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Panchayati Raj in India

The Evolution between 1947 and 1992

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1. Introduction

Panchayati Raj¹, the system of local governments in India, is one of the most challenging topics when it comes to institutional change, a quintessential issue that underpins politics in changing societies. In the Indian case the period from independence in 1947 to the 73rd Amendment Act in 1992, which unified the relevant legislation, is a case in point. It is, for serving as the empirical foil to my work on Evolutionary Institutionalism (EI), highly interesting. This period of development and change is, from an institutional point of view, not well researched.

Understanding the institutional changes demands a theoretical approach that takes into account many possible influences on institutions, either external or internal, either socio-economic or natural. Evolutionary Institutionalism is such an approach. EI is evidence based evolutionary theory in the Darwinian strain. It applies many assumptions from Darwinian Evolutionary Theory, as far as possible, to institutions.

This thesis builds on these assumptions to trace the evolution of Panchayati Raj between 1947 and 1992. This is done by categorising institutions as morphological (institutions of form) and physiological (institutions of function). Taking four Indian States as examples, the comparison morphological and physiological institutions in Panchayati Raj legislations in these States over time can reveal their relation over time and facilitates the identification of evolutionary processes. The various legislations will also be put into relation with their contemporary environments, socio-political and natural, and the ideational developments regarding Panchayati Raj in form of government committee reports on the subject.

The main argument of my thesis is that the institutional development of Panchayati Raj between 1947 and 1992 can be analysed as an evolutionary process in the Darwinian sense.² I base this on the conjecture that Evolutionary Institutionalism (EI) is the appropriate theoretical approach to do this. I am convinced that a biology-based approach to political

¹ The term can be loosely translated as 'the rule of the council of five'.

² Darwinian Evolution is the Theory of Evolution based on the observations made in *On the Origin of Species* and developed into the framework used today to explain biological evolution. For more see chapter 2.5.2., pp. 44.

institutions and change, which are ultimately outcomes of human, and therefore biological, behaviour, is the most satisfying approach.

Besides the investigation of the applicability of Evolutionary Institutionalism, this thesis provides an accessible method for the investigation of institutional evolution. Remaining close to the methods of evolutionary biology, the categorisation into morphological and physiological institutions enables researches to analyse institutional relations over time easily and trace their variations. Putting these institutional variations directly into the natural, political and socio-economic contexts of their times, researches can identify influential factors for institutional changes. Especially by relating institutional variations to ideational developments, a researcher could directly investigate the muting influences of ideas on institutional changes.

This work will be the narrative of a Panchayati Raj system, or more precisely, a system of Panchayats. It will be the narrative of the inception and evolution of Panchayati Raj from the formative years of the Indian State and the consolidating years of the Indian Nation to the troublesome times in which the 72nd Amendment Bill became the 73rd Amendment Act of 1992. Narrative is also precisely the correct term to describe this undertaking. I want to follow the evolution of Panchayats to explain how it came to the Act and what happened between 1948, when the Constituent Assembly drafted India's post-independence Constitution in which the word 'Panchayat' is not even mentioned, and 1992, when the Lok Sabha made the Panchayati Raj System an integral part of that Constitution.

Such an endeavour as mine, to go back six decades into Indian history and even ending more than two decades ago, may seem to be an unusual procedure for a political scientist. But in my understanding the institutional developments in the 22 years since the ratification of the 73rd Amendment Act and which are present today, have their origins deep in the history of independent India. Therefore, it is essential to have a look into the past. There is of course a great body of literature when it comes to Panchayati Raj in its 1992 avatar and of course, they deal with its history as well. Nevertheless, they devote only a few pages, if any, to it, marking crucial events, which led to the 73rd Amendment Act. Literature before 1992, dealing more extensively with the old system(s), naturally, is missing the connection to the Act. In

addition, they are usually more concerned with concepts and regulations and not with the overall evolution of the institutional system.

The understanding of Panchayati Raj includes also the understanding of its context. The political, social, cultural and economic environment of any institutional system at any specific time has consequences throughout its whole evolution. Some factors may weigh more at certain times and less at others, but their effects influence an institution even decades later. This insight, which any historian will automatically agree to³, is less spread in political science (see for example Pierskalla et al. 2013). Furthermore, Panchayati Raj is a highly complex system within a highly complex system, influenced by other complex systems, by individuals and ideas. Studying the institution of Panchayats does not only include the Panchayats alone. The story of Panchayati Raj in India is also the story of politicians and their offices; it is the story of federalism and a development economy. Moreover, it is of course the story of ideas shaping the institutions and individuals, and ideas shaped by the institutions and individuals. It is difficult to understand why Panchayati Raj became obscure during the late 1960s and 1970s without knowing what happen in the early 1960s. Likewise, it is not possible to grasp why it became so relevant in the early 1990s without knowing the developments of the 1980s. Early Panchayati Raj evolution cannot be analysed without knowing about Jawaharlal Nehru and S.K. Dey, its later evolution cannot be understood without an understanding of the committee reports of that time.

Therefore, what matters is change, institutional change over time within a changing context. In the visible⁴ political science, however, the focus has been, and still is, on quantifiable data and generalizable explanations based on statistical methods that claim global validity (see for example Pierskalla et al. 2013; Peterson and Aaroe 2013). The institutionalists of the 1980s and 1990s (Powell and DiMaggio 1991; Zucker 1991) tried to counter that by focus on cognitive rule abiding, adaption to cultural and social context as survival strategies for institutions and institutional reproduction by obedience. The emergence of institutions existed in the field of tension between agency and structure. Still, change was always something alien to these theories, always external in the form of shocks, like economic

³ And which political scientist probably also have as their 'gut feeling' or intuitive understanding.

⁴ Visible through articles in dominant journals, such as the American Political Science Review.

breakdowns, wars or simply radical changes of believe-systems; however, change happened. The instruments of these theories are all well and proper to get snapshots situations in a certain time, but they cannot tell the why and how of the situation, at least not accurately and completely.⁵ Those snapshots, which do not fit the theories, are treated as exotic exceptions from the rules. Of course, it can be assumed that political scientists are aware of the importance of history and the context. Nevertheless, history and context are simply not quantifiable. Naturally, no political scientist will ignore the history of a case, but in the end, the case is just another test of theory and must be comparable to other cases. This 'one size reasonably fits most' mentality leads to situations where certain cases are simply dismissed because they do not fit. Political scientists who are looking to understand that one exceptional case are often 'disregarded' to area studies (for an overview of the debate see Bates 1997). Nevertheless, an increasing number of political scientists are also looking outside the classical political science to approach the exceptions and explain change. What other disciplines have embraced before and what some political scientists have started to take more and more serious is evolution. Evolution is, of course, a term mentioned often in academic writings, especially on systems and institutions. Evolution as a term in most political science writings is taken very literally and is used simply to describe gradual development.

However, there is also an approach using evolution conceptually. This concept, looking to the Darwinian model of evolution, popularly known as the Theory of Evolution, is used to describe change in institutions.

Scholars like Sven Steinmo, Orion Lewis, Werner Patzelt (Steinmo 2010, Lewis and Steinmo 2007, Patzelt et al. 2007) and others have introduced this approach based on the way of analysis used by biologists to describe and understand the evolution of organisms. And why not? In the end political institutions and even systems are nothing else than large artificial organisms. They are composed of cells and organs, which are designated to a specific purpose. Looking at them like a biologist or palaeontologist looks at living organisms or fossils would help to explain change by offering endogenous change, which means change

⁵ There will be an overview of the various approaches in a later part of this work.

from within the institutional arrangements, as an explanation. Applying the ground rules of Darwinian Evolution, mutation, selection and retention, one can treat formal institutional rules and ideas analogous to genes, the variation of those as genetic variation and so on. Institutional features and their change can be viewed from a morphological⁶ point analogous to the change of organs in living organisms. The institutional context, its social, cultural and economic environment, can be compared to the ecological context of animals and plants. The resulting interactions can be analysed to identify evolutionary pressures on political institutions and systems.⁷ Of course, this approach can take one only so far. Political institutions are still man-made and therefore artificial. Variation, selection and retention happen much faster than in biological contexts due to conscious human decisions. Further, man-made institutions can survive by being kept alive artificially⁸, at least for a period of time. However, Institutional evolution is as much chaotic and unpredictable as biological evolution. Evolution is change and change can happen without external shocks. In addition, an evolutionary approach does not negate or compete with all existing political theories and approaches. It even utilises some. A good example for that is Historical Institutionalism, an approach, which takes history seriously and emphasises historical processes and circumstances as important factors by using path dependencies to explain outcomes (see Thelen 1999 and Steinmo 2008). To deepen understanding of evolutionary processes, one should not just look at the analogies between biological evolution and institutional evolution, but should also consider sociobiological evolution. Sociobiology exists at the interface between the realms of purely biological changes and traits and cultural evolution (see Wilson 2000). Investigating the processes of early human⁹ evolution, both biological and cultural, makes one understand the basics of the need of Man to organise as a social being within a social order. Every political order, as complex as it may be, is just a consequence of Man's desire to form social organisations and orders. Understanding that may help to understand the evolution of political institutions itself and the role individuals, small groups and even whole populations play in this evolution. Evolutionary Institutionalism is not purely about analogies, it does not exclude biological explanations of political phenomena (Lewis and

⁶ Morphology is the study of form in evolutionary biology.

⁷ This concept will be elaborated on later in my work.

⁸ But will become meaningless, like the appendix in the human body.

⁹ Of the homo sapiens species in particular.

Steinmo 2012). It weighs genetic explanations carefully against environmental influences, both natural¹⁰ and socio-cultural, but does acknowledge the influence of both on institutional evolution. For a political scientist, however, the investigation of genetic components goes beyond his abilities, except for some superficial and general descriptions. One has to rely more on the analysis of socio-cultural and natural influences and the role of strong individuals.

For my work on Panchayati Raj, this approach is very valuable. Understanding the basic impulse of groups of humans to construct order, hierarchies and institutions, and to place themselves into them at specific positions, can help to understand the role of elites and individuals in the evolution of the system. Panchayati Raj itself is a highly complex institutional arrangement within a complex system. It has to respond to other institutions within a stratified federal system, has to cooperate and sometimes compete with different institutions that have similar tasks. It has to compete for resources and depends on developments within the larger political framework of India. In short, the institution of Panchayati Raj changes and it does this in a changing environment; it evolves. The investigation of Panchayati Raj cannot be successful if one looks only on some statistics or even some events.

The complete institutional arrangement and its evolution must be considered. The environment, both the socio-cultural and the politico-economic, must be taken into account. Furthermore, and this may be specific to the application of Darwinian Evolution to political science, individuals who occupied decisive positions either in or around the institutional arrangement must be investigated. Thus, change becomes not the result of a series of singular shocks, but a continuous evolutionary process¹¹ able to explain why a political institution became something different from what it was at its inception.

I admit that with Panchayati Raj until 1992 one has to talk about evolutions rather than evolution, due to the different institutional arrangements, which existed in parallel because of the federal structure. However, that is not much different from studying the homini

¹⁰ I subsume geophysical and ecological factors here.

¹¹ Except for extinction of course, that is an irreversible change.

species; institutions and institutional arrangements may go extinct, or they may merge into new institutional arrangements leading to the survival of only one institutional species.

Consequently the core questions of my work are:

- 1. Would I arrive at the outcome of the 73rd Amendment Act if I would trace the institutional and ideational developments from 1947 to 1992?*
- 2. Was the 73rd Amendment Act the inevitable outcome of Panchayati Raj development?*

To answer these questions the mentioned approach via Evolutionary Institutionalism is in my opinion applicable. It offers a wide range of entry points to analyse the evolution of Panchayats 1947 and 1992, taking historical context, environment and ideas as serious as the formal institution itself. Evolutionary Institutionalism provides methods from biological evolutionary theory, like morphology, which is useful to follow the different incarnations of the institutions of Panchayati Raj, both legal and formal, over time and how they change, respective what the changes exactly are. Memetics, a proposed analogy between the evolution of genes and the evolution of ideas or 'memes', (Blackmore 2010 and Dawkins 2006), might help to investigate the influence and evolution of ideas in the formation of Panchayati Raj. Ecology enables me to look at the environment of Panchayati Raj and to identify factors, which favoured and dis-favoured the variation, selection and retention of certain institutional features. As I can draw on a variety of methods to analyse the evolution of Panchayats between 1947 and 1992, I can also draw on a variety of sources. First and foremost of course the Local Government Acts and Panchayati Raj Acts by the various State governments prescribing the institutional features of local governments in the respective States. However, since these acts were not conceived in a vacuum, I can and must draw on various other sources. There are the reports by several committees, which investigated the state of affairs of local government and explored ways to implement reforms, e.g. the Study Team for Community Development and National Extension Service Report of 1957 or the Ashok Mehta Committee Report of 1978. Then there are contemporary scientific studies looking at Panchayats at different times, which will be used as supporting sources. Moreover, of course there is the simple history book, which gives insights in the general political, social and economic situation in a given time. The stunt which has to be done by an evolutionary

institutionalist is to bring these various sources together and to link the 'fossils' of different stages of Panchayati Raj into a 'river flowing through time'; or in other words: to create one evolutionary perspective out of many static pictures.

Consequently, the following conjecture is the centre of this work:

The development of Panchayati Raj can be analysed as an evolution in the Darwinian sense, rather than a series of isolated events. Evolutionary Institutionalism is the appropriate tool to do this.

The structure of my work will hence be as follows: The first chapter will deal with the theoretical background. First, I will give an overview over evolutionary theory from Darwin and Wallace as applied in biology in order to relay the basics of the working of evolution. Further parts will deal with sociobiology and cultural evolution (see Wilson 2000; Richerson and Boyd 2005) to illuminate the influences of evolutionary theory at the interface of biology and culture. In this chapter, I will of course look at the errors of evolutionary thought and 'survival of the fittest' by the so-called Social Darwinism and other race-theories during the late 19th and first half of the 20th centuries. This will be followed by a short ex-course on meme-theory to give an insight to the possibilities of how ideas evolve, which is helpful when it comes to the understanding of institutional evolution. The main and most important part of the theory chapter, however, the part on Evolutionary Institutionalism. In this part, I will not only present the core concept and genesis of this approach, but also comment their value to political science in general and to my work in particular.

In the following chapter, I will present and justify my methodology. In this chapter, I will give an overview over what sources I will use. In addition, I will explain how I will utilise them for my purposes and how my methods relate to methods used in evolutionary biology. The chapter will also include a very short state of research on Panchayati Raj, presenting some academic writings on the topic.

The empirical chapter will be the centre of this work; here I will trace the evolution of Panchayati Raj from 1947 to 1992. The first part will present an abstract of the history of independent India until 1992 and a short history of local government in India up until the

independence in 1947. This part will deal with the claims of ancient roots of participatory panchayats in India. It will also provide an overview over the step-stones of local government during the time British dominance. The main part will consist of four sub-chapters that correlate with different phases in the evolution of Panchayati Raj. Since evolution in the Darwinian sense is blind and not 'set on a target', I arbitrarily set the 1992 reforms as the outcome of the evolution. The first sub-chapter will deal with the post-colonial legacy and independent legislation of Panchayati Raj between 1947 and 1958. The second sub-chapter focuses on the zenith of pre-1992 Panchayati Raj following the first Mehta Committee Report. The next sub-chapter will investigate decline and obscurity between 1964 and 1977; the fourth sub-chapter reviews the renewed interest into Panchayats from 1977 to 1992; and the events leading up to the 73rd Amendment Act. These four sub-chapters will mainly rely on primary sources, such as constitutional provisions, state acts and laws regarding local governments, government reports and commission evaluation reports including recommendations and parliamentary bills. Additionally, contemporary academic work will complete the picture.

The fifth chapter will be a combination between an analysing summary and a conclusion. Here I will provide a final analysis on the usefulness of Darwinian Evolutionary Theory and Evolutionary Institutionalism in political science, as well as an analysis of the evolution of Panchayati Raj in India between 1947 and 1992.

My work will depart from the traditional political science, which tests hypotheses, makes predictions or tests various theoretical approaches on a case. I will depart from traditional political science in the sense, that I part from the assumption of a 'Newtonian political science'¹², which is dominated by testable and predictable laws. I part from the limited scopes of theoretical approaches that focus on agency or structure, cannot accommodate endogenous changes, assume general applicability of models and sacrifice important contextual factors for that sake of general applicability. I want to leave behind the assumption the macro-politics, that is the development of political systems and institutional changes, can be analysed by the same approaches mathematicians and physicists use.

¹² This is a reference to the mechanic world-view in Newtonian physics that enabled scientists to make predictions about for example planetary motions.

Politics is an output of human behaviour and ultimately it is chaotic and unpredictable. It is a biological function. I do not want to part with all assumptions and approaches political science produced. Rationality, games or historicity¹³ are valuable concepts, but they need to be considered as part of a different, a biological context. I want to leave behind a static and fragmented political science based on general laws and predictability in favour of a dynamic political science that accommodates findings from biology and findings from traditional political science in the biological context. I am convinced that a political science that takes biology, and therefore the Theory of Evolution, serious can reveal more about politics than a law and predictability-based political science. Ultimately, human biology, especially social anthropology, is the investigation of the human condition of which politics is a part.

In this work I want to give argumentative force to the explanatory ability of Evolutionary Institutionalism through providing an understanding how and why Panchayati Raj developed the way it did and how and why the 1992 reforms happened in the fashion they did. Although it is not possible to generate a theoretical model drawing from generalizable conclusions about the empirical study, it is possible to develop a methodological model based on methods from evolutionary biology.

Ultimately, the purpose of this thesis is to show conclusively that the development of Panchayati Raj between 1947 and 1992 is an evolutionary process in the Darwinian sense traceable at the instructional level and relatable to ecological factors and especially to ideas.

1.1 State of Research

Panchayati Raj, especially before 1992, suffers from a lack of scientific research. Most publications on the issue are descriptive or have strong personal and judgemental overtones. A comprehensive research on Panchayati Raj between 1947 and 1992 that meets academic standards is missing entirely, let alone a study that approaches the subject of institutional change from a theoretical angle.

My thesis aims also to fill this gap in the research on Panchayati Raj.

¹³ More on that in the relevant theoretical sub-chapters.

Literature that is concerned with the developments before and around the 73rd Amendment Act can be divided into two major groups; literature on community development and literature on Panchayati Raj implementation. The first group treats Panchayats as a part of the larger aspect of community development programmes. Such books are for example published by Dey (1964 and 1969), Dayal (1966), Krishnan (1966), Jain (1967), Dubhashi (1970), and Inamadar (1974). In this kind of work, Panchayats become elements of the larger enterprise of community development, an approach to modernise India's rural societies. What is common in these publications is the perception of community development programmes as a solution to all evils of rural life, like caste-hierarchies and feudal landlord-peasant relations. Panchayats figure in this perception as a node, around the modernisation efforts should crystallise. Especially, authors like S.K. Dey romanticise the democratic abilities of village Panchayats. What these publications also have in common is their initial enthusiasm and praise for community development and Panchayati Raj, followed by harsh critique on implementation, lack of resources and the tendency to assign the blame for failure to 'the bureaucracy' and 'the local elites' for not wanting to implement the programmes properly (see Jain 1967; Dey 1969). What they lack is generally an academic treatment of the subject. Personal opinions, ideological biases and descriptive parts, often accentuated with numbers (see Jain 1967), cast their long shadow on their arguments.

The second group is concerned with Panchayati Raj as a way of democratisation and local governance. These kind of publications are usually either descriptive of administrative setups (Sahai 1968, Dayal 1970), about conceptual developments (Kashyap 1989) or small case studies (Retzlaff 1962, Pant 1979, Shah 1990) or larger State-case studies (Dutta 1989). All three kinds of publications have the same lacuna, their lack of academic writing. They remain at the purely descriptive level and are, more often than not, heavy with personal views. However, most of these works do not utilise political theory to analyse Panchayati Raj scientifically. The exception in this regard is Dutta's work on Assam (1989) that states several hypotheses and claims to utilise a behavioural framework. Unfortunately, theory and method are not clearly separated and the theoretical framework not clearly defined. These publications also often have an activist undertone and tend to expose strong either positive or strong negative sentiments (see Dayal 1970 and Narayan 1970).

After 1992 many books were published that took up the developments leading to the 73rd Amendment Act in 1992. These publications were mostly concerned with the legislative processes and political developments between 1989 and 1992. Examples for this are written by Mishra and Singh (1993), Mathews (1994) and Lal (1994). Mishra and Singh provide a legal review, Mathews¹⁴ writes an ideologically biased review of the processes leading to the 73rd Amendment Act and Lal reviews, with a clear positive attitude, Rajiv Gandhi's role in the developments of Panchayati Raj reform between 1989 and 1992. None of these publications has a political science approach either and lacks therefore academic standards, like the application of political theory frameworks.

All of the above mentioned examples are either contemporary publications focused on a particular short time frame, for example Mathews (1994), or are reviewing past developments, but are too old to include the whole evolution until 1992 (Dey 1969).

On the evolution of Panchayati Raj a system before 1992, especially between 1947 and 1992, I found only example: a publication edited by George Mathew (1995), which provides a survey of Panchayati Raj legislations in all States until 1992, but because of the amount of legislation presented this work lacks depth. This publication also takes a judgmental stance towards developments of Panchayati Raj.

On Panchayati Raj after 1992, the system emerging from the 73rd Amendment Act, a huge amount of research was made and a large number of books were published. Some are again more descriptive, a large body is essentially 'activist literature', which is literature that provides recommendations for agenda setting and tries to intervene in the decentralisation process, and some few meet academic standards. Good examples for the latter category are Bhattacharyya's in-depth study of West Bengal (Bhattacharyya 2003), which uses social capital theory to investigate the case of Panchayati Raj in West Bengal and which, to some extent, refers to pre-1992 experiences. Widmalm's work on decentralisation in India (Widmalm 2008), which utilises decentralisation theory and social capital theory as well to approach the subjects of corruption in three Indian States. An approach to Panchayati Raj

¹⁴ Mathews himself was part of a constitutional amendment committee of the Janata Dal and tends to exhibit anti-Congress sentiments.

investigating the aspect of institutional legitimacy is done by Mitra in his chapter on local elites and Panchayati Raj (Mitra 2001) in Kohli's *The Success of India's Democracy*. An approach using institutionalist frameworks, namely Rational Choice Institutionalism and Sociological Institutionalism, was made by me on a case study on Panchayats and perception in West Bengal (Fürstenberg 2010). This approach, however, was focused on institutional sources of legitimacy and trust than on institutional change. A dissertation on women's participation in Panchayati Raj within an institutionalist framework was made by Thomas (2004), but this study focused on formal and informal institutions as enablers and inhibitors of female participation in Panchayats.

