this scope for “appeal” acts as some constraint on the exercise of arbitrary or self-interested authority by ILGIs.<sup>22</sup> Were they to violate accepted norms too blatantly, they would risk an “appeal” that might in turn jeopardise the overall authority of the institution. A recent example from the state of Tamil Nadu illustrates this clearly. When a separated woman sought divorce from her husband, she was not only fined by the ILGI but the custody of the children was awarded to her husband. The fine was reduced only after she prostrated herself in front of each of the ILGI members and leaders. The victim complained to the police and filed a petition in court. The story was also picked up by the newspapers. The presiding judge not only came down hard on the ILGI, but he has also sought an ordinance from the state government to curb such incidents (*The Hindu*, 18 and 30 September 2003). My field research indicates that most ILGI leaders are politically sophisticated people. Most are likely to have developed a good appreciation of the broad constraints within which they operate. To quote one Scheduled Caste ILGI member from Mysore District: ‘We cannot afford to give wrong decisions as even if one person in the village questions our judgement, it damages the authority of the ILGI.’<sup>23</sup> The slightest transgression on the part of ILGI leaders is taken seriously by the ILGI as it undermines the legitimacy of the institution. In a Karnataka village, one caste leader, also a member of the ILGI was ostracized by his caste group for misappropriating funds collected for a caste festivity. By losing his position as a caste leader, he also had to forfeit his right to be part of the ILGI. Although he was re-admitted to the caste group after tendering a public apology, reimbursing the money and giving a feast to the caste group, he was

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<sup>21</sup> It is difficult to provide any precise historical periodisation for this process. The land revenue and record system was well institutionalised before the end of the nineteenth century (Frykenberg 1965, 1969; Cohn 1971; Kessinger 1979; Smith 1996).

<sup>22</sup> By contrast, in much of Africa, rural populations have very little scope for appealing from traditional authorities to formal courts (Nyamu-Musembi 2003; Schärf 2003).

<sup>23</sup> Personal interview with a Scheduled Caste ILGI member in Mysore district.

not reinstated as a member of the ILGI. Krishna (2002) cites instances from Rajasthan villages where a panch was replaced as he was often found drunk in public and another because he had attempted to take a bribe from a member of an aggrieved party.

- The leadership of ILGIs in India is not inherently monopolistic, in the sense that it is neither (a) decided by the state, as was the case with many traditional authorities (chiefs) in colonial and post-colonial Africa, nor (b) determined purely by hereditary status. While there is a (declining) informal hereditary component in succession to ILGI leadership posts in much of Karnataka, there is in general an element of pluralism and choice about succession that stems from the multi-caste nature of most Karnataka villages. Individual castes within villages have their own leaders for internal (intra-caste) and external (inter-caste) purposes. This alone provides a “natural” basis for relatively pluralistic representation within ILGI leaderships. This element of pluralism seems to contribute to the legitimacy and effectiveness of ILGIs in two ways. First, it provides another constraint on arbitrary or self-interested decisions: a leader likely to make a habit of blatant behaviour of this kind is potentially replaceable. Second, it avoids the direct undermining of the authority of the institution that is likely to follow if the only way of replacing failing leaders is direct intervention by the state. The tendency of colonial African governments to replace individual chiefs as it suited them is said to have helped undermine the institution of chieftaincy.

The mention of the multi-caste nature of Karnataka villages in the previous paragraph signals one important respect in which the characterisation of “India” which I have used for comparative purposes may be more appropriate for some parts of the country than for others. It seems almost certain that, for the reasons given in the above paragraphs, multi-caste villages are more likely to experience relatively pluralistic internal politics, less likely to see ILGIs as mechanisms for enforcing the will or social values of a single or highly dominant caste, and therefore more likely to have the benefit of an ILGI which commands wide respect. It is accepted, as a broad generalisation, that villages in South India are more likely to be multi-caste than in North India. Hence, all the reports of oppressive or brutal enforcement of “traditional” behavioural norms cited at the beginning of this paper relate to North India, and to caste *panchayats* or ILGIs predominantly representing a single caste. This is not to imply that ILGIs in South India are benign institutions, but they seem to be comparatively less oppressive and more pluralistic than their North Indian counterparts. However, we do not yet know enough about ILGIs in different parts of India to determine whether the sketch I have made above really summarises the typical picture.

## **7 Concluding comments**

In sum, ILGIs in India have two faces. I have sought to present both rather than portray them as either wholly benign or totally oppressive institutions. ILGIs also carry with them the social tensions and gender bias inherent in rural societies. Social conflicts and tensions within the villages are constantly negotiated

and managed, sometimes in an oppressive manner, by the ILGIs. Interestingly though, in their interface with FLGIs they project a picture of cohesiveness. Indeed, it is this that makes the interaction possible.

Understanding ILGIs and the interaction between ILGIs and FLGIs has implications for local governance policy. If one wanted to “incorporate” ILGIs into local governance in India, there is scope to influence their composition.<sup>24</sup> But not many governments 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 per cent democratically elected members from the “traditional community”. It also vests the traditional councils with powers<sup>25</sup> and functions to interface with local government structures such as local municipalities.

The purpose of this paper has been to present a more holistic picture of ILGIs, and the ways in which they interact with FLGIs. It is not to extol the virtues of ILGIs or to support a case for a stronger interaction between ILGIs and FLGIs. Evidence from the field indicates that ILGIs influence local democracy in many ways, and this merits further enquiry. A deeper understanding of the dynamics of this interaction would greatly increase the capacity of government agencies, political parties and social movements to better comprehend the process of local governance and intervene effectively to help promote the interests of the poor and the disadvantaged.

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<sup>24</sup> This aspect was brought sharply into focus during field visits in Karnataka. Members of a number of ILGIs admitted that although the ILGI 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 FLGI).

<sup>25</sup> The role provided is a facilitative and supportive one with little power to impact decisions.

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