An example for the more descriptive category is Goel and Rajneesh's overview of Panchayati Raj (Goel and Rajneesh 2009), which provides an account of the legal framework of the 73rd Amendment Act and the implementation in the Indian States. An example for activist literature is Palanithurai (1999) with his work on Panchayati Raj, especially in Tamil Nadu, and his recommendations for agenda setting in Panchayati Raj legislation.

While the body of work that meets academic standards increases when it comes to the topic of the Panchayati Raj system following the 73rd Amendment Act in 1992, the engagement with the pre-1992 system is largely left to non-academic work. The period between 1947 and 1992 is severely under researched, more so when it comes to institutions and institutional change.

My thesis is therefore meant to be a contribution to fill the research gap on institutions and institutional evolution before 1992 and it is also a contribution that may popularise the engagement with institutional evolution in the post-1992 Panchayati Raj evolution.

1.2. Why Evolutionary Institutionalism?

What is the relevance of EI in the research on Panchayati Raj? To answer that question one has to recognise the difficulties one encounters in investigating the evolution of Panchayati Raj in post-independent India. The term Panchayati Raj System, which is used widely today and was used already in the early period of state-building between 1947 and 1950, implies something coherent and systematically developed; the reality, however, provides a less

consistent and systematic picture before 1992. From the time of independence to the enforcement of the 73rd Amendment Act, there was a mosaic of different institutional arrangements that were all denoted as Panchayati Raj. While the Constitution of India, enforced in 1950, provided an article¹⁵ on local self-government that mentioned Panchayats, there were no provisions on the exact composition of the institutional arrangements. Rather that composition was left to the individual states. Moreover, the planned modern executive institutional arrangements at the village level encountered a multitude of more or less formalised traditional arrangements and leftovers from the British era that managed parts of village affairs; often these antecedent arrangements differed within the same State.¹⁶ Different states designed different institutional arrangements that in turn met already established arrangements with differing histories. To add to the confusing and inconsistent picture, most of these institutional arrangements were named panchayat. With this mosaic of related but varying arrangements that were subsequently unified in a centrally defined composition, traditional institutionalism approaches are problematic. With RCI, one has difficulties to explain the frequent changes of arrangements in some cases and relative stability in others, despite strong institutional similarities. HI provides no valuable explanation for the frequent changes in the absence of significant external pressures. SI suffers on the one hand also from the absence of true endogenous change in its conceptualisation and on the other hand from its fuzzy definition of institutions as well as from the 'taken-for-grantedness' approach.¹⁷ Each approach provides valuable concepts, however, such as rationality in RCI, historicity in HI and interaction between institution and environment in SI. The lacuna is, that these concepts are spread over three different approaches. Each of the three approaches can explain some aspects of Panchayati Raj in some locations in India, while failing to explain other aspects in the same location or the same aspect in a different location. What is needed, therefore, is a consistent approach in which every aspect in every location can be explained within one single framework. EI is such a framework. As already elaborated in the previous chapter, EI provides explanations for endogenous and exogenous change. The approach of EI to investigate each case in its own

¹⁵ Article 40

¹⁶ A problem also owed to the re-organisation of states.

¹⁷ See discussions of RCI, HI and SI in the relevant sub-chapters that will follow.

right, but always using the same methods¹⁸ allows to take the specific context of each case serious and to have methodological comparativeness at the same time. EI also can help to explain change in cases where change would not have been possible in other approaches, due to non-existing external pressures, with concepts like imperfect-replication induced variation. Different outcomes in diverse locations can be explained by the variations specific to that location. In addition, different compositions of Panchayati Raj institutions in the various States can be traced back to diverse variations through imperfect replication and the impact of ideas. By taking the power of ideas seriously, it takes agency seriously. Looking at leading individuals who played a role during the evolution of Panchayati Raj, EI can help to identify the importance and impact of ideas on the institutions. Furthermore, by taking not only the socio-economic environment into account, but also the natural environment, e.g. geography, EI provides explanatory value to developments that are specific to certain natural contexts. Panchayats in India exist in a multitude of geographical and climatic locations and have diverse challenges to meet. These challenges are fundamentally different in mountainous areas vis-à-vis plains or seaside locations. These challenges are certainly influencing institutional arrangements that are specifically designed to meet local problems and solve them locally; panchayats are such specifically designed institutional arrangements. Last, but not least, EI is a historical approach, all applications of DET are historical, in the sense that it looks at the history of institutions and traces the evolution of the institutions in the past to explain an outcome. What was the political, socio-economic and natural context in the past becomes the historical context at the time of the outcome that shall be explained. EI would not withstand the rigours of experiments aimed to falsify; that is simply not intended in EI or DET for that matter. However, the case study can be tested against the historic facts of the case. If the explanations achieved within the framework of EI arrive at the same outcome as reality, it passes the test. For research on Panchayati Raj, this is sensible, because of the multitude of case-specific institutional and ecological features that do not fit into a generalised testable model and would therefore be omitted or ignored.

¹⁸ See sub-chapter on methods in EI that will follow.

2. Theory

Since EI is an institutionalist approach, considering other institutionalist approaches for their ability to explain institutional development is an important step that must be done before turning to EI. This chapter will illuminate the three mainstream institutionalisms of the New Institutionalism conglomerate¹⁹ and their take on institutional change. It will evaluate the three approaches for their ability to explain change and will carefully weigh their advantages and disadvantages. Following this illumination, I will provide an overview over Evolutionary Theory as the foundation of Evolutionary Institutionalisms and a comprehensive introduction into EI, complemented with aspects I will add for stronger argumentative force. Although the

¹⁹ This conglomerate usually includes three approaches; rational choice institutionalism, sociological institutionalism and historical institutionalism (see Hall and Taylor 1996). While there are a number of additional approaches, for example discursive institutionalism (see Schmidt 2010), these three are widely accepted by the mainstream political science as the new institutionalisms. Furthermore, while these three approaches were not cohesively developed and were not originally interlinked, there were, however, some convergences and intersections between them in the past decades (ibid.). The approaches within this conglomerate were developed, partly based on pre-existing approaches, out of dissatisfaction with rational choice theory. While some core ideas can be traced back to organisational science and economics and the research on market-mechanisms as well as to the political sociology in the 1970s (Senge and Hellmann 2006), the term itself was introduced by March and Olsen's seminal work *The New Institutionalism* (1984). In the 1970s institutionalists began to re-formulate preceding ideas on institutions and started to concentrate more on homogeneity and continuity between organisations and their context rather than on conflict and change and ignored the investigation of the organisation itself, declaring it essentially a black box, heuristic devices interacting with each other and their environments (Senge and Hellmann 2006). To fathom how broad the spectrum of the new institutionalism is, one just has to read Scott (2008: ix).

March and Olsen saw the main focus in political theory on order and the concept of order imposing institutions, based on two kinds of order: reason (rationality) and competition of interest; for power; (March and Olsen 1984: pp. 743). March and Olsen's research agenda does provide a broad variety of orders, which should be investigated. These are Historical Order, Temporal Order, Endogenous Order, Normative Order, Demographic Order and Symbolic Order (1984: pp. 743). These six concepts, however, are not mutual exclusive or meant to condition each other. It is possible to do research on only one concept or on various concepts together. March and Olsen have of course not invented the new institutionalism, nor were they the first to work on approaches that would be subsumed under the term. They simply coined the term and made it popular with their eponymous article. While the three mainstream approaches are subsumed under one term and intersections were and are existent, one has to be careful not to mix them up. They differ greatly in their conceptualisations and in their terminology, especially in their 'pure-bred' forms. Rational choice institutionalism and sociological institutionalism, for instance, have little to do with each other. Approaches in sociology being developed independently and permeated into political science later on (see Hall and Taylor 1996: 13).

The position of the new institutionalism within political theory in general and the definition of institutions within the new institutionalism specifically are debated. Meadwell and others (see Meadwell 2011: 81; also Peters 2000: pp.11) argues that both problems are inter-dependent, linking the problem of definition to the problem of positioning. The broader the definition of institutions get, the more new institutionalism becomes a 'theory of everything' making virtually all political theories institutional theories (ibid.). He is therefore highly critical of definitions of institutions, which include cultures and structures. The dangers of arbitrariness Meadwell sees, and I strongly agree on this, make the endeavour of institutional research very problematic.

theoretical approach I will use, is EI, a careful account of other institutionalisms is necessary; not only to provide an overview over the conceptions of alternative approaches, but also because to show where their conceptual disadvantages are. I justify the focus on one approach only, by fact that EI is the only approach taking biological influences seriously, in line with Rosenberg's quote: "The social sciences must be biological ones, owing simply to the fact that they focus on the causes and effects of the behaviour of members of a biological species, Homo sapiens." (Rosenberg 2005: 3).

The approaches of the three new institutionalisms offer themselves naturally when it comes to research on institutionalisation processes and institutions. Since my work on Panchayati Raj between 1947 and 1992 is about these institutionalisation processes and the institutions they brought forth, I will probe the three mainstream approaches, rational choice institutionalism, historical institutionalism and sociological institutionalism, for their explanatory value on the research object in question. The elaboration on the three mainstream approaches serves mainly as an argumentation on the shortcomings of those and the elements which contain explanatory values and which remain valid in my focus approach. Furthermore, I feel it necessary to illuminate these core concepts to provide a contrast to the concepts of EI and to highlight those aspects that are compatible with EI.

2.1. Rational Choice Institutionalism

Rational choice institutionalism (RCI) was to some extent a product of the 1970s and a response to dilemma political scientists faced when they found stability where traditional rational choice would have predicted instability. This dilemma, that reality contradicted theory, is closely related to research on legislatures, originally on the United States Congress, where rational choice assumptions would lead to the insight that stable majorities could not be built (see McKelvey 1976; Cohen 1979), but came together anyways (Hall and Taylor 1996: 10).²⁰ The dilemma had to be solved and preferably with the use of rational choice assumptions. Researchers consequently needed a device, which would enable stable majorities in Congress, but still employ rational preference setting and strategic interaction.

²⁰ This is due to the nature of the U.S. Congress as a bi-cameral parliament with a two party system. Members of Congress have multiple sets of preferences depending on personal issues, career opportunities (meaning fulfilling the wishes of their constituencies, their party leaders or issue-related lobbyists) and election cycles.

Institutions seemed to be the solution to the dilemma (see Shepsle and Weingast 1982: 367). With the insertion of institutions into the equation, the discrepancy between stable majorities in reality and instable, changing majorities in theory could be overcome. Institutions were something that ordered preferences in a way to ensure stability by regulating voting behaviour in Congress (ibid.: 11). RCI can be thus summed up in one sentence: rational actors with competing and conflicting preferences on varying issues have to come to an understanding in order to generate a stable outcome (Peters 2000: 3). Or in other words: the collective action of many rational actors leads to the dilemma of mutual logjam or discontinuity, as every actor builds strategic alliances according to his set of preferences. This is a problem for a common good, like a democratic state. Rules, respectively institutions establish an order, which is guiding decision-makers into stable outcomes, dissolving logjams and guarding continuity; they solve the collective action dilemma (see Hall and Taylor 1996: 12; Shepsle 2005: 5). RCI has come a long way, since these first attempts to marry institutions, as an important factor, with rational actors' behaviour. Early RCI scholars understood institutions as something that regulated games, as 'the rules of the game', to be chosen before the game starts, either by adapting to certain situations or by simply executing the standardised version. Shepsle compares the situation with the children's game 'hide and seek', where a standard set of rules to play the game exists, but can be adapted to the number of involved children or the space in which the game is played or even to the experience of the various players (1989: 138). To define institutions as a set of rules for a game is the purest form of RCI and not far from its origins in rational choice theory. The early research in on the approach of RCI could even be seen as an extension of rational choice theory, rather than a rational choice approach of institutionalism, which also fits the history of institutional explanations for rational choice dilemmas in the U.S. Congress (Shepsle and Weingast 1982: 367). In fact, early and 'pure' RCI was mostly focused on legislative voting and the resulting ordering of collective action. What differentiated RCI from pure rational choice theory is the acknowledgement that context matters, as seen in the analogy between institutions and the rules of 'hide and seek' (Shepsle 1989: 138). There were attempts to contextualisation of choice and alternative choice theories before the advent, subsumed as bounded rationality; however, they did not

consider institutions, at least not in the sense Shepsle did in 1989 (see discussion of these attempts in March 1978).

2.1.1. The Role of the Equilibrium

One main aspect of RCI is, similarly to rational choice and game theory, the perseverance of equilibriums. In RCI that means either equilibrium is induced exogenously, by restriction of action through given rules, or endogenously, by collaboration of players (Shepsle 1989: 138; Shepsle 2005: pp. 1; see also Taylor 1982: 224). This dichotomy describes the main features of the two original strands of RCI. The solution of the collective action dilemma is done either by institutions in form of scripts or rules, or in form of congruence and cooperation of players of the game. Shepsle refers to the first type as a structure-induced equilibrium (1979: pp.35; 2005: 2) and illustrates that with the Median Voter Theorem (see Downs 1957). The rules of the game are given by naming the actors, defining their strategies, providing the sequence of choosing them and providing the information the actors possess. The consequence is a game in which the actors' strategies are channelled/ constrained by the institution to keep the actors within a Nash equilibrium²¹. That means that none of the actors has any incentive to change their strategy, because the institutional constraints raise the transaction costs²² in a manner that the costs of changing strategy outweigh the advantages. That, however, means also that the institution breaks down as soon as the game ends, most likely by a player changing strategies and disrupting the Nash equilibrium. Shepsle²³ (1979: pp.35) himself provides a number of equations to show that the status quo in an institutional arrangement is retained if the alternative proposal to that arrangement is either not feasible within the constraints of the institution or the alternative proposal has no appeal, that means no additional utility, to the deciding members of that institutions; this conservation of the status quo is a structure-induced equilibrium. Riker and Calvert point out that this approach includes the paradoxical situation that actors constrain themselves by institutional rules and may provide grounds to abolition of the rules by dominating coalitions in disagreement with

²¹ For a discussion of the Nash equilibrium and its variations see of course Nash (1951) itself, Bernheim, Peleg and Whinston 1987 and Moreno and Wooders 1996.

²² For a discussion on transaction costs in new institutionalism see Roberts and Greenwood 1997.

²³ Shepsle uses the example of committees and legislative party groups within committees, based on the system prevalent in the U.S. House of Representatives, to illustrate the problem.

these rules (see Riker 1982: 4; Calvert 1995: 222). The structure-induced equilibrium can therefore not only break down if a more appealing proposal is provided, but also if a majority or winning coalition changes the rules themselves and therefore the structure that induces said equilibrium. The alternative to this first type of RCI is the self-enforcing institution (Calvert 1995: pp.224) in which rules are provided endogenously by the actors themselves (Shepsle 2005: 2).²⁴ Shepsle illustrates that with an example of a children's baseball game: Children meet up to play a game of baseball and decide on a set of rules, which will govern the game, adapting original rules of baseball to their specific situation²⁵ (2005: 2). Every player accepts the rules, and therefore enforces them in order to play a round of baseball. The rules are not fixed and can be adapted 'as they go', as long as they are accepted by all players. In Shepsle's example, however, the kid with the bat and ball might want to change the rules or threaten to leave, leaving the other children without the means to play (ibid.). The other players might accept the preference of the 'bat and ball kid', the game goes on in an adapted version, or they do not accept the rule change and the game ends. The continuity of an institutional arrangement lies purely with the actors' cooperation around the agreed rules. The result is basically a dynamic equilibrium, where the actors choose to adhere to the rules and know that each other player does the same, or they adapt the rules to secure the adherence of deviating players, re-establishing the equilibrium again; or to quote Shepsle "Institutions are simply equilibrium ways of doing things" (2005: 3).

The first strand is narrowly focused on non-cooperative games and has explanatory value only in static situations, where players are not inclined to change strategy and know that other will not change too. Institutions are simple constraints to preserve the status quo as long as there is no overwhelmingly reward for changing strategies. In reality, this situation applies only rarely. The approximation of policy-positions to the preferences of the median voter (see Median Voter Theorem; Downs 1957) is such a case, where players are not inclined to choose differing strategies, since the reward of the approximation to the median voters' preferences is rewarding enough. The collective action dilemma is in principle solved

²⁴ One of the most frequently used examples of a self-enforcing arrangement is the free market; however, the free market cannot exist, because either the market is regulated by the state or the strongest participants force their rules on the others, create monopolies, cartels, and regulate the market in their own sense: The kid with bat and ball dilemma.

²⁵ They do not play on a designated baseball-field, but in a park or garden.

by limiting the availability of feasible deviating strategies (see Shepsle 1979: 35; Shepsle and Weingast 1982: 367).

The second strand is more applicable to reality, where those who are supposed to be constrained by rules are usually able to change them. It is in fact a cooperative game²⁶ since all involved choose to adhere to the rules, preserving institutional arrangements by re-enforcing them. The interesting aspect is that cooperation does not necessarily yield utility maximisation for all involved. It might lead to a situation where the action of one player within the institutional arrangement leaves the player worse off, but benefits other players²⁷ (Calvert 1995: 226). The institutional equilibrium does not depend on all players gaining a maximum utility, but simply on the voluntary adherence to the arrangement (see also Ostrom 2000). It is therefore also free from the necessity to provide the maximum efficiency to all players (ibid.). To quote Calvert in this instance:

“Common instances of such cooperative rule-following occur when an elected official voluntarily relinquishes office following an election loss, or when an executive official seeks the approval of superiors or of a legislature before issuing a desired order to subordinates.” (1995: 227).

2.1.2 Structured and Unstructured Institutions

Pure RCI's main focus in political science is structured institutions, which are institutions of continuity and are easily recognised for analysis (see Shepsle 2005: 5). These may be institutions governing elections for instance. Within the defined patterns of electoral rules, politicians seek office. Through these constraints, it is easy to analyse the preferences of these politicians²⁸. Similar to the Median Voter Theorem, the actions of politicians seeking office will be orientated according to the voters' preferences, or to speak in selectorate terms: the preferences of the selectorate (s)electing the politician will influence to some extent the preferred policies of that politician (see footnote 14). RCI should therefore be able to predict outcomes, based on the afore-mentioned restricted preferences, with some

²⁶ In RCI the cooperative game is different than from normal game theory (see Calvert 1995).

²⁷ It is usually a group who benefits.

²⁸ Shepsle describes them also as agents of a selectorate, acting on the objectives of that selectorate. See also Bueno de Mesquita et al. 2005.

accuracy. A candidate will define policies-to-be-implemented in a way to appeal to the electorate in order to gain office. An incumbent will execute policies in order to remain in office. This is, of course, an ideal type of the 'selfish' politician, as Shepsle correctly notes (2005: 6). Since in this example all actors follow the same electoral rules and have the same strategies to gain or remain in office and have no inclination to change these strategies, it can be analysed with the first strand of RCI. But structured institutions need not be analysed only in terms of the first strand. The definition of a structured institution as an institution of continuity makes it easy to analyse and compare. They construct basically what political scientist would describe as polity, which can include legislatures, courts of justice, state-bureaucracies and much more (see Shepsle 2005: 4). Since these are typically formalised institutions of continuity with 'strong', usually written, rules, they are more likely to remain in equilibrium.²⁹ Unstructured institutions, however, are less accessible for analysis. They might be constituted by rules of behaviour limited in time or by informal agreement (ibid.). These unstructured institutions are recognised and adhered to by the involved, but can change more easily. They are 'weak', usually unwritten, rules, which are hard to analyse and compare. This informality may lower the transaction costs for change, since unstructured institutions are likely to be ruled endogenous constraints and qualify to be in a dynamic equilibrium, with an 'adapt as you go' arrangement.

To predict the behaviour of an actor is harder since the rules are not well defined and stable and the change of strategy by a player within a game is more likely. To use the baseball game example again: a variation of rules is more probable with a group of children playing in a park, adapting the rules to the playground and maybe to the preferences of dominating player (the bat and ball kid), than in a major league game, where there are written rules, umpires and league commissioners.

This distinction between structured and unstructured institutions is not carved in stone, but fluid. Unstructured institutions can be 'strong' in the sense of being continuous without being formalised, structured institutions, in return, can be 'weak', being unable to raise the transaction costs of changing strategies and disrupting the institutional equilibrium.

²⁹ Since the transaction costs of deviating in strategy and thereby changing the rule arrangement/ institution would be too high (see also Calvert 1995: 220; Hall and Taylor 1996: 11).

2.2. Historical Institutionalism

The second approach in the canon of the main in new institutionalisms is the historical institutionalism (HI). While it emerged as a contemporary to RCI, its development was independent from it (Hall and Taylor 1996: 10); although they possess some similarities and can arguably work together³⁰. A response to game theory and structural-functionalism, it was not developed opposing these, but to refine and develop aspects of both, bringing those refined aspects into one approach (ibid.: 6). The term HI was coined in 1992 by Steinmo, includes the premise of a struggle for power and resources, accepting postulations from rational approaches, and the idea that structure shapes and constrains action, which borrows from structuralism (ibid). While it is accepting basic assumptions of these approaches, it is explicitly opposing the idea of 'grand-theory' and over-simplifying theory-building; the interest of HI-scholars lies with the explanation of events (Steinmo 2008: 123). The definition of institutions does not differ too much from RCI and can be classified into the categories of what Shepsle called 'structured' and 'unstructured' institutions, or, as Steinmo and Thelen put it, "formal organisations and informal rules and procedures that structure conduct" (1992: 2). Like in RCI, institutions in HI are defining the 'playground' for actors in a situation, as well as constraints of strategies (Steinmo 2008: 124), similar to RCI's players and rules of the game (see section about RCI). The main difference, however, lies in the methodological approach; RCI is method-driven, like rational choice theory in general, employing equations in generalised 'games', choice scenarios, and assigning numbers to pay-off matrices to calculate outcomes from the available strategies (see rational choice theory section and RCI section).

HI, on the other hand, uses the analysis of empirical findings, acquired by the investigation of case-specific institutions and actors (Steinmo 2008: 125; see also Hall and Taylor 1996: pp.8). That does not exclude game theoretic assumptions as such. Rather it applies such assumptions, i.e. rule-based games with actors having restricted strategies through constraining institutions, to real world situations without necessarily assigning numbers to some pay-off matrices (ibid.). However, HI takes formal political, cultural and social

³⁰ This becomes obvious in the treatment of institutional patterns. For more see Katznelson and Weingast 2005.

restrictions seriously as well. Formal institutions are usually represented by aspects of the polity, constitutions, legislatures, courts, governments and such, while informal rules and procedures are often embodied by socio-cultural norms and values; they are followed by unwritten, often historically negotiated agreement (see Thelen and Steinmo 1992; Hall and Taylor 1996). But both heavily influence the political outcomes. Consequently, HI treats institutions as research objects in their own right, unlike RCI which sees institutions only as inhibitors of rational preferences.

Immergut (1992) for instance uses the idea of games in political decision making without using generalised, oversimplified equations. She puts the game into context, looking at the institutional histories of each case she investigates. The outcomes of political decision making processes do not only rely on the rational preference of the actors' and their knowledge of the strategies of opposing/ veto actors', but also on the historical patterns, which define the veto points within the political arena or open an alternative arena (see Immergut 1992: 66). She illustrates that with the example of national health care legislation in three countries (France, Sweden and Switzerland), where she argues that the specific historical circumstances and established patterns within institutions in each country were defining factors for the political outcome. For historical reasons Sweden had no alternative arena to the parliament on the legislation of health care, whereas in France the executive and in Switzerland the referendum composed alternative arenas (*ibid.*: pp. 68). Immergut's research is a nice example for the importance of historical developments in HI. The fact that the variations in the historical development of institutions in each country is taken into account helps to understand differences in outcomes, even though the political systems of the countries are very similar. All three cases in Immergut's research, for example, were parliamentary democracies with majoritarian representation, but differed in historically grown veto points, where opposing minorities could influence the decision making process. HI emphasises therefore the importance of the development that happened in the institutional past and acknowledges their influence on the contemporary outcome. That solves to some extent the dilemma of the self-constraining rational actors' in RCI games, because the constraints, or facilitators for that matter, are not immediately given rules at the mercy of the directly involved actors, but are historically grown and keep on affecting games,

long after the rules were made for a particular game. This explains why Sweden and France had different ways in enacting health care reforms; while the Swedish government could act via parliamentary majority in a representative system that had developed over a longer period of time and tended to preserve parliamentary stability, France had a very instable parliamentary system, which was the product of the liberation after World War II and allowed for executive decisions bypassing a dis-untied parliament (see Immergut 1992). The idea of historical developments affecting current political outcomes is adequately described with the term path dependence (Hall and Taylor 1996: 7).

2.2.1. Path Dependence and Critical Junctures

The idea of path dependence, which means that institutions follow a determined path thus remaining stable over long periods of time due to decisions made in the past, is strongly connected to the idea of critical junctures in HI (see Cappocia and Kelemen 2007). Critical junctures basically constitute a moment of uncertainty in history in which a set path can be left, usually through a crisis, and a set of choices exists which opens new paths; the choice for a certain path locks all alternatives out and a new path starts (see Collier and Collier 1991; Mahoney 2001; Cappocia and Kelemen 2007).

The idea of critical junctures is not limited to HI; however, it is a useful concept in the historical analysis of institutional change and stability. Collier and Collier define three components of a critical juncture: a claim about a significant change, a claim that the change took a distinct way in comparison to different cases, and an explanatory hypothesis about the effect of that change (1991: pp.30). Only if the hypothesis is able to explain the consequences of the change accurately, a critical juncture occurs (ibid.). Further Collier and Collier identify a number of elements in and around a critical juncture, which have to be considered in an analysis: *antecedent conditions*, the pre-existing (institutional) situation; *cleavage or crisis*, the triggering event of the critical juncture; the *legacy*, consisting of the mechanisms of production and reproduction thereof and the stability core attributes of the legacy, which means the (institutional) outcome of the critical juncture has to be produced to exist and reproduced to be stable to constitute a lasting legacy; *rival explanations*, which simply means, that other explanations than the critical juncture have to be taken into

account; and the at last the *end of the legacy*, which occurs naturally (ibid.). What Collier and Collier describe as the legacy can be translated into the path. The Colliers' definition is not the only one however. Mahoney defines the critical juncture with only two elements: a situation with a set of at least two choices of which one is taken; an increasing difficulty over time to return to the point where a set of alternative choices existed (1991: 113). Mahoney's definition is much closer to the RCI/ game theoretic assumption of functioning institutions as equilibriums (see Shepsle 2005). For Mahoney a critical juncture can only occur if there are alternatives to a choice and thus a disturbance of the institutionally induced equilibrium, for example by external removal of a constituting institution.³¹ Consequently, the increasing difficulty to return to the point where choice was possible construes an equilibrium "ways of doing things" (Shepsle 2005: 3). Of course HI does not operate within the simplicity of RCI. The historical circumstances of the critical juncture have to be considered, that means that the prior historical developments of the case influence the available choices (Mahoney 2001: 113) as much as the historical knowledge of the actors (Steinmo 2008: 127). Last, but not least, Capoccia and Kelemen offer a slightly varied definition that, in my opinion, is the most relevant to HI and therefore worth quoting:

"In the context of the study of path-dependent phenomena, we define critical junctures as relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest." (2007: 348).

They go on defining the "relatively short periods of time" as short compared to the path dependent process it triggers and the "heightened probability" as the increased influential power of an actor in a situation of a decreased institutional environment in comparison to a non-decreased institutional environment (ibid.). Relevant to HI is especially the influence on and of institutions in this definition. As Capoccia and Kelemen state, the decrease in institutional influence on political action (2007: 343; they use the term structural influences) opens an arena in which more choices are available. The outcome may affect the institution after the critical juncture in a spectrum from slight variation in the pre-existing institution

³¹ Which can be caused by external shocks, i.e. war or economic breakdown, or by external intervention, i.e. by supranational justice.

due to the choice made, up to a completely new institution. The important aspect is that the period in which the arena opens remains short and produces a stable institutional pattern that persists; and becomes even more persistent through institutional replication from causes triggered by the choices during the critical juncture (Mahoney 2001: 114). Mahoney also adds that alternative paths should be completely locked out by the choice (2001: 113). To know that weak institutions can open arenas with sets of alternative choices for political actors and that the choice taken may lead to an institutional pattern that, by institutional reproduction, becomes path dependent is one thing; to identify a critical juncture is another thing. An easy approach to identify a critical juncture is to look for large-scale shock events. Revolutions and wars, such as the American Revolution or the unconditional surrender of the Third Reich in 1945, may constitute obvious critical junctures³². In addition, economic unrest, such as the great depression in the aftermath of 1929 or the banking crisis of 2008, qualifies as critical junctures³³. All these events have one thing in common: they are massive external shocks (see also Collier and Collier 1991: pp.31; Capoccio and Kelemen 2007: 349). However, as Capoccio and Kelemen point out, such shocks need not affect all institutions in a system, critical junctures may even affect only one single institution, leaving the other untouched³⁴ (2007: 349).

The identification of a critical juncture³⁵ can be done by careful historical research and a clear definition of the institution in question: identify a period in time when a critical juncture might have existed for said institution and evaluate if there was a set of alternative choices for the relevant political actor(s). This approach to critical junctures in HI might not be very

³² The American Revolution, which started with hostilities in 1775, could have led to several outcomes. The Founding Fathers had the choice of fighting for more autonomy and representation within the framework of the British Empire, as well as for complete independence, as they did. The unconditional surrender of 1945 is good example where the path dependent institutional pattern emerges much later after the choice situation with the establishment of two German states as a consequence of the decisions made during 1945 and 1948.

³³ The Great Depression set in motion institutional patterns which favoured public spending; the banking crisis led to the emergence of new institutions like the European Stability Mechanism.

³⁴ A good example for that is the 2008 Banking Crisis, which affected some areas of the banking system, but left the political and economic institutions in general unharmed, and did not even affect all spheres of the banking institutions. Another is the breakdown of the political system of Germany in 1918, which left bureaucracy mostly functioning as before.

³⁵ It might be argued that a critical juncture in Panchayati Raj could be identified from 1947- 1948, before the death of M.K. Gandhi, arguably the most popular proponent of strong Panchayats. His survival might have led to a more prominent position of local governments in the constitution. In my opinion, however, Gandhi's political influence was already too weak at that point to open up the alternative choice of stronger local government.

handy in terms of a generalizable method, but it makes for a strong and reliable case study and enhances understanding due to its comprehensiveness and recognition of context. One major critical objection is the danger of ex-post facto assumptions in the analysis of historical arenas of choice alternatives for political actors. Due to the ex-post facto nature of outcomes in HI, the researcher should have access to a more or less complete historical record of the context of a possible critical juncture; that might lead to the assignment of choice alternatives to the political actor which were simply not available to him in the specific situation, may it be due to lack of information or may it be due to an intervening institution. This problem can be avoided by thoroughness, though. Connected with the problem of identification of critical junctures is the problem of the length of these. They are not singularities in history but usually periods in time. Collier and Collier for instance provide a range of lengths, which include moments, policy periods and even presidential terms or regime periods; the decisive factors in how long a critical juncture may last are the causal mechanisms inducing the juncture (1991: 32). A 'big shock' may lead to fast and 'decisive' change and emergence of already strong institutional patterns. The change could be gradual and in need of longer periods of institutional reproduction (see *ibid.*). Capoccio and Kelemen similarly state that the length of a critical juncture can be variable, but they add the need of a critical juncture being brief in comparison to the path it triggers (2007: 350; see also Mahoney 2001: 114). Again, as with the precise identification of a critical juncture, the length depends very much on the antecedent historical processes and the contextual factors. The critical juncture triggered by the unconditional surrender of the Third Reich lasted for a period between 1945 and 1949, but the path dependent institutional pattern which followed lasted for a period of 41 years until 1990³⁶. It has to be noted, however, that change is not an exclusive feature of critical junctures; old patterns can persist even during a critical juncture. The decisive aspect is the availability of alternative choices and the ability of the political actors to actually recognise these alternatives (see Cappocio and Kelemen 2007: 352). Investigating cases of change is relatively easy, especially in cases of large external shocks. Finding critical junctures in which old institutional patterns survived is much harder though. The concept of path dependency in HI is not without critique in HI literature itself.

³⁶ It can be argued that it is still path dependent, but there are ample arguments for a critical juncture during the period of 1989-1990.

2.2.2. Critique on Path Dependency

Thelen for instance cautions to view path dependent institutional patterns as locked-in, congealed results of critical junctures (2004: 8). She suggests a more flexible approach in which institutional adaptation, apart from critical junctures, and active political negotiations are possible (ibid.). Likewise, Peters, Pierre and King criticise the byzantine nature of the path dependent institution and argue that political conflict is not constricted to critical junctures, but also commonly occurs during path dependent processes (2005: 1278). They also criticise the focus on cases where critical junctures led to change (ibid.), due to the easier identification of these. Thelen, as well as Peters, Pierre and King recommend an emphasis on evolutionary aspects of institutions, that utilise adaptive and active political negotiations, and a stronger inclusion of agency vis-à-vis structure, rather than institutional equilibriums 'wandering' from critical juncture to critical juncture (Thelen 2004: 8; Peters et al 2005: 1283, 1285). Thelen sees positive feedback³⁷ mechanisms at work that sustain evolving institutions (Thelen 1999); these positive feedback-mechanisms allow for re-enforcement of newly formed institutional patterns, sustaining the path, without relying purely on equilibriums (Thelen 1999); similarly Pierson and Skocpol see the possibility of increasing returns³⁸, the increase of the dividend so to say, as a stabilising factor (2002). Furthermore, as Peters, Pierre and King argue, critical junctures and path dependency in institutional theory in their stricter forms have a paradoxical postulation: change of institutional patterns is defined by a shift away from institutions (2005: 1282). These critiques are partially addressed by including more adaptive, evolutionary approaches and providing for agency and ideas as driving forces of change (Steinmo 2008: pp.129).

³⁷ That means positive feedback in the sense that rule-adherence or institution-adherence is given, which feeds back into institutional stability and therefore continuity.

³⁸ Increasing returns are positive feedbacks.

2.3. Sociological Institutionalism

The third approach within the three new institutionalisms is the sociological institutionalism (SI). It is distinct from RCI and HI in the way that it did not emerge from an economics background, but is completely independent as a discipline of the organisational studies in sociology (Hall and Taylor 1996: 13). Although an original sociological approach, SI addresses issues like legitimacy, which are of interest for political scientists as well. Nevertheless, the differences between RCI and HI on the one hand and SI on the other are very significant. First of all, SI defines institutions in a much broader way than the other two approaches, secondly, it emphasises cognitive filters³⁹ for individual behaviour and stronger mutual influences between actor and institution; lastly, SI has a strong focus on value and norms-driven adoption of institutional patterns (ibid.: pp.14). The definition of institutions is indeed a remarkable difference to the other approaches; RCI and HI define institutions as constraints on actors' behaviour, formally as guidelines or laws, informally as norms and informal rules; SI in contrast includes cultural beliefs and cognitive scripts, moral templates and symbols in its definition, making it more catholic in its approach. Jepperson, for example, provides a list of institutions that includes marriage, handshake, corporation, sexism, army and vacation (1991: 144). While the army and corporation are clearly formal institutions and marriage can be formal, as a civil union, handshakes, sexism and vacation are not even recognised as informal or unstructured institutions in RCI and HI. Jepperson argues that all these institutions are "production systems, or enabling structures, or social programs, or performance scripts" (1991: 145). By that broad definition institutions in SI are not mere constraints on strategic behaviour, be it purely rational or historically contextualised, but become a set of directions for actors' behaviour. The consequence is that institutions are basically all-encompassing and institutionalisation plays a far bigger role in SI as it does in RCI and HI. The largeness of the SI definition of institutions is well put by Scott: "Institutions are comprised of regulative, normative and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life." (2008: 48). This is worlds apart from the rational and very limited definition of institutions in RCI as

³⁹ Cognitive filters alter perception through informal and formal rules and beliefs.

constraints on rational actors and a solution to overcome collective action dilemmas in political situations.

The inclusion of social life as a field in which institutions matter is of course owed to the origin of SI in sociology proper. Being a sociological theory, SI also has a much broader focus of investigation. While RCI and HI are mainly interested in political outcomes, for instance why Congress has a stable voting behaviour or why national health care legislation succeeded in some and failed in other cases, SI also investigates outcomes which are not political in nature; these are for example training programmes in private businesses or art museums (Hall and Taylor 1996: 14; see also Powell and DiMaggio 1991). Given that SI is a subfield of organisational studies, scholars of this approach are much more concerned on why organisations adopt certain institutional patterns⁴⁰ and how that generates legitimacy and ensures organisational survival. It is important to note that 'objective' rationality does not play a role, but rather cultural-cognitive factors and constructed realities and "rational institutional myths" (Scott 2008: pp. 50; Meyer and Rowan 1991: pp47).

2.3.1. Isomorphism

Further, the idea of organisational set up and organisational legitimacy are heavily interconnected in SI. The set up serves to generate legitimacy, leading to a successful institutionalisation of an organisation, leading in turn to the organisation influencing legitimating expectations to future organisational institutionalisation (Hall and Taylor 1996: pp. 14; Meyer and Rowan 1991: pp. 47; Powell and DiMaggio 1991: pp.67).

A central aspect in this approach is the role of institutional isomorphism. The basic idea behind the isomorphism argument is that organisations form, or derive their formal structures, from either external coercion or from normative or economical necessities and even uncertainty. DiMaggio and Powell categorise as follows: coercive isomorphism, mimetic isomorphism and normative isomorphism (ibid.: 67; see also Scott 2008: 51). Coercive isomorphism occurs when organisations have to adopt certain features either from legal and

⁴⁰ The problem of definition, already addressed by Meadwell (2005: 81) is a pressing issue here: institutions can be organisations, but they also compose organisations. Sometimes the words organisation and institutions are used synonymously. For the sake of clarity, I will distinguish between organisation and institution.

political constraints or from certain cultural expectations within society (DiMaggio and Powell 1991: 67). Mimetic isomorphism is a result of uncertainty, for example due to complex structures or too abstract organisational goals. The organisation, unable to relay its structures and goals imitates features and symbols⁴¹ from other, successful organisations and thusly generates legitimacy (ibid.: 68). The symbols and features of such an organisation work as heuristic devices that help to ascribe a certain familiarity to the new organisation. Organisations might also model themselves after other successful organisations in an isomorph fashion simply because they hope to translate some of the established organisation's success (ibid.). Normative isomorphism is not, as one would expect, connected to moral or cultural norms as such, these are more or less included in the coercive isomorphism category, but refers to the professionalization of an organisation. According to DiMaggio and Meyer, professions produce isomorphic behaviour in organisations, because of the process of professionalization (1991: 70). The "production of producers" (ibid.) through a small and similar set of training-institutions produces professionals, which work and think alike when they join an organisation, thus leading to a certain isomorphism in the organisations they work in.

Interestingly, coercive isomorphism describes nothing else than the constraints organisations face in their choice of set up. It is in that sense remarkably similar to RCI and HI if one treats the organisation as an actor within the constraints of rules when it comes to constraints from legal rules. An example for coercive isomorphism are schools in a country: through the constraints of educational law all schools, regardless if they are state or privately run, have to take on a similar set up to conform to the country's educational legislation. Nevertheless, this analytical category does not see these constraints as mere rational arrangements, but as increasingly ritualistic in nature. Organisations conform not because it solves collective action dilemmas, but because it is expected from within society to obey legal rules (ibid.: 68).

Professionalization works similarly, although the coercion is not given by legal rules, but usually by self-enforced rules of a professional group. Both, coercive and normative isomorphism supports the categorisation of institutions into formal and informal according

⁴¹ Again the problem of definition is encountered: in SI symbols can be institutions as well.

to the RCI and HI approaches. Coercive isomorphism, however, becomes even more complicated to approach from the more traditional framework of definition, if the constraints are around cultural and not legal expectations. While they certainly work in a similar way as legal institutions work, cultural institutions are much harder to identify. Legal institutions are easy to investigate, because they are simply sets of rules regulating available choices to the effect that no one is disproportionately more advantaged or disadvantaged than all others. Further, they limit preference satisfaction to the extent that collective cooperative action becomes opportune. Some informal institutions from RCI and HI definitions may qualify as cultural expectations, precedence of seniority in parliamentary committees for instance. Then again, given the problem of definition (see Jepperson 1991: 44; Meadwell 2005: 81), everything could be a cultural institution. To what an organisation is actually conforming is therefore a matter of perspective. To illustrate this problem: A lot of large internet corporations exercise self-censorship when it comes to the depiction of sexual acts despite the absence of explicit legal rules. Are they meeting the cultural expectation that the depiction of sexual acts is demeaning to the depicted and a form of exploitation or are they meeting the cultural conviction that such depictions are harmful to children? Of course it might be a combination of such expectations as well.

The mimetic category of isomorphism has a different problem. Of course similarities in organisations occur, but can there be a clear distinction between a mimetic isomorphism in organisations and homology of necessity? Is a newly emerging administration really modelling itself after administrations of surrounding nations or is simply that administrations take on similar forms, because the form is necessary (see Powell and DiMaggio 1991: 70)? As an analytic category mimetic isomorphism is useful only to the extent that the modelling process is clearly identifiable.

Both, the coercive and the mimetic category, suffer from the broadness of definition of what an institution is. If nearly everything is an institution, research on how certain institutions influenced outcomes can become fuzzy; for example, if an organisation is an institution, symbols are institutions and cultural expectations constitute institutions, then one would basically investigate an institution using an institution to conform to an institution. Of course

this problem is due to SI being a sociological approach and is hence an approach for researching outcomes at a societal scale and not only political outcomes.

An additional critical issue with SI is the focus on isomorph change and the relative ignorance towards divergence (see Scott 2008: 51); a criticism which is brought forward by Beckert, who argues for a closer attention to organisational divergence (2010). He encourages a more open research programme in SI in contrast to the one-sided aim of explaining homogeneity in organisations (Beckert 2010: 163).

2.3.2. Change and Legitimacy

Another distinct feature of SI is the treatment of institutional change and legitimacy. Unlike RCI, where legitimacy is a product of the institution's efficiency and change happens only in case the institutional arrangement is no longer producing an outcome that benefits most involved; and unlike HI where legitimacy derives similarly from positive feedback and increasing returns and change happens in critical junctures, SI introduces concepts like cultural-cognitive filters, myths and taken-for-grantedness to explain legitimacy, change and persistence (see Scott 2008: 61; Hall and Taylor 1996: 16; Meyer and Rowan 1991: 50; Zucker 1991: pp. 83). Meyer and Rowan argue that organisations tend to become more complex by incorporating externally legitimised institutions, for example values and symbols, to conform to the 'societal and cultural mainstream', to which actors comply too (1991: pp. 41). This adoption of conforming institutional arrangement is also connected to the idea of taken-for-grantedness. Some symbols and beliefs are deeply institutionalised and therefore entrenched into a society, so that they are re-enforced unconsciously. In fact they shape the prevailing norms and beliefs and therefore the actors' choices themselves (Scott 2008: 61). Adopting such symbols and institutional arrangements mirroring such beliefs and norms lend legitimacy to an organisation, even if the adoption of the arrangements does not increase efficiency or productivity. This is also an interesting approach to change, where the 'quest' to retain legitimacy leads to variance and change in the organisational structure by incorporating new legitimised institutions; or the failure to incorporate such institutions leads to increasing erosion of legitimacy and therefore the failure of the organisation as such (Meyer and Rowan 1991: pp.50).

2.4. Three Institutionalisms – A Critique

How are these three approaches relevant for the investigation of institutional change, especially concerning the development of Panchayati Raj? All three approaches are relevant in the sense that they attempt to explain the existence of institutions, for how and when institutions might change or remain stable and how they interact with their environments. These points are at the core of explain an evolution of Panchayati Raj. Nevertheless, all three institutionalisms have shortcomings, which make their individual application problematic.

2.4.1. *Oversimplifying Reality: Rational Choice Institutionalism*

With RCI, several points of critique arise: First, it models games that are maximum approximations to reality. Either it oversimplifies reality by giving actors a complete knowledge of all available strategies, assuming therefore completeness of information influencing the choice of strategy⁴²; or it remains intentionally ignorant towards available strategies, because they cannot be processed by the model⁴³. Additionally, the weighting of strategies is highly problematic without knowing the exact transaction costs of each choice. Lastly, the appliance of game theory to choice scenarios in historical contexts is problematic, since an ex-post facto modelling may assign different weights to strategies than the actors actually would have done, or the model would provide strategies from the ex-post facto knowledge of the analyst that simply were not available to the actor. The measurement problem⁴⁴ is well known. Their value in supporting an argument, however, should not be discredited. Overall, RCI provides a very explicit definition of institutions and an interesting approach to the regulation of actors' behaviour by institutions. Its game theoretical lining explains institutional and behavioural stability. These features make RCI useful for political scientists. However, the tendency to generalise and the necessity to 'mathematize' leads to oversimplification of cases, dropping valuable information on cases, because they are too specific or do not fit into the equation. This problem applies to method-driven studies and

⁴² I am of course aware of the way of constructing a theory as simplified representation of the essential aspects of reality. I still uphold my criticism though, for I believe game theory oversimplifies in an extent that it loses every connection to reality in an overwhelming majority of cases.

⁴³ For more on the criticism of RCI and possible defences against see Kato 1996: pp573.

⁴⁴ Attempts to actually identify rewards and strategies in choice scenarios in RCI in regard to bureaucratic responses to democratic publics have been made by Brehm and Gates (1999).

leads to a bias in research towards exclusion of 'exotic' cases. Further, RCI is too much concerned with equilibriums and has a problem to explain dynamics in institutions and institutional variation or change. In its pure form, it assumes too much objective, rational decision-making ability from actors, which means that actors possess an entirety of information concerning a choice-scenario; that is simply unrealistic. This critique, however, is addressed with the concept of bounded rationality. Nevertheless, the means-ends rationality of RCI leads to a static concept, where variation, adaption or change only happens exogenously, because the institutional arrangement is adapted or exchanged for a more efficient one. When it comes to investigate my research questions,⁴⁵ I would be stuck the instance I encounter dynamics where equilibrium should exist. An example could be the introduction of multi-tier arrangements when the increase of tiers brought no increase in actual or perceived efficiency. Furthermore, every outcome would be inevitable in light of rational decision-making, since every outcome is the most rational after considering all impossible and impractical options.

2.4.2. No Change from Within: Historical Institutionalism

The HI approach provides some interesting aspects to research on institutions. The idea to take historical developments and context into account and therefore to forgo the danger of oversimplification and ignorance of relevant information in order to get a generalizable, simplified, comparative theoretical model, is very appealing. Critical junctures and path dependent institutions allow for an identification of periods for investigation. In addition, while being comprehensive and focused on a case in its approach, HI does not exclude comparative approaches. The comprehensiveness of understanding by taking the historical context seriously is even an advantage in comparing cases. While method-driven studies may ignore certain exotic factors in a case for the sake of generalisation, HI case studies consider these factors and can treat them as the explanation for variation in a case-to-case comparison. Nevertheless, HI also offers many critical points. The problem of identifying a critical juncture is certainly the most pressing one: The ex-post facto nature of HI makes it difficult to assess whether the set of alternative choice the researcher identified was actually

⁴⁵ See p. 7.

available to the actor at that situation; it is even more difficult to identify a critical juncture which not led to change. Is it possible in an ex-post facto situation to exactly identify alternative choices which could have led to another path and were recognisable to the actors? Additionally, if institutions change through critical junctures and then remain path dependent until the next critical juncture, institutional continuity on the path and survival of institutions during critical periods is hard to explain⁴⁶. This problem is addressed by inserting feedback-mechanisms. However, can we still speak of a concept of path dependency if HI allows for adaptation 'on the path'? The term 'path guidance' would be more appropriate then, making the institutional pattern something which has a stable core, but flexible fringes. The biggest point of critique in view is, however, that HI, like RCI, treats institutions simply as constraints on choices⁴⁷. Although the definition of institutions is a bit more relaxed in HI, it still boils down to made-up rules, whether they are formal or informal. Consequently, change can only happen when actors overcome constraints on their choices and can choose from a set of alternatives in times when shocks have diminished the institutional constraints to a point of weakness. Nevertheless, that does not account for change or variance which may originate from within the institutions⁴⁸; a problem which is not addressed by feedback-mechanisms either. The idea of positive feedback and re-enforcement during the path dependent period is still very vague. Who has to adhere to the rules to ensure sustainability of feedback-mechanisms and therefore continuity of the institutional pattern? Is there a critical mass or a strategically decisive group? What about institutional patterns that are not re-enforced by positive feedback and survive anyways, for instance corrupt bureaucracies⁴⁹? How can one research these effects in informal institutions? Generally, I would say HI offers solutions to the critical issues of RCI. By focusing on comprehensive case studies and historical contextualisation, it forgoes the danger of oversimplification and marginalisation or exclusion of deviant cases. Critical junctures explain why alternative choices become

⁴⁶ Not unlike the problem of identifying critical junctures which did not lead to change.

⁴⁷ This problem is an important argument in Lewis and Steinmo 2012, which will be elaborated upon later.

⁴⁸ Greif and Laitin (2004) propose a game theoretically based approach which takes up arguments of HI, but addresses its shortcomings; their argument of endogenous change is, however, not very convincing, since it is more or less an enabler of external changes. To argue that weakening self-re-enforcement, a lack of positive feedbacks, makes an institution more sensitive to external shocks is trivial; their argument of additional institutional elements is appealing, but in my opinion not sufficient enough to speak of truly endogenous change.

⁴⁹ I am of course aware of the benefits for the corrupt bureaucrats in this scenario.

available to actors, path dependency and influencing ideas explains why a certain institutional arrangement emerges from a critical juncture and positive feedback mechanisms, as well as increasing returns explain institutional stability. Nevertheless, HI has two major critical issues: first, the identification of critical junctures and the problem of the ex-post facto analysis that may assume alternative choices to actors, which were originally not available; and secondly, the exogenous nature of change. Researchers in HI need external shocks to explain why an institutional arrangement cannot constrain an actor to one choice anymore. Coming to my research questions,⁵⁰ I would encounter massive problems in identifying changes in the absence of external shocks. For example, States in which institutional variations are common but where no external forces demand changes. Additionally, it would be problematic to determine critical junctures in the evolution of Panchayati Raj, which happened on many different levels, starting from the level of the national political system, via the level of ideational evolution, to the level of State legislation.

2.4.3. What are Institutions Exactly? Sociological Institutionalism

SI does provide some interesting concepts to explain institutional homogeneity, legitimacy, change and persistence. Nevertheless, as an approach to political institutions it fails to be accurate enough. The problem of definition of institutions 'haunts' SI in the way that the object of analysis is not explicit enough. When everything is an institution then what should a political scientist actually investigate? Is taken-for-grantedness taking away true choice and agency? The idea that efficiency is not the only factor, which legitimises institutional arrangements, is, however, appealing. The concept of other 'environmental factors' shaping arrangements, to circumvent the problem of definition, makes sense. Nevertheless, the fuzzy definition of institutions, the strong focus on isomorph processes and the deterministic reinforcement through cognitive filters complicate the use of SI as a way to explain political outcomes. Concluding, SI also has very interesting features. The concept that institutions need not to be efficient in a rational sense helps understanding the adoption of institutional arrangements, which are seemingly without benefit. Taken-for-grantedness explains stability of institutional arrangements that might appear as unable to serve a (rational) purpose.

⁵⁰ See p. 7.

Mimetic isomorphism on the other hand might help to account for institutional change via the adoption of external arrangements to generate legitimacy. Nevertheless, the unclear definition of what an institution is, and the tendencies to investigate homogeneity in institutions rather than divergence are critical issues. In terms of my research, the definition problem prevents any serious application of this approach.

All three approaches have appealing features and critical aspects. While all three approaches contain elements, which are very useful, none is very satisfying on its own. The rationality of RCI is a concept that can very well be translated into another conceptual framework. Historicity is a necessity for evolutionary research, like EI. However, within their frameworks they do not provide satisfactory results. In terms of Panchayati Raj between 1947 and 1992, all three approaches fall short of providing sufficient explanations. RCI cannot account for the adoption of seemingly inefficient, in the terms of means-ends-efficiency, arrangement of multi-tier governments on the local level. HI has difficulties explaining strong variations of institutional arrangements over time in absence of critical junctures, respectively external shocks. It also falls short when it comes to the persistence of eroded Panchayati Raj institutions. SI is problematic in explaining the divergence of institutional arrangements despite the existence of powerful role models. Additionally, its fuzzy definition of institutions makes working with this approach overly complicated. Considering the case of the 1959 and 1972 Panchayati Raj Acts of Assam⁵¹ the dilemma of applying RCI or HI becomes clear: The introduction of major institutional changes brought with it high transaction costs, in 1959 to establish a three-tier system and in 1972 to re-establish a two-tier system. The 1959 Act had not brought advantages that justified the high transaction costs, nor was there any external shock they made the changes inevitable, since the government report recommendations that suggested these changes had no legally binding power and many States decided not to implement changes. On the other hand, the changes brought by the 1972 Act also came with high transaction costs in the face of unsure efficiency and again there were no immediate and events that could constitute an external shock making these changes necessary.

⁵¹ See chapter 4.4.3., pp. 153 and chapter 4.5.1., pp. 170.

Of course, I could pick the best and most useful elements from all three approaches and try to apply them. However, they lack a common framework, a common method and a common methodology. In other words, it would be a messy affair. Another, more comprehensive and useful framework is needed.

2.5. Evolution and the Origins of Universal Darwinism

Of course, it would be convenient to pick the sensible concepts and features from the three mainstream institutionalisms and construct a new approach therefrom; but it would be a rather complicated, probably incoherent and incomprehensive approach. I, like a number of other scholars from political science, think it is necessary to turn completely away from the idea that political science can be like physics, having general laws. There might be better frameworks for the research on institutions, and therefore my research on Panchayati Raj. I follow the arguments made by some scholars⁵² that one of these frameworks is Darwinian Evolutionary Theory. These arguments are based on the idea that there is a universal Darwinism applicable to many scientific disciplines outside biology (Dawkins 2006).⁵³ The idea of including Darwin's concept into the social sciences is, of course, not new. Ever since *On the Origins of Species*, his seminal work on biological evolution, has been published, social scientists tried to formulate social concepts from it. However, these attempts were discredited by an increasingly unscientific and ideological interpretation (Pape 2007: pp. 43), which culminated in the infamous race-theories in fascist Germany and elsewhere. In the 1970s, however, impulses from biologists spawned a new interest in evolutionary frameworks in other disciplines like economy and the social sciences. Pioneers of the interface between biology and other disciplines were Wilson with his research on sociobiology (2000) and Dawkins with the translation of genetics into meme-theory (2006: pp. 189). In the last decade, Darwinian Evolutionary Theory, freed from ideological interpretations, also became an object of interest for political scientists. The evolutionary framework is especially appealing for scholars from the field of the new institutionalisms. Consequently, a new institutionalism incorporates the concepts of Darwinian Evolutionary

⁵² See Lewis and Steinmo 2007, 2012; Lustick 2011

⁵³ Darwinian Evolutionary Theory is a generally accepted theory in linguistics (Croft 2008) and a successfully applied approach computer science (Holland 1975), for example.

Theory as the Evolutionary Institutionalism (Lewis and Steinmo 2007; Pape 2007). The following sub-chapters aim to provide a conceptual background in the Theory of Evolution, sociobiology and meme-theory.⁵⁴

2.5.1. *Evolutionary Thought: An Overview*

In order to use an evolutionary framework based on biological evolution, one must understand biological evolution itself. Theories of evolution in biology existed already when Darwin published *On the Origins of Species* in 1859. During the 18th century several biologists started systematising the discipline to bring it into congruence with scientific methods. Linné for instance coined the nomenclature to describe plants and animals and was one of the first to recognise that plants develop from few variations in the past to more variations over time (Storch 2007: 8); Buffon likewise started to promote the idea of increasing variation of species over time (ibid.: 9). The first to postulate a real theory of biological evolution, however, was Lamarck. He put forward the idea of transmutation of species in his treatise *Philosophie Zoologique* in 1809. Therein he argued that species start from a simple form and become increasingly complex over time and in a linear way. He also acknowledged adaptation of species to their environment by hereditary transmutation. One major breakthrough within this theory was the insight that form follows function, respective that organs or extremities form according to how they are used; this adaption was seen by Lamarck as direct in the sense that an organism ‘perceived’ the need for transmutation to respond to the conditions of the environment (Gould 2002: pp. 176). There is, however, an obvious contradiction between adaptation to environmental conditions and linear, ordered progression. Lamarck solved this paradox by basing his ideas on an ‘innate life force’, which is driving the increasing complexity. Further, to resolve the dilemma of existing simple life-forms, which also contradicted linear progression, he proposed spontaneous generation of simple life forms (ibid.). With this concept of environmental adaption, spontaneous generation and hierarchical progression, driven by some form of ‘life force’, Lamarck postulated a very hierarchical theory of evolution. Nevertheless, the statement that organisms adapt to environmental conditions and that life-forms become increasingly

⁵⁴ The reader familiar with these concepts may skip to chapter 2.3. for the elaboration on Evolutionary institutionalism.

complex over time was seminal at that time and certainly influenced later theories (see also Gould 2002: 194; Storch 2007: 12). Until the publication of Darwin's *On the Origins of Species* and the also important *On the Tendency of Varieties to Depart Indefinitely from the Original Type* by Wallace, a number of biologists developed concepts of evolution, building on the findings of others, but none made a breakthrough of the importance of Darwin and Wallace⁵⁵.

One of the great popular myths of science is that Darwin developed the idea of evolution through natural selection alone aboard the Beagle while visiting the Galapagos Islands. In truth he probably developed his theory of evolution after he returned to London and started to evaluate the findings of his voyage⁵⁶ being in close contact with the scientific community of England (Bowler 2009: 155).

When he developed his concept of natural selection he was not only influenced by the observations of divergent populations of finches on the Galapagos Islands, but also by the evolution model of Lamarck and the geological concepts of Lyell⁵⁷ (ibid.: 159). Although already conceiving the core of his later theory in the years after his voyage to South America, Darwin needed time to formulate his ideas properly, driven by the want for scientific accuracy (ibid.: pp. 164). During the time Darwin took to conceptualise a comprehensive theory of evolution that included natural selection, Wallace started to gain insights into the distribution of species while on travels in the Malayan Archipelago (Storch 2007: 23; Bowler 2009: pp. 173). Darwin and Wallace were in regular exchange of ideas and it was allegedly those findings, which prompted Darwin to finally publish his theory as the Theory of Evolution in *On the Origin of Species* in 1859. How far Wallace would have developed an independent theory if Darwin would have not published his is debateable. While Wallace's role should not be diminished to a pure stimulus, he was an excellent biologist in his own right, Darwin was certainly already advanced in the conceptualisation of his theory when he received in a letter the sketch of what would be published as *On the Tendency of Varieties to Depart Indefinitely from the Original Type* in 1858 (Bowler 2009: pp. 173). Consequently

⁵⁵ For an overview see Gould 2002; Storch 2007 and especially Bowler 2009.

⁵⁶ Which were mostly of geological nature.

⁵⁷ Lyell posed a model of an Earth that undergoes constant transformation.

Wallace was an ardent defender of Darwin's theory culminating in his 1889 publication *Darwinism*. The initial response to the publication of *On the Origin of Species* was mixed. Commercially, it was a success, selling the complete first edition on one day.⁵⁸ But the immediate response was sharply divided; Darwin was facing a staunch opposition from the religious community, but got some support from the scientific community. With the wider acceptance of the Theory of Evolution from the British scientific community by the 1870s, Darwin's work asserted itself over creationism (Bowler 2009: pp. 177). With the re-discovery of Mendel's laws of heredity at the beginning of the 20th century, however, Darwinism became side-lined by genetics. While the arguments for evolution remained in place, trial-and-error natural selection and adaption became replaced by random mutation and a model of linear development. Genetic mutation seemed to be able to explain variation of species much better than natural selection through environmental forces (ibid.: pp. 224). In the 1940s, scientists, primarily from the United States of America, started to bring Darwinism and genetics together in a synthesis, which brought natural selection into accord with genetic mutation (ibid.: pp. 325). During the past decades, Darwinism remained a widely accepted framework with minor discussions about details, such as the unit of selection. Today evolutionary biologists in their majority accept both Darwinist approaches, adaption to environmental demands and sexual selection (ibid.: pp. 374). The dispute between the gene and the organism as the unit of selection is also a solved one, with the acceptance of both units of selection, with different properties (Dawkins 2006: ix). While many scientists contributed to the field and helped reconciling natural selection and genetic mutation, it is still the basic triad of trial-and-error natural selection, competitive sexual selection and evolution that define today's evolutionary biology justifying the name Darwinian Theory of Evolution of Darwinism. And with the acknowledgement of the gene as the unit of replication and the growing interest of the role of genes in social behaviour, Darwinism as sociobiology transgressed into social sciences⁵⁹ (Wilson 2000; Dawkins 2006: pp. 189).

⁵⁸ The first edition consisted of 1,250 copies.

⁵⁹ Not for the first time (see next sub-chapter), but scientifically much more grounded this time.

2.5.2. *What is Darwinian Evolution?*⁶⁰

While the basic concepts of Darwin's Theory of Evolution are widely known, many misunderstandings still prevail in popular knowledge. To use Evolutionary Institutionalism (EI) a comprehensive understanding of Darwinian Evolutionary Theory (DET) is imperative, in order to recognise the possibilities of translation into political science, but also the limitations. Knowing for instance about misunderstandings in DET can prevent me from translating these misunderstandings into political science. DET can be divided into two major categories, macroevolution and microevolution. These categories are of course not exclusive, but interdependent. Macroevolution describes the processes above the level of species, respectively the change of species over longer periods of time. Microevolution, in contrast, describes processes within the level of populations; this happens in observable time-frames (see Mayr 2005: pp.231). Furthermore, there are differences between classical DET and Neo-Darwinism concerning the unit of selection. Classical Darwinists, like Gould, identify individual organisms as unit of natural selection, while Neo-Darwinists, like Dawkins, associate the gene with the unit of selection (Gould 2002 pp. 503; Dawkins 2006). Additionally, a number of related disciplines exist that are important to DET; these are biogeography, morphology, genetics phylogenetics, palaeontology, physiology, ecology, geology and zoology.

Whatever the differences in between classical DET and Neo-DET, they have two basic tenets in common. The first tenet is that all life on Earth has one common origin. All organisms that exist today and have existed in the past sprung from one single organism around 3.8 billion years ago; a fact proven by the genetic code that all organisms on Earth share (Mayr 2005: 62). The second tenet is that evolution leads from a single organism to increasing diversity of life and that this evolution is driven by natural selection and sexual selection (ibid.: pp. 111). One of the great misunderstandings is that evolution is something aimed towards greater complexity and higher intelligence. The other is that 'survival of the fittest' means 'survival of

⁶⁰ For a comprehensive introduction into the topic see Gould 2002, Mayr 2005, Dawkins 2006, Storch 2007 and Zrzavy 2009.

the strongest⁶¹ and that natural selection would eliminate 'weak' individuals and populations. In fact evolution is not an aimed process, but completely random. The driver of evolution, natural selection, is a trial-and-error process in its first step. Random variations occur on a genetic level by mutation, re-combination, and drift of a chromosome during the initial embryonic stages, on an individual level by selection of sexual partners or during the act of procreation (Mayr 2005: pp. 111; Storch 2007: pp. 212). In its second step some non-random processes are important, which are higher life expectancy and survival chances due to the variation and subsequently the higher chance to produce offspring via higher attraction in sexual selection (Mayr 2005: pp. 111; Zrzavy 2009: pp. 50). An element of natural selection is competition between different species and even between individuals of the same species (Mayr 2005: 158). Variation, selection and the subsequent retention build the core principle of DET. This triad is the driver of evolutionary change. Only if a variation gives a relative advantage over the non-variation type and only if this variation is selected, i.e. by sexual selection, it can be passed down to the next generation and spread within a population. Slowly, by accumulation of variations, a species may either change or a new species may branch of; this latter is called cladogenesis (ibid.: pp. 28). One misunderstanding, which is famously depicted by the Evolution of Man⁶² illustration, is that there is an evolutionary line from Man's early ancestors to modern humans, including homo erectus and homo neanderthalensis; in fact homo erectus, homo neanderthalensis and homo sapiens are branches of a lineage that started with presumably homo habilis (Zrzavy 2009: 151). It is not a necessity that the new species is superior; it maybe just more suited for an immediate ecological niche or to a current environmental pressure factor than the preceding species. All in all the variation of individuals depend on three major factors, which produce the phenotype of an individual: The genetic heritage, which is the genes that are handed down from generation to generation, the epigenetic factors, which are the external influences on the genes like radiation etc., and environmental factors, which are geography, climate, etc.. Together they are the causes of mutation, variation and retention (Mayr 2005: pp. 118).

⁶¹ A misunderstanding that helped popularising the terrible developments of Social Darwinism (see sub-chapter).

⁶² For instance: <http://stuffpoint.com/evolution/image/458681-evolution-evolution-of-humans-4.jpg> retrieved on 29 July 2014.

Another source of misunderstandings of DET is the term adaptation. In popular understanding, adaptation is often understood as an active or guided process of change to be more suited to environmental pressures. Adaptation is, however, an ex-post facto statement. Dolphins, for example, are well adapted to a life in an aquatic environment; that does not mean the development of fins was a guided attempt to adapt to living in water. The development of fins is actually a random variation that proved more effective than having legs or arms and was therefore selected through higher survival rates and higher attraction to mating partners until all individuals without fins got erased from the species' gene-pool (Mayr 2005: pp. 188; Zrzavy 2009: 287).

Similarly, to the debate in DET about the unit of selection, there is a debate about the pace of change. Two main models exist concerning change, gradualism and punctuated equilibrium. The gradualism model postulates evolutionary change as gradual and uniform and by anagenesis, unless species split up (see Mayr 2005: pp. 185). This is also the popular perception of DET. Gradualism does, however, not mean a completely continuous process of change, but might include longer periods of absence of change or shorter periods of accumulation of changes (see Darwin 1859). The punctuated equilibrium model proposes long times of stasis and sudden and eruptive times of changes (Gould 2002: pp. 745). It is based on Mayr's allopatric speciation, in which species with large populations tend to remain stable and variation, even advantageous variation, tend to get diluted. The effect is that large populations remain stable around a phenotype mean. New species arise by cladogenesis when parts of a population become geographically isolated and variations have more impact; cladogenesis can also occur at the fringes of ecological niches where the advantageous variations have more impact on survival rates (Mayr 2005: pp. 219). The punctuated equilibrium model extends allopatric speciation by the inclusion of stasis. Stasis is the absence of significant changes in a species and the absence of branching of new species over geological periods of time, but not the absence of genetic variation. This stasis is punctuated by comparatively short periods of significant change and speciation (Gould 2002: pp. 765).

DET is connected to various disciplines, which were already mentioned. The elaboration on a few of them and the exclusion of others will become apparent in the chapter on EI and the

utility of the disciplines for EI. Morphology⁶³ is the discipline, which researches the form, structure and colour of organisms or components thereof. Physiology investigates the function of organisms, organs and cell-structures (Garland and Carter 1994). Both disciplines use taxonomy⁶⁴, which is the science of constituting organisms into groups based on their relations and naming these groups. Ecology is the science of interaction of organisms with each other, their living and their non-living environment and is relevant for DET in regard to the environmental pressure in natural selection and the occupation of ecological niches by species (Zrzavy 2009: 287). Phylogenetics is the study of the evolutionary relations of species or populations with the aim of constructing a phylogenetic tree or cladogram (Mayr 2005: 44; Baum and Offner 2008). Genetics is the discipline that investigates genes, their mutation, variation and heredity and how they constitute and influence organisms (Dawkins 2006). It is a core discipline in Neo-DET, which states that the gene is the unit of selection in evolutionary processes.

2.5.3. *A Short History of Evolutionary Theory in the Social Sciences*

Darwinism has played a role in social sciences during the last one and a half centuries. The publication of Darwin's *On the Origin of Species* did not only change natural sciences, biology especially, but also the view on the development of social structures and man as a political entity as such. The transformation of the Theory of Evolution from a natural science theory into application into social sciences happened shortly after Darwin's seminal work by Huxley (1863) and Galton (1869). The idea of evolution of society and the intervention of cultural developments into the evolution of man was investigated by Spencer (1851; 1896) who proposed a free market, competitive society, where only the fittest should survive. The claim of later research, which attached the label of Social Darwinism on him, can be rebuked, however. Spencer probably based his concepts on Lamarck and published his first work on the matter nine years prior to *On the Origin of Species*. Spencer, arguably the earliest structural-functionalist, extensively used analogies between biology and human societies.⁶⁵ A

⁶³ <http://www.britannica.com/EBchecked/topic/392797/morphology> retrieved on 29 July 2014.

⁶⁴ <http://www.nhm.ac.uk/nature-online/science-of-natural-history/taxonomy-systematics/what-is-taxonomy/index.html> retrieved on 29 July 2014.

⁶⁵ That school became discredited after WW 2 and was replaced by a structural-functionalism characterised by Talcott Parsons and his interpretation of Max Weber's work

comprehensive inclusion of evolutionary theory into the social sciences was subsequently demanded by Le Bon (1895) and Haeckel (1899). Le Bon saw political attitudes as hereditary as well as culturally determined. Further he spoke of “racially determined forms of government”, paving some ground for later misuse of the Darwinian Theory. Profound misunderstandings of the Theory of Evolution and its implications on the origins and evolution of Man led to a string of, partially ideologically motivated, research under the umbrella concept of Social Darwinism. Using a crude understanding of evolution, Freyer (1925) for example saw social structures determined by biological factors, leading to the assumption that some people have a disposition to rule, others to serve. Others, who are often referred to as Social Darwinists, rejected Darwin's theory of evolution and oriented themselves on Mendel's laws of inheritance and Nietzsche's 'Übermensch' (see Pape 2007: pp. 43). Two examples of those scientists are Fischer (1933) and Jaensch (1938) who believed in biological disposition, especially in racial orders. It is quite obvious how such ideas could thrive in the racial-nationalist environment of Germany during the late 1920s and 1930s of the 20th century. However, other, more sophisticated interpretations were also done during that time. Gehlen (1940) for example proposed a model, which included biological inheritance, but also emphasized the role of the environment in the development Man. His idea of Man as an animal, which instinctively builds institutions to compensate for biological shortcomings, is an important aspect in this regard. Especially this kind of research, which was encouraged by and in turn encouraged the Nazi ideology, made it hard to use the concept of evolutionary theory in social sciences in post-war Germany (Pape 2007: 45). The horrors of the Nazi regime in Germany and of the Holocaust, which was also credited to Social Darwinist ideas, discredited evolutionary theory in social sciences.

2.5.4. Sociobiology and Meme-Theory

The origins and developments in sociobiology are crucial in any understanding of biological concepts in modern social sciences. Many of the concepts presented in the following chapter are either supportive of the application of DET in political science or at least helpful to understand the concept of EI, which has the framework of DET at its core. Although both handled the topic of cultural evolution and sociobiology of Man in just one chapter each, Wilson and Dawkins greatly influenced the role of biological evolution in social science.

2.5.4.1. Sociobiology

Wilson, in his seminal work on sociobiology, was one of the first who stressed the importance to combine findings of biology, especially evolution and the role of genes, with sociology. In the last chapter of his book *Sociobiology: The New Synthesis* (Wilson 2000) he describes the interface between the genetic evolution of Man and the cultural evolution and the passage between a biological tracking system and a cultural tracking system (ibid.: 560). One of his major concepts is the similarity between the operation of biological evolution and cultural evolution: “[G]enetic and cultural tracking systems operate on parallel tracks [...]” (Wilson 2000: 569). Wilson argues that genetic evolution set the stage for cultural evolution by providing homo sapiens with the necessary mental capabilities to trigger a process in which Man was able to adapt to the environment and to proliferate through non-biological mechanisms (ibid.). In his view culture is a, genetically influenced but not determined, mechanism to adapt to environmental contexts. Culture is in a way working like biological mechanisms of adaptation and can be analysed parallel to it (see quote). This cognisance that cultural adaptation works in the same way biological adaptation opens the possibility to apply the basic laws of Darwinian evolutionary theory to cultural evolution:

“It is useful to hypothesize that cultural details are for the most part adaptive in a Darwinian sense, even though some may operate indirectly through enhanced group survival.” (Wilson 2000: 560)

To support his concept Wilson presents an array of areas in which cultural evolution could have worked and in which cultural tracking systems were instrumental for the adaptation of humans into changing environments, giving them advantages, which led to the unique position of homo sapiens within the realm of primates. These areas are for example: Social evolution, ethics, territoriality and tribalism and religion. The evolution of religion and its function as an environmental tracking device (Wilson 2000: 559) is one of the most interesting parts in Wilson's argument, because religion is usually viewed as an entirely cultural phenomenon which is cognitively completely decoupled from evolution, let alone biological evolution. Wilson argues that early religious forms, he describes them as magic and totemism (2000: 560), are evolutionary adaptations to the environment. At this stage these

adaptations can be seen as the last interface between biological evolutionary adaptation and early cultural evolutionary adaptation. "It is a reasonable hypothesis that magic and totemism constituted direct adaptations to the environment and preceded formal religion in social evolution." (Wilson 2000: 560). Biological evolution, however, still has ramifications for later cultural evolution. Wilson compares the early religious forms of magic and totemism to ritualised animal behaviour. Like some animals have ritualised certain movements into communicative behaviour, Wilson exemplifies this with the dance of the common honeybee (ibid.). Like the honeybee's dance is a ritualised description of 'navigation' to a food source, providing directions and duration of the flight, early homo sapiens has started to ritualise anticipatory actions. For homo sapiens, Wilson argues, the depiction of game and successful hunting was an invocation of, what he calls, "sympathetic magic". The rationale behind that was that the image of a successful hunt would lead to success in real hunting (ibid.). Since early humans probably had a very primitive understanding of causality, it can be assumed, that the cause and effect logic behind depicting bagged game was to invoke the image as a cause and the successful hunt as the effect. This form of early religious behaviour also furthered stratification and specialisation in early man's tribal societies. The act of drawing itself, but also the invocation and interpretation of the magical powers of nature needed a specialist, a shaman or medicine man (ibid.). How far the laws of evolutionary adaptation go in the case of the evolution of religions becomes clear in case of religions with high gods or monotheistic religions. A survey comparing forager-societies with non-foraging societies shows that the majority of foragers (65%) have no high gods, while 83% of the non-foraging groups do have high gods (Whiting 1968: 338). Further, most of the forager societies live in groups with less than 100 members (ibid.). Since high gods are mostly anthropomorphic in nature, their divine order often mirrors an elaborated social order of human societies (Lloyd-Jones: 2001: 457). A complex social order, however, becomes necessary only if a certain group size and a settled living style is reached and division of labour produces specialised members in a society. On the other hand, forager societies are much more egalitarian in nature, with much less specialisation due to the necessary collaboration in their hunting efforts. Appeasement of the spirits of game and nature in order to have a successful hunt seems much more adept to their specific situation than worshipping a complex pantheon.

The evolution of natural spirits into gods and sacred traditions into a theology can consequently be seen as an adaptation to new environmental conditions. Wilson argues similarly in the case of the origins of monotheism (2000: 560). The emergence of a single, all-powerful god coincides ostensibly with a pastoral way of life (*ibid.*; see also Lenski 1970). The emphasis of the patriarchal aspect, the god of pastoral societies is usually male, often imagined like a father, is a reflection of the male-dominated society of herdsmen. Pastoral societies, as Wilson puts it, are often compact in their organisation and led by a dominant male, often an elder. Additionally, they are often militant, prone to defend their flocks against predators and other groups (2000: 561). The god of pastoral societies mirrors the shepherd in those societies. These adaptations to their environments are, following the laws of evolution, advantages in selection processes. Being adept to the challenges of the environment, mirroring the circumstances of the faithful, increases the numbers of adherents and adds to the survivability of a specific religion (*ibid.*).

Two aspects of Darwinian evolution are represented in the example of the evolution of religion: first, the adaptation to an environment, certain life-styles give rise to certain types of beliefs and certain beliefs prove to be advantageous in certain contexts; secondly, the subsequent competition between beliefs and the enhanced survivability of religions, which prove to be advantageous to the faithful and are able to gather more adherents than others.

Social evolution is another interesting aspect in Wilson's arguments on socio-biology. While early social evolution is considered by him as leading up to a threshold after which an autocatalytic process is triggered, later social evolution consists of several factors, which sustained the autocatalytic process (Wilson 2000: pp. 565). Wilson identifies four such factors: sexual selection, multiplier effects in network expansion, the interconnection of an increased population density and agriculture and warfare (*ibid.*). Particularly interesting in this part is the role of warfare as an important factor in group selection processes and individual selection. On the individual level the inventive capacities of one tribe member can advance the abilities of the whole tribe in conflict with another tribe. The inventive behaviour of one particular member would be imitated by the others, thus leading to victory over the competing tribe and an increase in the own tribes number, increasing also the chance of the birth of even more inventive members of the tribe (Wilson 2000: 573). On a

group level the birth of descendants of these superior members would in turn increase the chance the breeding of intellectually superior Men, especially in relatively small groups where the chance of interbreeding between superior humans is even more likely, providing a huge advantage for the tribe (ibid.). Warfare in human evolution was mostly genocidal or genosorptious in nature; a fact favouring the victorious tribe's genetic expansion in the meta-population (the entirety of humans). With the more inventive group being dominant, social and technical innovation also flourishes (ibid.). On the other hand, countering genocide or genosorption needs either even more aggressive techniques by the competing tribes or strategies to prevent genocide through peaceful measures, which would mean to pacify the competing, genocidal tribe by some elaborate means. Both, especially the last method, further mental capacities and advance social and technical evolution (ibid.). A very interesting aspect of warfare as a mover in social evolution is the aspect of altruism and spite. Altruistic genes favour the survival of a tribe in competition to another tribe by the ability to act in favour of the own tribe to the extent of self-sacrificing of individuals to protect and further the genetically related group (ibid.: 119 and 574). Likewise, warfare favours the generation of altruistic genes through selection processes. The altruistic individual enables its genetic relatives to increase in number; transporting the altruistic gene and providing thus an advantage in warfare (see autocatalysis). Consequently, bravery in battle and the 'patriotic' sacrifice are seen by most societies as 'the noblest' traits in humanity (Wilson 2000: 573).

Sexual selection was probably one of the earliest movers in the later social evolution. With the increasing necessity of cooperation in forager bands and the growing abilities to produce tools, the signal qualities in the sexual selection process became more complex. Social skills and cooperation prevented old patterns in which younger males would challenge the dominant male. In order to survive, these young males had to remain within the bands of social order, leading to more patient male band members. The ability to make tools is another game-changer; this ability was added to the common sexual attractors, prowess, strength, fitness, making individuals with increased mental capacities more attractive. With social skill and technical skills, expressing increasing mental capacities, as main attractors in the sexual selection, the more intelligent and socially capable individuals gained more

success in breeding, passing on their attractive traits. This evolutionary process became also autocatalytic, de-coupling it from environmental pressures (ibid.: 569). The sexual selection factor and the warfare factor are very likely to be co-evolutionary processes, since warfare exerted pressure on sexual selection and supposedly vice versa. The multiplier effects in network expansion are movers becoming autocatalytic in a later stage of social evolution. Having reached the stage where increasing social skills and inventive behaviour have become already autocatalytic, the increasing numbers of humans made frequent contact between individuals, bands and tribes possible. Early social and cultural networks were established and inventions and skills were exchanged. The closer the network became the more advantageous exchange happened until the process was self-replicating and became independent from environmental pressures (ibid.: pp. 569). In terms of agriculture as a mover in social evolution, Wilson argues that a chance encounter between Men who had already acquired a certain level of mental capabilities and wild growing plants like wheat or rye triggered what we call today the Neolithic Revolution. Once agriculture became effective enough to provide larger surpluses, the population grew massively and with a higher population density, the above-mentioned social networks became denser. From this point, with the help of innovations like irrigation, the population growth became irreversible (ibid.: 572). It is important to note that while each of the four mentioned factors could stand alone as a prime mover, and therefore trigger for the autocatalytic process, in the later social evolution, it is very likely that all factors worked in connection with each other, reinforcing each other and thus leading to the state of today's modern Man. Through these factors, which acted as prime movers, cultural (later social) evolution became largely independent from environmental pressures and worked through internal amplification (ibid.: 574).

One important lesson to learn from Wilson is that cultural and social evolution is initially influenced by our genes and that genes still play a role. The other important lesson is that cultural evolution has become independent from environmental pressures and is able to sustain through internalised processes. On a more theoretical level, Wilson has prudently argued that the laws of Darwinian evolutionary theory can be applied outside the realm of biology as well. This provides social scientists with the ability to use the same language as a biologist to describe social developments. Wilson's argument lays the foundation stone to

the effective and conclusive use of evolutionary concepts also in political science. Since the postulation of the already mentioned arguments in his main work, *Sociobiology* from 1975, Wilson went on to pursue the ideas of social and cultural evolution in animals and Men (see Wilson and Wilson 2007 and 2008).

2.5.4.2. Meme-Theory

Dawkins is the other big influence on the social sciences from the field of biology. In his, still very influential book *The Selfish Gene* (Dawkins 2006) he dedicates a chapter entirely to the possible application of Darwinian evolutionary theory into the social science context. To do that he establishes a new replication device which he calls meme (ibid.: pp. 189). Memes can be related to ideas, concepts that influence institutional evolution and evolve themselves.⁶⁶ This meme in cultural evolution is basically the equivalent to the gene in biological evolution (ibid.: 190). Dawkins expresses his argument for the meme very cleverly: “I am an enthusiastic Darwinian, but I think Darwinism is too big a theory to be confined to the narrow context of the gene.” (Dawkins 2006: 191). Following this argument, Dawkins defines the root and the nature of the meme. The word itself is, in my opinion rather cloddy, derived from the ancient Greek word mimeme which translates as ‘something imitated’ (ibid.: 192). The simple but ingenious idea behind the conception of the term is, that if biological and cultural evolution can both be interpreted by Darwinian theory, then cultural evolution must also have genes which can be replicated and mutate to ‘fuel the motor of the evolution’. When genes hold the information for the production and reproduction of cells and higher organisms, then memes hold the information to produce and reproduce cultural items, cultures, and societies (ibid.). Subsequently memes are, according to Dawkins, very elemental. They can encompass ideas, tunes, certain ways and means of production or fashions; all the small aspects which constitute societies and cultures. Memes are replicated by their ability to be spread from one mind to another mind through reading or hearing; this is analogous to gene replication by viral parasitism or sexual replication (ibid.). With these elemental units, cultural evolution can be sustained. Like in Wilson’s socio-biology, religion plays a role in Dawkins’ cultural evolution, too (ibid.: 193). The ‘God’-meme is one of the

⁶⁶ See chapter 2.6.3., pp. 74.

most successful memes in the sense that it had permanence and dominance during much of *Homo sapiens'* time of existence. According to Dawkins, it has a high psychological appeal to the human brain, because it provides an, at least superficial, explanation of the world, making life more comprehensive for everyday purposes (*ibid.*). The existence of a supernatural being or several supernatural beings, which is / are the source of everything, makes life more bearable. It is advantageous in everyday survival if one accepts natural occurrences as part of a 'divine plan', rather than diverting attention from everyday work to investigate such occurrences. Another benefit of the 'god'-meme, although Dawkins does not mention this, is the transfer of accountability to the 'impersonal'. Deriving laws from a supernatural being makes them timeless, while laws by a king, or similar authoritative figure for that matter, tend to be bound to the person of the king. Divine authorisation guarantees, to some extent, continuity and stability, especially in dynastic rule system. These arguments for the high survivability of the 'god'-meme fall in line with Wilson's description of religion as a part of cultural evolution (see pp. 3). It is important, however, to mention that Dawkins himself does not provide any explanation of biological advantage, but merely that of psychological appeal, following his own argument of de-coupling gene reproduction and meme reproduction (Dawkins 2006: 193).

The meme theory has certainly influenced the field of cultural evolution. One of the most prominent works in this regard is done by the psychologist Susan Blackmore. While Dawkins writes about memes as an analogy to genes in only one chapter, Blackmore develops this analogy in the course of a whole book, providing much more space for elaboration (Blackmore 2010). Situating the meme within Universal Darwinism, Blackmore provides essentials first; the meme is a replicator, like DNA (Dawkins 2006: pp. 12), and, analogous to a gene, it keeps the evolutionary algorithm running. In short: It enables variation, selection and heredity (Blackmore 2010: 43). In biological evolution variation, selection and heredity are the requirements for the genesis of new species. Variation ensures that the new gene differs from others and produces a different result when active; selection ensures the variation is 'chosen' to survive; heredity occurs if the variation is selected and passed on via replication (Storch 2007: pp. 217). Blackmore illustrates the selection, variation and combination processes with the example of far-reaching stories. Certain famous stories,

which go around the world, become memes in their own right, but they are made up by the variation and re-combination of other memes⁶⁷: language, environmental experience and so forth (Blackmore 2010: 44).⁶⁸ As the story progresses around the world and into different spheres of language and different environments, it varies and may be combined with other memes to a slight variation or even a completely new meme. Nevertheless, memes are more than just stories. Every elaborated thought, every song, dance, movie, recipe for a certain dish and every work of literature can be a meme or, more precise, a memplex, a variation and/ or (re-)combination of other memes, selected and replicated by the human brain (ibid.: pp. 44). Blackmore goes on to describe the human brain as the replicator for memes and the selective environment at the same time (ibid.). At this point, the comparison between genes and memes becomes less useful, because of the complicity of neurological and psychological processes and the problem of measuring psychological processes vis-a-vis neurochemical processes. If selection can be strategic or is random, is therefore a matter for debate. Further, I would identify difficulties in the delimitation of the selective environment. A single human brain as a selective environment does not seem to be sufficient. The selective environment should be the interaction between human brains, which can be called an interactive sphere, since selection happens at the interface between two minds. To use the story example again, the way someone tells the story, which points he emphasizes, and the way someone else receives the story, which point in particular, decides the 'fate' of the story. The story may be received well in its entirety, in which case it is selected without mutation, or only parts of it are selected for replication and it mutates into a variation of the story. Interestingly this analogy is easily transferable into the realm of evolutionary ecology, to some extent at least. It is common knowledge that organisms change in relation to the ecological niche they occupy. That means if a certain characteristic in an organism is advantageous in a certain environment, for example a curved beak on a bird to reach into tree-holes, it will probably be selected within the population of these organisms (see Storch 2007: pp. 283; Zrzavy 2009: pp. 50). Similarly, if the population, or parts of it, move to a different environment, the advantage of the curved beak, to remain with this example, may

⁶⁷ Memes might operate like genes, but that does not take genes out of the equation. Memes operate at an ideational level, genes at the substantial genetic level. But both happens in parallel.

⁶⁸ Flow comes, in my opinion, from the need to share information with other individuals, either for material gain or for personal fame.

get lost, because there is a new source of nutrition. Now a hardened and short beak may prove more useful to poke holes into trees. The birds developing this kind of beak have now an advantage and will pass that advantage on within the population. Because they are healthier, due to their easier access to food sources, they can produce more offspring and their beak-mutation becomes a dominating characteristic within the population. Analogous to this example, a memplex, like the mentioned story, may stay the same, with certain “highlights” of this story emphasised, in a particular group of minds. Nevertheless, as the story spreads outside this particular group it may change due to differences in language or environment and some “highlights” lose their significance, while previously less emphasised points may become highlights. In other words: certain memes, which make up the story-memplex, may become recessive, some formerly recessive may become dominant and some may not be selected at all within the new group of minds. Even re-combinations of memes may occur, altering the story slightly. It will remain, however, the same story, even if certain parts vary. Considering this analogy, it is easy to see how memes could be to cultural evolution what genes are to biological evolution: The essential building blocks of the evolutionary algorithm. Nevertheless, it is, admittedly, very hard to understand memetics and genetics in the same terms, when its subjects are so different. The object of genetics, the gene, is easily quantifiable, follows the coherent rules of bio-chemistry and selection, variation and heredity can easily be observed. The object of memetics, the meme, however, seems to be much less manifest. A single meme is not as easily isolated as a gene, variation, selection and heredity can be observed, but not as easily quantified as in genetics and even the nature of the isolated meme is debatable at best. While the gene is basically identified as a stretch of DNA holding information, the interpretation of something as a meme, as something that holds reproducible information, is more difficult: Is a syllable already holding enough information to qualify as a meme, or is only the word holding the information? This problem of conceptualisation remains a main point of debate within memetics and is not only in my opinion the biggest issue concerning the use of memes (see Blackmore 2010: pp. 100). Subsequently memetics is criticised by some scholars working on cultural evolution. Boyd and Richerson for example are critical of the natural selection aspect in memetics, pointing out that memes are transformed during transmission, depending on several factors

besides genetic background, and have a much higher mutation rate than genes, transforming even in intra-generational transmissions (Boyd and Richerson 2000: pp. 54).

2.6. Evolutionary Institutionalism

The first thing to note about EI is that it is not a completely new theory; it is simply an approach to put the research about institutions in political science into the framework of DET. EI also does not completely negate the value of the three mainstream approaches; it even takes up some of their concepts. The innovation about EI is the comprehensiveness and coherence within the framework of the widely tested and valid DET, with which the research on institutions is done. In that way, EI is superior to a mash-up of useful concepts from the three mainstream approaches.⁶⁹ EI is not only able to accommodate valuable concepts from otherwise unsatisfying approaches, like rational behaviour, it is also able to include factors that are not part of other approaches, like geo-physical influences or ideas. Although EI is a relatively recent, and still relatively marginal, approach in political science, it is an accepted approach in a number of other academic disciplines, such as cultural and social anthropology, economics and linguistics sciences (Kubon-Gilke 1996; Boyd and Richerson 2000; Dawkins 2006; Blackmore 2010). EI puts two key features into the foreground, institutional change and individual preferences influencing institutions (Lewis and Steinmo 2007: 18 and 2012: pp. 322; Blyth 2012: pp. 303). EI is therefore an answer for the main problems⁷⁰ in institutional analyses, the shortcomings of the “self-interested utility maximizers” (Lewis and Steinmo 2007: 18) in explaining preferences and the inability to explain change without external ‘auxiliary-devices’. EI concepts from DET serve as analogies on the one hand, but on the other hand EI takes biological influences on human behaviour serious as well⁷¹ (Lustick 2011: pp. 191; Lewis and Steinmo 2012: pp. 327; Fowler 2013: pp. 362). Like DET, EI is a historical approach, since it has to work with historical processes and has to consider historical context. And like DET, it is an approach to explain, not to predict outcomes (Lustick 2013: 191); that means EI can be used to find out how a certain outcome came up and why it happened in the way it happened, but it cannot be used to generate general laws of

⁶⁹ For advantages and disadvantages of the mainstream approaches, see the chapter about the three institutionalisms pp. 35.

⁷⁰ See chapter 2.4., pp. 35.

⁷¹ See chapter on sociobiology, pp. 49.

institutions able to predict their evolution. But before going deeper into the concepts of EI, I must make clear that there are essential differences between DET in biology and political science. The analogies elaborated in this chapter bring us only so far; while the prime mover, mutations and recombination of genetic material, for variation in micro-evolutionary processes are purely random, the prime movers for variation in political institutions, human beings, are always motivated by intention and purpose (see Lewis and Steinmo 2007: 19 and 2012: 321). Nevertheless, deriving concepts from biology, in this case DET, may be far more rewarding, by producing results that are closer to the real case, than the still existing wish to place political science among the “hard sciences” as physics (Lustick 2013: 191). Physicists can experiment with their assumptions under laboratory conditions to derive their laws and every physicist can repeat the experiment under the same conditions to either arrive at the same conclusions or, if the experiment fails, refute said conclusions. Political scientists cannot do something like that.⁷² Human behaviour, and therefore political institutions, is so intertwined with its context that every abstraction must necessarily leave things out that may be important to sufficient explanations. With EI, political scientists can arrive at explanations of outcomes without generalisation and abstraction and look into case-related details and mechanisms of political institutions and their context. This is alike to biologists looking at the evolution of organisms by researching the details of related fossils, changes in the environment and by doing genetic analyses to related organisms to each other in space and time.

2.6.1. Change: The Analogy between Genes and Institutions

The first core of EI is the explanation of change through the analogical use of DET. While the other institutionalisms fail to explain change without external events, EI offers mechanisms to explain change exogenously as well as endogenously, and at the macro-level as well as micro-level (Lewis and Steinmo 2007: 20 and 2012: pp. 332). While exogenous change can be easily explained by external factors, endogenous change is explained in EI by analysing political institutions analogous to genes. Dawkins in *The Selfish Gene* suggested that the same mechanisms to explain change in evolutionary processes at the genetic level, that are

⁷² It is hardly possible to provide the necessary controlled environment for an experiment that meets scientific standards. Too many variables have either to be controlled or eliminated from the experiment.

mutation, variation and retention, can be used to explain change in areas outside biology (2006: pp. 189). While Dawkins expressed this concept in terms of his meme-theory⁷³, EI scholars apply the analogy to political institutions. Genes equal formal institutional rules and the triad of mutation, variation and retention is to some extent applicable to these institutional rules as it is to genes (Lewis and Steinmo 2007: 34; Blyth 2011: 300; Lustick 2013: 190).

However, before using this analogy it is imperative to be clear about terminology. Institutions are equal to institutional rules in this work; political institutions are therefore institutional rules that are formalised and/ or concern especially the realm of politics;⁷⁴ institutional arrangements or political institutional arrangements are subsequently arrangements of rules, which are formalised and/ or affect political outcomes. Therefore, if I write about institutions, I would mean rules that for example affect election procedures or bureaucratic acts; if I write about institutional arrangements, I would mean elections or bureaucracies themselves. Lewis and Steinmo, for example, do not make such a differentiation; in their work political institutions may range from single rules to whole parliamentary systems as evident in their examples of tax codes and the Westminster Democracy (2007: 35 and 2012: 336).

The analogy also works only so far; random variation, like in biological DET, is not possible in EI, although I would argue that it is, to some extent, possible to have random variations; I will elaborate on that later. Variations are the result of aimed decisions. Additionally, selection is not an unconscious, automatic process, but a conscious one; humans can choose what they want to select (Lewis and Steinmo 2007: pp. 35). The only truly random variable is replication that leads to retention. Humans may be able to vary institutions and to select those variations, but they are unable to ensure successful replication over time and hence the retention of a selected varied institutions is uncertain, similar to a selected variation of a gene (ibid.). Conscious human decision-making does not deny evolutionary processes in institutions, if anything it speeds evolution up (Blyth 2013: 204). While a single variation of an

⁷³ See chapter on sociobiology, pp. 49.

⁷⁴ Institutions do not possess power, authority, accountability or resources in themselves; but they can provide all these things to people.

institution may cause significant change in an institutional arrangement, if selected and retained, usually an accumulation of such changes leads to overall change (ibid.). This is why the categories of microevolution and macroevolution (Mayr 2005: pp. 231) are useful in this context (see Lustick 2013: pp. 190). At micro-level variations can occur, because individuals choose to change institutions, either by new design or by re-interpretation, and the change is deemed useful to be selected. A good example would be a bureaucrat who changes the rule of a procedure to include less of his colleagues therefore shortening the process and optimising it. The newly optimised process is selected for its apparent efficiency and is retained. That does not change the nature of the institutional arrangement, that is the bureaucracy, at all, but a certain constituting institution is changed. A good example for such an institutional change is the counting procedure in German parliamentary elections. In 1985, the procedure for the distribution of seats in the German parliament was changed from the D'Hondt to the Hare-Niemeyer⁷⁵ procedure. The procedure was adopted first, on suggestion of the mathematician Niemeyer, to estimate the allocation of committee seats in the Bundestag. Because it proved successful, it was also adopted for the general election in 1987.⁷⁶ Neither were there any exogenous pressures, nor did it change the electoral system as such. It was a variation on a micro-evolutionary scale. At the micro-level competition and ecological pressures play not an important role in the selection and retention of variations; rather than that selection of a variation for efficiency reasons are common. Nevertheless, microevolution plays an important role for the stability and change of institutions, institutional arrangements and even complete political systems. Institutions are replicated on the micro-level and the on-going replication of institutions is as well a source of stability as it is a source of change. Replication can be imperfect, due to mistakes made during the reproduction process, losses of information and so on, and lead to variation that accumulates and leads to change, as discussed earlier (Lewis and Steinmo 2012: 318, pp. 322; Lustick 2013: pp. 191). The microevolution analogy provides an excellent source for the explanation of endogenous change.

⁷⁵ For the technical details of the procedures see: <http://www.wahlrecht.de/verfahren/divisorverfahren.html> (retrieved 5 June 2014); Grofman and Lijphart 2003: 174-175 and Gallagher 1991.

⁷⁶ http://www.bundeswahlleiter.de/de/glossar/texte/Hare_Niemeyer.html (retrieved 7 August 2014)

At the macro-level change to a large extent is influenced by ecological factors and competition. Ecological factors can be natural as well as socio-political; the geographical and climate factors, on the one hand, certainly have influences on the evolution of institutions as they have influences on the evolution of organisms. On the other hand the concept of ecology can also be applied to political, economic and social contexts of institutions and these contexts have at least as much formative influence as geographical or climate factors (Lewis and Steinmo 2012: 336). Variations of institutions, which can change institutional arrangements, depend on their adaptability to their environmental context, be it socio-political or geographical and climate-dependent, for their retention and heritability. It has to be pointed out again that, while humans can consciously devise and select institutions and build institutional arrangements, they cannot ensure their survival. An institution might be thoughtfully constructed and selected for maximum efficiency, but might simply be unacceptable to the socio-political environment, i.e. the electorate. The institution then be abolished and die. Lewis and Steinmo provide an example for the importance of the suitable ecological niche by showing the success and failure of the same institutional arrangement in different environments: the Westminster-Model has been largely successful in the context of Great Britain, but failed in the context of post-colonial African countries, showing the influence of environmental factors on institutions (2007: 35). In this regard, the similarity between genes and institutions becomes apparent; the accumulation of genetic variation has to 'deliver' to the environmental 'needs' to be successfully retained. The Westminster example also shows the explanatory value of EI in contrast to more generalising and abstracting approaches, in which the success of the model in one country would lead to the believe that it has to work in others too. Ecological factors, like geography and climate, influence the survival of institutions and institutional arrangements on an obvious level. The formation of the first human kingdoms in Egypt, Sumer and the Indus-Valley city-states for example are closely related to their geographical location near great rivers with yearly floods and clearly defined harvesting seasons (see Flannery 1972; Trigger 2003: 395). Only these environmental factors made possible the creation of institutions governing taxation and storage of crops, employment of peasants outside harvesting seasons and so on. Likewise, climate can factors influence institutional survival. The Maya city-states of the classical

period could not retain their elaborated hierarchical kingship-based organisation after a cataclysm caused by droughts and the subsequent shortage of water for agriculture (Medina-Elizalde and Rohling 2012).⁷⁷ These are of course grand examples, but they show the connection between geographical and climate factors and the survival of institutions and institutional arrangements. More subtle, but no less important, are the influences of factors from the socio-political environment. These factors encompass not only the compositions and expectations of societies, but also the surrounding institutions of the political landscape as well as legal institutions. Obvious environmental influence on institutions and institutional arrangements are legal constraints, which are themselves institutions. A new institution might be devised and selected but cannot be retained because it is in conflict with a constitutional provision; the institution cannot survive. This happens quite regularly in the daily business of political decision making, as seen with the example of the court order to end mass storage of personal data by the German Constitutional Court in 2010.⁷⁸ Social and economic factors in institutional environments are often less obvious and more complex and evolve, too. The example of welfare institutions, researched by Steinmo (2010), shows that. While expanding welfare states were the norm in Western Europe from the 1950s to the 1980s changes in the social and economic environment from the early 1990s eroded most welfare states (ibid.). Especially the aftermath of the financial crisis, showing the influence of the economic environment, welfare was undermined in Southern European states (Hemerijck 2012). In addition, an environmental factor is the competition between institutions within political systems and between systems (Lewis and Steinmo 2007: 21; Blyth 2011: 305). Within systems institutions have to compete for resources, usually of financial nature but also of legitimating nature⁷⁹ (ibid.: 37), while systems compete for dominance over populations and geographical entities, also to acquire resources in the literal sense (ibid.: 21). Competition eliminates 'weaker' institutions that cannot acquire the necessary resources, either by broad appeal or by adaptation to an 'ecological niche'. Again the welfare institutions of Western European states are appropriate examples; the competition between

⁷⁷ The environmental hypothesis is debated; nevertheless recent evidence substantiates this hypothesis (Medina-Elizalde and Rohling 2012).

⁷⁸ <http://www.faz.net/aktuell/politik/inland/karlsruhe-stoppt-vorratsdatenspeicherung-merkel-warnt-vor-einem-vakuum-1957020.html>, accessed 12 August 2014.

⁷⁹ Popular approval, accordance to leading political agendas, etc.

free market institutions and social welfare institutions for financial resources led to the 'extinction' of some welfare institutions⁸⁰ in Germany or Great Britain (see Clasen 2007). Competition between political systems expresses itself often war and conflict, but also by the acquirement of resources through trade (Lewis and Steinmo 2007: 21; Blyth 2011: 305).

The analogy between genes and institutions, organisms and institutional arrangements works well. Genes vary, are selected and reproduce. Such variations can accumulate, leading to changes in organisms. The changed organism might exhibit traits that makes it more desirable for sexual selection and thusly breeds more offspring, reproducing the genetic variations; the new offspring, inheriting the advantageous trait, is in turn selected preferentially and builds a new population within a species, competing against other populations. That can lead to the emergence of new species, if the variations provide any advantage in the 'struggle for survival'. The new species might fit into an ecological niche where it can access resources more effectively than others can and thus survives. Like all species, it has to compete for these resources with other species with which it is sharing its environment.

Similarly, institutions vary, are selected and replicated. Variations of institutions may be more efficient or more adaptive and are thusly selected. Selected variations can accumulate and change an institutional arrangement. In some cases, where institutions and institutional arrangements are not bound to national legislation or geographical distinctiveness, changed institutional arrangements compete against others for resources and might be selected for overall efficiency, subsequently replacing the older arrangements.⁸¹ The accumulation of changes in institutional arrangements can even lead to changes of political systems, which also have to compete against other systems, the best example being the competition between capitalism and communism in the 20th century.

The main differences are that change in biological evolution happens on the scale of generations, for genetic variations, and geological ages, for population and species changes; while the change in EI happens on much smaller scales, like generations and sometimes even

⁸⁰ For example the dismantling and privatisation of the National Healthcare Service in Great Britain (Pollock 2006).

⁸¹ Such institutions or institutional arrangements can be state banks or labour laws

years. Otherwise, as soon as the variation is selected, both evolutions are erratic and unpredictable; if an institution succeeds to survive is as uncertain as the survival of a genetic variation. The insight that change and evolution are unpredictable, that shall not exclude the possibility to estimate probabilities of future developments, is what distinguishes EI from rational, method-driven approaches.

The analogy to genetic evolution also offers a multi-level approach. As already discussed, change can happen as microevolution, remaining at the level of variations of institutions themselves, but it can also happen as macroevolution, where the accumulation of variations becomes important and where environmental factors play a large role. Institutional arrangements and whole political systems are the scope of macro-evolutionary processes. Furthermore, these levels can be independently analysed, but the relevant processes remain interdependent. The evolution of institutions arrangements is always dependent on the evolution of institutions. Change starts at the micro-level by variations in institutions, which are replicated. Only the accumulation of these changes can change institutional arrangements and political systems.

While the scholars of EI repeatedly emphasise the conscious purposeful nature of the decisions leading to variations in institutions (see Lewis and Steinmo 2007: 35 and 2012: 335; Blyth 2011: 309; Lustick 2013: 200), I would argue that this is valid in a majority of cases, but not in all cases. Random mutations and selections can happen when institutions are translated from one context into another context, where language and interpretative issues cause variations as unintended consequences. The institutional variation is selected, but not intentionally as part of a conscious effort, but unintentionally as part of re-interpretation from a different context. An example could be the deviant translation of terminology of an institution and a distinct interpretation of the deviant terminology causing a significant variation that can be distinguished from the original institution. This argument is closely related to the ideas proposed in meme-theory (Dawkins 2006: pp. 189) on which I elaborated earlier. Although one could argue that the variation caused by translation issues is still selected consciously and intentionally, it can be debated if that is so, arguing that the intended selection was of the original institution not the variation. In any case, the cause of the

variation and selection can be treated as random, since neither the variation itself, nor its selection were intended to begin with.

2.6.2. Change: Human Preferences and Cognition

While the previous part introduced the notion of institutions as analogous to genes, this part introduces the influence of human preferences and cognition on institutions. Since the origins of human behaviour are ultimately biological in nature, research on them must be the continuation of sociobiological approaches in political science. Genes do matter, not only as an analogy, but also as part of the formative influence on human behaviour (see Lewis and Steinmo 2012: pp. 328). It must be clear that does not imply genetic determination and that socialisation and environmental influences do play a big role in building preferences (ibid.: 329); but with the advances in genetics and the neurosciences biological factors have to be taken seriously and must be considered, even in political science.

As Wilson (2000: pp. 547) and Richerson and Boyd (1999) pointed out, biological evolution and cultural evolution, and therefore also socio-political evolution are interconnected; cultural evolution is not imaginable without the biological evolution.

Only the development of certain brain-functions, caused by genetic variations, made the cataclysm that is the evolution from loosely associated tribal groups to the complex institutionalised societies possible. Political institutions rest therefore to some extent on the foundation built by genetic evolution and enhanced neurological functions. Research on these topics exists in political science, although more on the margins of the discipline. Hibbing for example provides a comprehensive overview over what neurobiology in political science is and is not and how neurobiology can influence politics (Hibbing 2013: pp. 475). Fowler and Dawes defend the investigation of genes associated with voting behaviour and the role of genopolitics in political science (2013: pp. 362). Such findings are of course highly debated and undergo heavy criticism (see Charney and English 2013: pp. 382), but they show the interest and importance of biological factors in political science.⁸² Again, the role of neurobiology and genetics does not imply any genetic determinism towards human

⁸² For the debates about neurobiology and genopolitics see *Perspectives on Politics*, Vol. 11, No. 2 2013, pp. 475 and *American Political Science Review*, Vol. 107, No. 2 2013, pp. 362.

preferences and human behaviour. It simply implies that preferences and behaviour is influenced by these factors and influence ultimately institutions and institutional arrangements. The cognitive biases, caused by genetic variations and preferences influenced by certain genes may lead to different replication of institutions on an individual level and completely different institutions on population levels.

Using endogenous factors, genetic predispositions and cognitive biases, and exogenous factors, ecological influences for example, EI has an advantage in explaining why preferences and human behaviour is in some cases incoherent, inconsistent and seemingly irrational (Lewis and Steinmo 2012: 330: 330). First of all preferences exist on different levels; individuals have preferences, populations have preferences and societies have preferences. These preferences can contradict each other or can be inline (ibid.). A multi-level approach is need here, too. In socio-political contexts, especially in connection with political institutions, the conflict between self-interested preference setting and social instinct guided preferences are sources of inconsistency (see Richerson and Boyd 1999). Lewis and Steinmo propose three sources of what they call agent variation: Genetic variation, which creates a distribution of dispositions towards certain preferences in populations; preference complexity that is the layers of sometimes conflicting and inconsistent preferences leading to incomprehensive, inconsistent and biased decisions; and repeated interaction of preferences with environmental factors and institutions, leading to varying preferences influenced by cultural, social and institutional backgrounds (Blyth 2011: pp. 306; Lewis and Steinmo 2012: pp. 330). Taken these sources of preferences serious is a renunciation of the old model of the rational actor as the *homo oeconomicus* and preferences setting by means-ends rationality.

The first source, genetic variation, is probably the most controversial aspect. While the influence of genes on human behaviour is an acknowledged field in psychology and biology (Plomin 1994), it is a marginal subject in political science. Nevertheless, over the past decade and a half neurologists, geneticists and political scientists have come together to research the possible influence of genes on political behaviour (Alford and Hibbing 2004 pp. 707; Hatemi 2010: pp. 798; Fowler 2013: pp. 362; Hibbing 2013: pp. 475). To allocate genes to certain human behaviour is something, which has yielded some results in the past, most

famously the detection of two genes that are made, at least in part, responsible for homosexuality (Hamer 1993; Vasey 2014).⁸³ In political science, such studies are mostly concerned with the identification of genes influencing political behaviour (Fowler and Dawes 2008: pp. 579; Deppe 2013: pp. 375). Their main aim is to identify genes influencing the preference setting towards a certain political ideology or party to predict variations in voting. The task to associate certain genotypes, or even genes, with a certain political behaviour (or social or criminal or financial) is a big one. While the genetic, the identification of a genotype, aspect is not the problem in this task, the association to political behaviour is. The research on genetic influences on political preferences suffers from two main problems: First, it has to rely on surveys, which report political behaviour, but these studies are often flawed. Surveys about voting behaviour, for example, are usually based on self-reporting which includes the problem of 'overreporting', the self-ascription as a voter by non-voters (see Bernstein 2001). The study results of Fowler and Dawes, for example, can be replicated, but if the model used is improved to correct for problems, like over-reporting, it fails to retain significance (Deppe 2013: pp. 375). Secondly, the research of genotype influence on political behaviour is in a very early stage; neither the political science side, nor the genetics side have the necessary experiences or the technological knowledge to identify genes and genotypes that are clearly influencing political preferences. As Deppe puts it:

“The solution to the complexity and inconsistency of CGA [Candidate Gene Analyses] results is more and better research. Given the embryonic stage of this research in political science it would be unwise to heed calls to abandon the effort before it gets underway.” (2013: p. 380).

Research about the influence of genes on political behaviour could yield great scientific results; it would enable political scientists to acknowledge the influence of our biology on our behaviour and therefore leads to a political science that abandons the idea of an all-valid general political theory. However, we have to keep in mind that even with the identification of genes that influence political preferences it would not be possible to explain political behaviour in its entirety. The Phenotype of an individual is not entirely determined by its

⁸³ Of course such discoveries are not uncontended (see Wickelgren 1999).

genes, but also by environmental factors; in case of political preferences these factors include socialisation, geographical context and much more.

The second source of agent variation is preference complexity. Preferences are set according to available information, reference frames and are specific to temporal circumstances. De Mesquita and McDermott describe this phenomenon of preference setting as the “imperative of the moment” (2004: 276). An answer about the top preference depends on who is asking, what is asked and when it is asked (ibid.). Preferences are set by individuals who believe they gain a maximum utility within the constraints of resources, the available information and the reference and time frame. Since this very constraint version of rational choice is dependent on the ‘needs of the moment’, the preference setting over time can be contradictory. Some preferences are seemingly clashing from an ex-post facto observer’s point of view, but may be highly rational within the mind-frame of the individual at the time. An employed individual may be against tax-based social welfare, because of higher taxes. The same individual may be in favour of tax-based social welfare when he is unemployed and relies on welfare. Each preference is in itself highly rational, but they contradict each other from the observer’s point of view. To complicate matters even further, individuals’ preferences may at times be irrational even within the frame of the ‘imperative of the moment. These individuals do not behave in way which would achieve them a positive cost-benefit result (ibid.: 277). At this point individual self-interest clashes with altruistic tendencies. In sociobiology altruism does not mean helping selflessly, but to give up the preference for personal utility in favour utility of the group or other individuals in the group in order to evoke reciprocal behaviour from the other individuals in other situations; this is called reciprocal altruism (Wilson 2000: pp. 551; Dawkins: pp. 201). An individual might set a preference that goes clearly against his own interest and can therefore be seen as inconsistent with the behaviour he exhibits normally (Lewis and Steinmo 2012: 330). Additionally, individual utility maximisation, even within the mentioned constraints, can clash with the preferences for the group’s utility maximisation. Richerson and Boyd describe that as tension between self-interest and loyalty to “tribal institutions” (1999: 8).⁸⁴ Because of this preference, complexity agents will not have a coherent, consistent and purely rational set of

⁸⁴ They even make distinctions between individual self-interest, kin self-interest and tribal interests.

preferences. Their preference sets will be influenced by their frames of references and the temporal contexts and will exhibit seemingly altruistic tendencies as well as clear self-interested utility maximisation (see Blyth 2011: 306).

The third source of agent variation is the repeated interaction of agent preferences with political institutions, institutional arrangements and environmental factors (Lewis and Steinmo 2012: pp. 330). Preferences do not only shape institutions, but they also get shaped by them. Political institutions and institutional arrangements put constraints on which preferences can be satisfied and which preferences cannot, either due lack of appropriate resources or due to conflicts between the preference itself and the constraint a legal institution produces. Likewise, the availability of a set of options provided by institutions can shape preferences; the availability of comprehensive health care through the state may influence preference setting towards public health care and against private health care. Individuals are socialised in institutionalised contexts. Education, both formal and parental, socialisation in peer groups and access to information channels all influence the preferences individuals set and deem worthy to satisfy (Lewis and Steinmo 2012: 331). The perpetual encounter of individuals with legal institutions plays another important role in preference formation. These institutions constrain preference setting in most individuals⁸⁵ to the extent that they would not satisfy their preferences by appropriating the possessions of others by either stealing or deceiving, harming their health or life or in other ways the legal institution interdicts. Additionally, environmental factors influence preferences as well. Differences in geography lead to differences in preference setting. Individuals and populations living in small, centralised villages would probably not set an intra-village public transportation system as a first preference; people in arid areas would not deem flood-prevention institutions as most important. Populations living in mountainous inaccessible areas would set preferences with priorities towards building and maintenance of all-weather-roads. Individuals from rural contexts will have different preferences than individuals from urban areas. In that sense preference-setting within environmental and institutional constraints is quite similar to adaption to ecological niches. As behaviour of the ancestors of Homo sapiens had to change to meet the requirements of living in a savannah instead of living in

⁸⁵ Not all of course; deviation from this norm is, however, treated as criminal behaviour for a reason.

woodlands (Wilson 2000: 566), human preferences have to meet the requirements of their immediate surroundings.

Agent variation shows the complexity of preferences and explains why they sometimes seem to be contradicting, inconsistent and even irrational. With this knowledge, one can expect that agent's preferences vary widely within political systems, populations, even local institutional arrangements (Blyth 2011: 306; Lewis and Steinmo 2012: 330). More importantly, this knowledge provides insights into the phenomenon of different outcomes within the same political system, even the same institutional arrangements. Since preferences are not only shaped by institutions, but shape institutions as well, the agent variation becomes a decisive explanatory value in investigating institutional variations over space and time. Agent variation is also instrumental in explaining differing outcomes from similar institutional arrangements. Not only is the institutional evolution influenced by variation, selection, imperfect replication and ecological factors⁸⁶, but it is shaped by the preferences of individual agents and populations. Again, the Westminster example by Lewis and Steinmo (2007: 35) is a good way to illustrate the conflict between institutional arrangements outside their ecological niche and the agent variation between the populations of Sub-Saharan Africa and Great Britain and even within the populations in Africa themselves. First of all preferences in the former British colonies were shaped by the institutional context of authoritarian colonial rule in the past and an pastoral-agrarian foundation of livelihood, in contrast to the already developed participatory and industrialised society in Great Britain. Secondly, only few elites had experiences with the higher echelons of the British administrative system and therefore to some extent an understanding of the inner workings of the Westminster system. Third, the 'imperative of the moment' for most people was economic development, not democratic participation in a largely unknown parliamentary system (see Munslow 1983). Not only did the Westminster system encounter an institutional environment⁸⁷ that was too different from its place of origin⁸⁸, it also

⁸⁶ As described in the analogy between genes and institutions.

⁸⁷ A non-industrialised society with institutional arrangements ranging from kinship organisation to large monarchical nations.

⁸⁸ See again the analogy part, pp. 59.

encountered agents and populations that had entirely different preferences from the context of the institutional evolution of the Westminster system.

The concept of agent variation and the analogy between genes and institutions are deeply interconnected. Agent preferences are a source of endogenous institutional variation and agent variation exogenous factors in institutional evolution.

2.6.3. Schemas and Ideas – The Replicators and Mutants of Institutional Evolution

With the knowledge of how institutions behave similar to genes and how preferences are shaped and that they vary, even within an agent, I now want to go into the detail of how institutions are exactly replicated and what of modes of variation there are. For that one should have defined terminology to work with; Lewis and Steinmo work with the terms schema⁸⁹ and idea to describe mental abstraction that construct institutions and are either unconsciously or consciously replicated (2012 pp. 333). This approach is partly congruent with meme-theory,⁹⁰ although Lewis and Steinmo do not explicitly mention that. Schemas are basically abstractions of institutions with an inter-subjective understanding (ibid.: 334). Because of the complexity of institutions and institutional arrangements they have to be reduced to a common, simplified mental 'picture' that is commonly understood by the individuals affected by the institutions. The internalisation of schemas leads to the acceptance of institutions and institutional arrangements too complex to attend to consciously. Legal institutions, again, are an example of schemas of institutions; laws describe certain behaviours as undesirable or destructive and therefore punishable. The law expresses the undesired behaviour and subsequent punishment in length, technical terminology and for several scenarios, but since most individuals do not have the legal understanding or the necessary time to consciously follow the legal institution they build a schema that tells them basically that some behaviour is wrong and will be punished. They internalise not to commit crimes. "[...] they are a coherent set of interrelated propositions that inform one's view of how the world works, one's goals, and the means of achieving

⁸⁹ The term can be replaced by routine. Routine is used more frequently in the literature, see Lempp 2007: 384; Scott 2008: pp. 30; Hodgson 2010: 703; I find the term schema more accurate and will continue to exclusively use that term.

⁹⁰ See part on sociobiology, pp. 49.

them.” (Lewis and Steinmo 2012: 334). Since individuals vary in cognitive abilities and therefore differ in their exact conception of the institutions, variations of schemas can occur. The replication of schemas from generation to generation and even from individual to individual is likely to be imperfect (ibid.). Additionally, environmental factors can influence the replication of schemas as well; changing contexts may very well change the mental abstraction of institutions. Consequently, the behaviour of individuals changes through their imperfect replication of a schema. The effect is that within a single population variations of behaviour can occur through imperfect replication. In meme-theoretical (Dawkins 2006 pp. 189; Blackmore 2010) terms that means the institutional meme is passed on with a varying conception of it, either less or more comprehensive, or with a different emphasis. Because of this regular imperfect replication, schemas are much less stable than genes are. The intra-generational, the individual-to-individual replication, also leads to a major difference between EI and biological evolution. Biological evolution can only work vertically, passing on variations from generation to generation; institutional evolution can work horizontally, passing on variations from one individual to another within the same generation (Lewis and Steinmo 2012: 334). Schemas are not institutions and the variation of a schema does not lead to the variation of an institution. But the accumulation of variations of schemas certainly influences institutions. The change in political behaviour from a variation of a schema can shape an institution if a critical mass of schema variations is reached. That becomes especially apparent when individuals are not only affected by institutions, but when they have to enforce institutions. If a bureaucrat replicates a variation of a schema of the institution he has to enforce, he will enforce the institution according to the varied schema. That can, in accumulation of such differing executions, lead to institutional change.

Ideas are a more direct source of change. Since humans are able to intentionally create new institutions, aimed at a particular goal, they can influence institutional evolution consciously and directly (ibid.). The concept of ideas as evolutionary drivers is a main difference between EI and biological evolution, since ideas can be selected consciously with the strategic purpose change an institution, adapt it to new challenges or upgrade it. They act basically as mutations in an institutional structure (ibid.: 335). The variations they cause are not the result of imperfect replication, but the result of conscious reflection about institutions and

abstraction of innovations of institutions, based on the inter-subjective understanding of the schema. They influence institutions from outside the institutional structure, analogous to radiation causing mutations in genes. Unlike schemas, ideas are not so dependent on the institutional context or on environmental factors. Their origin can very well be outside the defining institutional and environmental factors of the targeted institution.⁹¹ Genetic predispositions, however, can play a role, since ideas are always the result of human cognition and therefore subject to the genetic heritage of the agent who has the idea. It is important to remember that, while the idea-based variation is a conscious and strategic act, the further survival of that variation is dependent on its evolutionary fitness. Ideas might be compared to memes in meme-theory.⁹² Due to the problematic of an exact definition of a meme and the connected critical issues with identifying memes, I will keep these conceptual terms separate for the sake of argumentative clarity.

2.6.4. Stability of Institutions and Institutional Arrangements

The previous pages had a focus on how institutions and institutional arrangements can change, either endogenously or exogenously. The concepts of imperfect schema replication and mutating ideas, as well as of genetic-influenced and environmental factors in preference-setting demonstrate the ability of EI to explain change on a deeper and more comprehensive level than other institutionalist approaches can. But an approach explaining change must be able to explain stability as well, especially since political institutions are usually designed to provide stability. Unfortunately the important literature on EI, which is small already as it is, falls short of discussing stability. Based on the concept of allopatric speciation⁹³ (Mayr 2005: pp. 219), I would propose that political institutions and institutional arrangements remain stable when the 'institutional population' is large and variations are diluted by the sheer size of that 'institutional population'. Further, stability is also dependent on the environmental factors that allow an 'institutional population' to flourish. This means external, de-stabilising factors, such as war, economic breakdowns or ecological catastrophes, are absent. The problem is how to define stability in this context. While stability or stasis, as it is called in the

⁹¹ At the point of origin, they are of course subject to institutional and environmental influences.

⁹² See subchapter on meme-theory, pp. 54

⁹³ See chapter Darwinian Evolutionary Theory., p. 42.

punctuated equilibrium model⁹⁴ (Gould 2002: pp. 745), in biological evolution is measured in generations and geological ages, much shorter time-spans have to be used in the context of EI. In addition, it must be defined what exactly has to be stable: A single institution, an institutional arrangement or a political system? The second question can be answered easily: If one accepts the analogy between an institution and a gene and between a species and an institutional arrangement, then stability should be applied to institutional arrangements. Because of the rapid changes that are possible by interaction between human actors and institutional structure (Lewis and Steinmo 2012: 337), it is impossible to find a sufficient definition of stability at that level. At the level of institutional arrangements, stability can be sufficiently defined. Even with the susceptibility of institutions for variation, institutional arrangements can remain stable as a whole. The variations may affect aspects of the arrangement, but must not lead to significant change thereof. One can compare that to genetic variations in humans; while human populations can differ in the genetic composition, exhibiting distinguishing variations, like dark or fair skin, they all belong to the same species. Likewise, institutional arrangements can vary in certain aspects, but belong to the same 'institutional species'. Local administrations in a country, for example, can have certain features in one district but not in another, due to imperfect replication, but still belong to the species of local administrations. The stability of institutional arrangements can be defined as the retention of basic features of that arrangement over a period. The basic definition should include, for political institutional arrangements, the purpose, the level of implementation, the rules of execution⁹⁵, mode of composition and direction of accountability.

Considerably more complicated is the definition of the time frame in which one can describe an institutional arrangement as stable. The problem is that traditional definitions of stability, for example the equilibrium-based approach of RCI⁹⁶ and the approach of path dependency in HI⁹⁷, are not compatible with EI. The concept that institutions are stable, because they provide a utile cost-benefit balance or because they the cost of transaction are higher than the expected utility, does not work with institutions which are imperfectly replicated and

⁹⁴ See chapter 2.2.2., p. 42.

⁹⁵ A sufficient definition of core rules that cannot vary must be defined.

⁹⁶ See discussion in the sub-chapter on RCI.

⁹⁷ See discussion in the sub-chapter on HI.

where change can be endogenous and therefore independent from any actor-centred cost-benefit utility. In democracy-theory, a democracy is described as stable if during two consecutive regime-changes via free and fair elections the losing party surrenders power and recognises the victory of an opposing party. This definition works best if the regime endured the full term. For electoral institutional arrangements, such as presidential offices, governments, parliaments or local councils such a definition of stability could work. However, for other institutional arrangements, such as bureaucracies or law codes, this is impractical. Some bureaucracies or law codes, for example, are coupled to technological innovations and cannot survive certain technological changes. However, the inclusion of environmental factors in the explanation of institutional stability, this dilemma can be avoided. Technological innovation, for example, as a driver of change, can be seen as a de-stabilising environmental factor. The definition of a time period is probably the wrong approach to the problem. An institutional arrangement should rather be considered stable as long as the institutions are subject to fewer variations than consistent replications. In light of the proposal to identify stability, based on the concept of allopatric speciation, this working definition is the most suitable. The proposal of identifying stability is therefore congruent with the definition of stability: Institutional arrangements remain stable, if the consistent replication of institutions prevails over variation of institutions, in the absence of environmental influences that have a de-stabilising function. Of course, on-going research on EI might reach a better and more comprehensive definition in the future.

2.6.5. Methods of EI

There is regrettably little elaboration on conceptualisation of an appropriate methodology in EI, except for allusions to existing methods in social sciences and biology. Since EI is the application of DET in social sciences the methods of EI have to be, at least partially, drawn from DET-related disciplines as well (Lustick 2013: 207). The most relevant disciplines⁹⁸ in the context of EI are morphology, physiology and ecology.⁹⁹ Morphology can be used to identify institutions and institutional arrangements according to the features they have. An institutional arrangement can be identified by the rules it is composed of, the number and

⁹⁸ See sub-chapter on Darwinian Evolution

⁹⁹ The investigation of form, function and environment.

identity of individuals it is occupied by and the terminology it uses and is described by. A bureaucratic institution, for example, can be described by the laws and legal rules it is governed by, the number and level of training of the bureaucrats and its name and the terms it uses. Physiology identifies the function of institutions and institutional arrangements. For example, what does the bureaucratic institution do? To whom it is accountable and what the mode of constitution of that institution is. Ecology is used to research the interaction of the institution or institutional arrangement with its environment and with other institutions or institutional arrangements. The focus is to identify the position of an institutional arrangement in relation to others and in social, economic, legal and geographic terms. Further it with ecology it can be investigated how institutions interact with other institutions and with non-institutional factors that can be again social, economic, legal and geographic with the addition of climatic. That means that the description of a bureaucratic institution as a local administration through morphological and physiological features can only be complete if the local administration can be situated, both geographically and legally, and in relation to other bureaucratic institutions. While morphology and physiology serve as purely descriptive disciplines, ecology involves analytical elements, especially in terms of interaction between institutions or institutional arrangements and their environment and between each other. A good example of how the employment of these disciplines can work is given by Steinmo in his book *The Evolution of Modern States* (2010), where he provides a list of key features to describe the socio-economic situation of each case (pp. 23). By this he provides form and function of the cases and explores their evolution with the help of intervening environmental factors. An additional interesting and relevant discipline is the area of phylogenetics. Its original purpose is the investigation of evolutionary relationships between organisms, which means it describes how and how far different organisms, populations or species are related with each other and historically with their evolutionary ancestors. Translated into EI, phylogenetics can be used to research the historical and contemporary relationships of institutions and institutional arrangements with each other. The aim is to construct a phylogenetic tree or cladogram¹⁰⁰ of institutional arrangements. In fact phylogenetics, as well as morphology, is successfully translated into the field of linguistics.

¹⁰⁰ A cladogram is a diagram showing relations between organisms, or in this case institutions and institutional arrangements (Mayr 2005: 44).

Morphology describes the means of expression of languages and their change over time; phylogenetics is used to describe the relation between languages and to generate phylogenetic trees of linguistic evolution (Samuels 1975; see also Bowerman and Evans 2014).¹⁰¹

The previously mentioned disciplines are helpful to identify features of institutions and institutional arrangements and order relations amongst them; but they only work when put into a historical narrative. The historical narrative in EI works similarly to the historical narrative biologists use to describe the process of evolution (Blyth 2011: 303). To explain an outcome, e.g. a certain institutional arrangement, one has to analyse the historical genesis of that arrangement. With help of the previously mentioned disciplines of morphology, physiology, ecology and phylogenetics the EI scholar can identify and accurately describe the key features of institutional arrangements, their function and interaction with the environment and with other institutions and institutional arrangements, and the relationships between them. The narrative tells the story of how arrangements changed, what factors influenced that change and how that lead to the known outcome. In short, it is the reconstruction of the evolutionary history of an institutional arrangement (Mayr 1988: 139). Of course such a method fails falsification testing, often used in traditional political science,, you simply cannot test history and try to refute the results of a historical narrative . The aim of this method is to bring the reconstruction into congruence with the historical facts (ibid.; Blyth 2011: 303).

A well-conceived example for such a narrative is, again, Steinmo's work on three cases of capitalist democratic systems in *The Evolution of Modern States* (2010). He reconstructs the historical evolution of the institutional arrangements that make up these systems to identify what features and influences led to distinctive changes in each case and to the different outcomes from the cases when each system had to face similar challenges.

¹⁰¹ Although I earlier argued for taking genetic influence on human behaviour serious, in line with the relevant literature, the discipline of genetics is not yet applicable in the context of EI. The limitations of contemporary research in genetics and political science on the actual influence of genes on human political behaviour make it currently impossible to use genetics successfully in EI (Deppe 2013: pp. 375).

2.6.6. Concluding Remarks

The previous discussion of EI has shown the value of this approach in explaining change and outcomes of change. EI is certainly not the re-invention of the wheel, but it is an exciting new approach in the research on institutions in political science. It aims at providing consistent and comprehensive explanations of institutional change, case-specific outcomes that were previously dismissed as exotic anomalies and the role of ideas and human behaviour in the institutional evolution. It is a comprehensive framework, which unifies factors that otherwise would not be considered in different theoretical approaches. In that sense, it is anti-eclectic. That is the value-added to political science. Scholars of EI do not deny the merits of other institutionalisms, such as the concept of rationality in RCI, the agency-structure interconnection in SI or the investigation of critical junctures in HI¹⁰². The critique is simply that the frameworks around these concepts are incomplete and unsatisfying. EI simply brings those valuable concepts and ideas together into the comprehensive framework of DET. Based on the generally accepted Theory of Evolution, EI utilises reliable concepts and analogies to investigate how institutions and institutional arrangements can change and what the source of change is. It includes nature and nurture. It takes into account that change can happen endogenously as well as exogenously. It does not copy the biological concepts blindly, however, but takes limitations of translation from biology into political science seriously. EI scholars, like Lewis and Steinmo or Lustick, are very aware that conscious human actors can develop aimed strategies when designing institutions, while biological evolution is a completely 'blind', that means aimless, process. Where biological concepts are not useful, EI provides its own concepts, which are based on the original biological concepts, but also take into account other disciplines, like extended rational choice or prospect theory and psychology. Nevertheless, EI does not only develop concepts analogous to the biological concepts of DET, but scholars of EI are also aware of direct biological and ecological influences on institutions and institutional arrangements. The influence of genes on human behaviour and preference setting is taken as serious as the influence of geography and climate on institutional designs. These factors have the same relevance in EI as socio-economic and political factors have.

¹⁰² Of all institutionalisms, HI is the closest related approach to EI.

EI has therefor three conceptual components: biology, ecology and analogy.

The biological component includes the genetic as well as the neurological influence on human political behaviour. Political behaviour is of course influenced by the genotype, the genetic setup unique to every individual. Genes play a role in how a human being develops, what ailments he might have or get, they influence the intellectual development and therefore have influence on preference setting and behaviour. The genotype, however, does not determine human development and behaviour. It is one of many influences and the exact effects of genes are not known. The discipline has some preliminary ideas on what genes may affect which behaviour, although methodological problems as well as lack of research are the reasons why the role of the genotype in preference setting and its effect on institutionalisation can currently not be investigated thoroughly. The same goes for neurological effects on political behaviour. While researchers do know that brain development plays a role, and are even able to illustrate decision-making processes via magnetic resonance imaging, they do not the exact connections between genetic programming of and environmental influences on brain development. At the moment scholars of EI have to be content with the knowledge that genes and brain development do have to some extent an influence on human political behaviour, preference setting and consequently on institutions and institutional arrangements. The exact extent of that influence and the exact functionality must be researched.

The ecological component is the interaction of institutions and institutional arrangements with their environment. That includes interaction with the natural environment, e.g. geography and climate, and interaction with the socio-economic and political environment, e.g. the society, the economy and other political institutions. Institutions and institutional arrangements do not evolve in a vacuum. They are embedded within complex systems composed from social behavioural rules, economic 'necessities' and other political institutions, which together have formative and changing influences. Institutions and institutional arrangements also have to compete for resources from this environment, may it be in the form of financial means or social acceptance. Political institutions and arrangements must meet the requirements of superior legal or political institutions. They also need the acceptance of their social context, which means they need to meet societal

demands and they must be set up in way that is not contrary to the social rules. They also must have a purpose in line, or at least not contrary to, the general needs of the political systems, regardless if they actually effectively fulfil that purpose. The natural environment affects institutions and institutional arrangements as well. Geography plays a role in the selection of appropriate institutions and arrangements. The necessity of being adapted to their geographical surroundings is valid for living organisms as it is for institutions and arrangements. An institutional arrangement can only have chance of survival if it does not exhibit features contrary to the necessities and needs of the contextual geographical landscape. The geographical environment has also formative influence on institutions and arrangements because it provides space and resources, like flat, fertile lands leading to agrarian societies based on harvest surplus-oriented institutions. Climate does influence institutions and institutional arrangements as well, by providing advantages and posing challenges to them. These influences are for example the need for water management in arid areas, the challenges to public health institutions in warm, disease-ridden areas or temperature conservation in cold areas. Geography and climate are of course strongly interlinked, one influencing the other and vice versa.

The analogy component shows, to a limited extent, how institutions work like genes and institutional arrangements like organisms or species. Institutions, analogous to genes, vary over time, are selected and are retained through reproduction. Variation occurs either by accumulation of imperfect replications and by 'mutated understanding' of an institution or by conscious action from within the institutional structure. Variation also occurs through external pressures from the natural or socio-economic environment. The difference between biological evolution and EI is that variations are not only unconscious events, such as the imperfect replication of schemas, which are abstraction or heuristics of complex institutions, but also consciously by the influx of ideas actors have. Actors can actively cause institutional mutations and (re-)design institutional arrangements, through ideas that are not part of 'genetic' structure. If variations are consciously identified as advantageous, they are selected. While this process is deviating from the biological process of selection, the mode of selection does not imply success. The selected variations will not automatically survive. The forces of ecological influences bring in a situation of unpredictability. If the selected variation meets

the challenges of its environment, if the institution is replicated, then the variation will be retained. The analogy component provides two sources of change; endogenous change through variation by imperfect replication, and exogenous change through variation caused by ecological pressures, natural or artificial. I would situate ideas as exogenous factors as well since they cause mutations in institutions. But ideas originate within a certain setting, which is defined by the genetic heritage of the actor, his cognitive powers, his natural and socio-economic environment and his institutional context. That is another aspect of EI; agency and structure are interconnected and mutually influencing. The agent or actor is always a particular phenotype, the sum of his genes, socialisation and natural and economic environment and institutional context. Moreover, the structure, to an extent the natural, the socio-economic and political environment is influenced by the agency of humans.

To conclude, the desired contribution inherent in EI is a comprehensive and consistent framework based on DET, a generally accepted foundation in the research community. It takes genetic heritage and natural environment as serious as conscious and socially constructed decision-making. Through the combination of the three components, it is possible to explain change through endogenous factors and through exogenous factors, something that is not possible in the same comprehensive way in other institutionalism approaches. EI also does not differentiate between agency and structure as completely independent foci of research, but provides a conceptualisation of interconnection between agency and structure. EI does not provide a new theory with completely innovative axioms and it does not negate the merits of other institutionalisms. EI brings valuable concepts of RCI, HI and SI into a research framework, where they can be combined without being in conflict their underlying theoretical frameworks. The conceptualisation of the EI approach in political science has been going on for only less than a decade and EI still exists on the fringes of the political science. The limitations of genetics and the neurosciences concerning human political behaviour are also limitations to EI as such. In addition, the exact processes of institutional variation, selection, retention and replication are not researched thoroughly enough. EI needs application to a wide range of case studies and this development has only begun. This work on Panchayati Raj between 1947 and 1992 shall be part of this research. EI

is not only my approach to explain the evolution of Panchayati Raj, but Panchayati Raj is also the case that I use to demonstrate the explanatory power of EI.

3. Methodology

The methods of this thesis will be based on the subchapter *Methods of EI*.¹⁰³ Based on the methods I will develop and explain in this chapter, I will provide an evolutionary narrative that will generate a genealogy of Panchayati Raj. An evolutionary narrative is simply the presentation of institutional evolution in the context of their ecological systems.

For the analysis of institutional change, I will evaluate the original texts of State acts. The institutions presented in these Acts can be considered as the genetic code of each act and therefore the genetic code of each Panchayat system or species. Each institution is a rule that governs the constitution and execution of an act. Institutions are therefore the rules that determine form and function of a Panchayat species.

To accommodate this fact I will conduct my evaluation in two categories: the morphological¹⁰⁴ category, and the physiological¹⁰⁵ category. That means I will describe the morphology of each State act and I will describe the physiology of each State act. I will do this by identifying the relevant institutions which either determine aspects of form or aspects of function. Morphological institutions can be, for example, institutions that specify the mode of election to an institutional arrangement or institutions that determine its composition; such institutions can also number of institutional arrangements and their vertical allocation in a system. Physiological institutions describe which duties and tasks can be executed by a Panchayat and which institutional arrangement is responsible for the discharge of which functions.

By the evaluation of morphology, I can provide a taxonomic¹⁰⁶ classification of Panchayat systems into different species. While this method allows for a highly differentiated classification, I will simply use the identification of morphological institutions that determine

¹⁰³ Chapter 2.6.5., pp. 76.

¹⁰⁴ Morphology is the study of form.

¹⁰⁵ Physiology is the study of function.

¹⁰⁶ Taxonomy is the art of classification into species.

the number of institutional arrangements and their vertical allocation within the system to classify into species. An act that only provides for an institutional arrangement at the village level, for example, can be classified as a single-tier species. The same goes for two or three tiers of institutional arrangements.

By comparing variations of institutions over time that is by evaluating the successive State legislations on Panchayati Raj, I can trace the evolution in a certain period, in the case of this thesis the period between independence in 1947 and unification of legislation via constitutional amendment in 1992. I can therefore make statements about the evolution of presented cases, which describe the changes from one species to another or the changes within a species.

Furthermore, I can make phylogenetic¹⁰⁷ statements about the different evolutionary stages of Panchayat systems and the relation between contemporary species.

To identify factors leading to institutional change, I relate the changes to the relevant ecological systems. An ecological system is the composition of environmental factors that can influence institutional change by demanding adaptive behaviour to them. Such environmental factors can be from the political system, the geographical surrounding, for example terrain or geographic distances or the socio-economic and demographic environments, like poverty or size of population. Such factors can also be ideas¹⁰⁸, which can cause mutations to Panchayat systems. Such ideas can be government committee reports on the issue or constitutional amendment bills. Like in any biological evolution, it is usually a combination of factors that lead to genetic or institutional variation and speciation.¹⁰⁹ While I will relate the different evolutionary paths of Panchayat species to their immediate ecological systems, the centre of attention in this thesis will be the evaluation of government committee reports. These ideas, conscious and strategic recommendations, conceptualise Panchayati Raj as it should be and recommend institutional variations to adapt the existing species to the conceptualisations. These ideas can have mutating impact on Panchayat species, when their proposed institutions become part of the 'genetic code' of a Panchayat

¹⁰⁷ Phylogenetics is the study of relationship between organisms and species.

¹⁰⁸ Chapter 2.6.3., pp. 72.

¹⁰⁹ Speciation is the evolutionary process of species generation.

system. Such an evolutionary process is of course unique to political and social institutions and does not exist in natural biological evolution.¹¹⁰ Tracing the main government committee reports on Panchayati Raj and analysing their recommendations I will be able to compare the evolution of Panchayati Raj conceptualisation over time. I will also be able to compare the recommended institutional changes in the reports with institutional variations in contemporary State acts. I can therefore assess the impact of ideas on institutional change. Implicitly I can show the process of variation, selection and retention in the evolution of Panchayati Raj by assessing the impact of government reports. The proposed institution is the variation, in this case, mutation, the inclusion into State legislation is the selection of an institutional variation and the persistent existence in State legislation is the retention of an institution.

The above-mentioned methods, although based on successful application of their biology variant in biological evolutionary research, are understudied in the context of political science. The application of these methods shall serve the purpose of creating the foundations to develop a methodological model that helps the application of Evolutionary Institutionalism in political science.

From the foundation of the previously described methodological considerations, I will develop a method apt to the task of analysing institutional evolution.

3.1. The Parameters

My method revolves around three parameters:

Morphology is the identification of institutions that define the form of an arrangement, in the case of this thesis the Panchayati Raj institutional arrangements. Morphological institutions define the composition of councils and committees, the number of tiers, the formalities of elections and the appointment of officers.

¹¹⁰ Artificial genetic manipulation, although in its early stages in today's biological sciences, is possible and could potentially influence evolutionary processes.

Physiology is the identification of institutions that define the functions of an arrangement. They determine the duties and privileges of councils and officers and the functional relationship between them and other institutional arrangements.

Ecology includes all factors that are not part of the institutional arrangement. Under ecology, various factors can be subsumed. These factors are in case of political institutions: the political system at the national and the State level, including political leaders, the economic and social situations in nation and State, geo-physical factors, especially the terrain, and ideas, developed, for example, by enquete-commissions.

Ideas constitute a special sub-parameter; unlike other ecological factors, like geo-physical factors, ideas are strategic propositions and choices aiming to introduce institutional changes into the arrangement. Ideas can therefore be considered as mutations within an institutional arrangement, if they are introduced. Unlike variations that occur in the daily business of politics, for example adjustments to the exact formality of resignation of council members, mutations change the morphology or physiology of an institutional arrangement substantially, such as the composition of a council.

These first two parameters are operationalized by categorisation of institutions¹¹¹, usually from the texts of legislations, into either morphological or physiological. Tracing variations of these thusly-categorised institutions over time provides the genealogy of an institutional arrangement. Variations can be identified by the comparison of institutions in consecutive legislations. Variations that constitute adjustments of institutions, like the adjustment of rules regarding the resignation of officers, as mentioned above, or certain minor electoral regulations, may occur over time. They are part of the daily business of and remain usually within the bureaucratic sphere. Since these variations occur independently from exogenous factors within the routine processes of bureaucracy, they can be considered as endogenous.¹¹²

¹¹¹ As already discussed, the definition of an institution in this thesis is that it is a rule that defines or determines an aspect of a formal political organisation. A formal political organisation can hence be described as an institutional arrangement.

¹¹² See chapter 2.6.3., pp. 76

The third parameter is operationalized by setting the identified variations into relation with the contemporary ecology. Such a relation can be an institution defining the task to improve lines of communication corresponding to a difficult terrain in the sphere of action of such an institution. In case of ideas, the relation between the proposed institutional variation, for example in a government report, and the introduced variation in the legally operant act must be considered. From the operationalization of the these three parameters one can identify the morphology and physiology of an institutional arrangement at a given time, the variations over time, and ecological factors, especially ideas, that influenced the variation.

Table 1: Indicators of Parameters (In Case of Local Governments)

| | Parameters | | |
|------------|---|--|---|
| | Morphology | Physiology | Ecological Factors/ Ideas |
| Indicators | -Constitution of council -Composition of membership -Nr. of tiers -Appointment of officers -Establishment of committees | -Public duties -Administrative tasks -Relationship with other institutional arrangements | -Geo-physical environment/ terrain -Strategic choices by political leaders -political and economic system -Social situation -Ideas by enquete-commissions |

If over time, one can identify the triad of variation/ mutation, selection¹¹³ and retention, than one can speak of an evolutionary process in the Darwinian sense.

Table 2: Methodological Key

| Parameters | Morphology | Physiology | Ecological Factors/ Ideas |
|----------------------|---|---|--|
| Operationalization ↓ | Identification of relevant institutions | Identification of relevant institutions | Identification of relevant factors and ideas |
| | Identification of variations | Identification of variations | |
| | Comparison between varied institutions and preceding institutions | | |
| Endogenous change if | Variations within the bureaucratic routine | | |
| Exogenous change if | Relation-setting between variation and ecological factors and ideas | | |

¹¹³ Selection is always implicitly identified by the identification of a variation in a legal act. In the case of mutations by ideas, the process of selection becomes clear: A government committee proposes an institutional variation, a legislative assembly considers and selects that variation and a legal act introduces that variation.

Figure 1: The Institutional Arrangement within its Ecological Niche

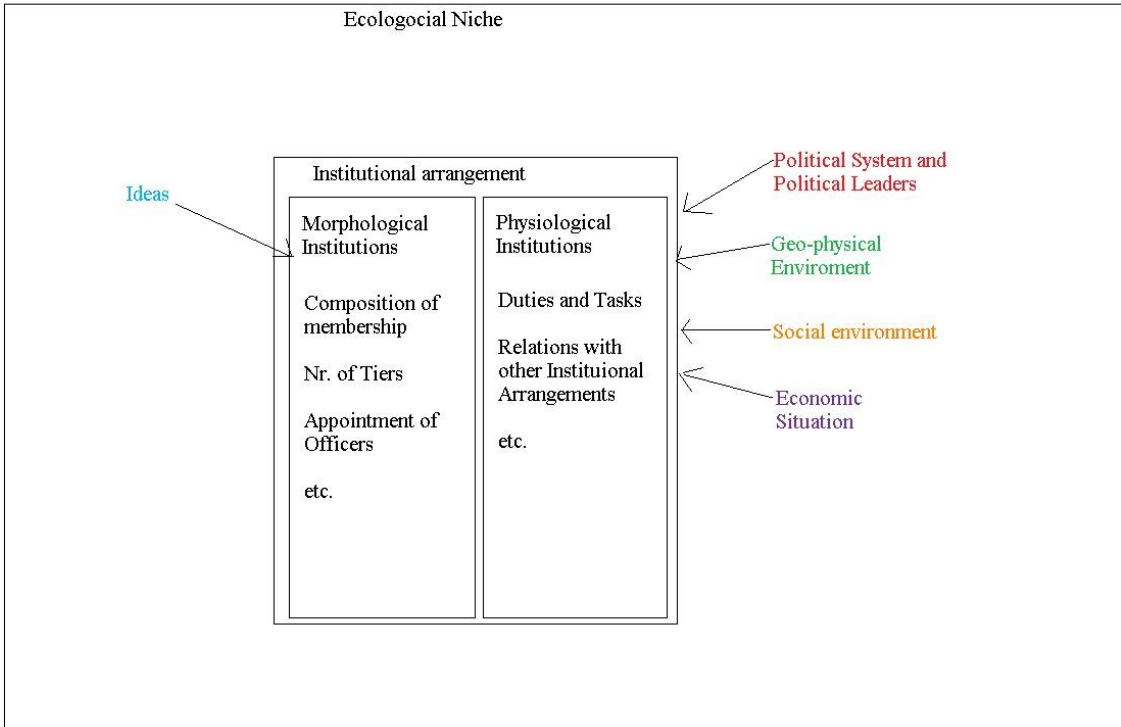
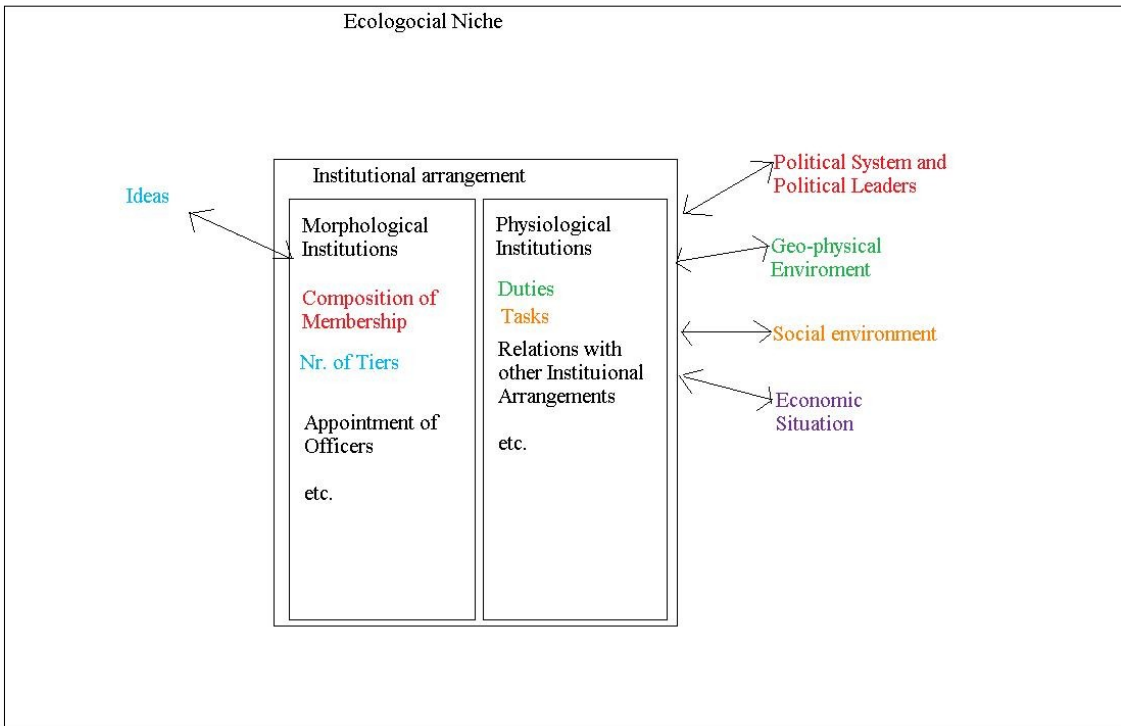


Figure 2: The Institutional Arrangement Responding to Ecological factors by Institutional Variation



3.2. Application and Selection of Cases

I want to apply my method to the evolution of Panchayati Raj by analysing the development of legislations in four different States between 1947 and 1992. This is not a comparative effort. The aim is not to compare these four States, for example in quality of their legislations, but to test the method on cases that exhibit different characteristics.

I will describe the Panchayat acts from four different States, which represent four different environments: Uttar Pradesh¹¹⁴, the most populous State in India and in terms of language and population in a central location. Assam, which lies geographically at the fringe of the Indian Union having a geographically challenging environment. Madhya Bharat, respectively Madhya Pradesh from 1956, having a unique institutional legacy from originally uniting various semi-independent Princely-states and having a significant population of Scheduled Tribes.¹¹⁵ West Bengal, a State with delayed legislation in the post-independence era and a most deviating law between 1963 and 1973.¹¹⁶ I did not choose these four examples for comparative or representational reasons. I chose these cases because they represent the most different initial legislations.¹¹⁷

I will do this in terms of the morphology and the physiology of the Panchayat acts of these States. For this purpose, I will identify the institutions¹¹⁸ that constitute the form of a Panchayat system and the institutions constituting the functions of that system. Furthermore, I will describe and comment on the ecological factors and ideas that influenced the evolution of the Panchayat systems; such factors and ideas can be official reports recommending major changes in form and function. They can be the geography in, or of, a State; of course persons in strategic positions, like the Prime Minister, can be influences too, as well as the political system, for example in the case of a one party dominance. The individual chapters will be mostly descriptive with analytical comments on especially

¹¹⁴ Until 1950 called the United Provinces.

¹¹⁵ Often called Adivasis; groups usually living in tribal societies and often described as the descendants of the aboriginal population of the Indian sub-continent.

¹¹⁶ Although the actual implementation of the 1973 act came only in 1978.

¹¹⁷ That is also the reason why no South Indian State is represented in this thesis.

¹¹⁸ For the discussion of the analogy between genes and institutions see chapter 2.6.1., pp. 59, for a definition of institutions see also p. 59.

important parts and short conclusions at the end of each chapter. A comprehensive analysis follows in the concluding chapter.

To roughly use biological evolution terminology: I will describe the organism 'Panchayat system' and the form and function of its organs¹¹⁹, as well as the number of organs¹²⁰, and will take note of changes that happen these organs. Like a palaeontologist reconstructing the evolutionary history of a species from a puzzle of fossils, analysing the changes of form and function of its organs, I will reconstruct the evolution Panchayat systems from the puzzle of Panchayat acts. Unlike the palaeontologist, I have the advantage of having access to the 'gene-code', the institutional arrangements of the Panchayat systems, the institutions, and can trace changes of genes over time. By following these changes, I will re-construct the relation between the organisms over time.

The descriptive part will follow the triad of genetic evolution: variation, selection and retention. Variations are identified as institutions that vary in comparison to the institutions of the preceding period. They are categories as either morphologically or physiologically relevant variations. The selection of variations is due to their appearance in the relevant acts. Retention of selected variations is also due to their appearance, or disappearance, in the relevant acts. If an institution is selected in a certain act, but disappears in the succeeding act, then it is not retained. Selection is, in the realm of political evolution, a conscious process. The variations from which selection might happen are, in the case of Panchayat systems presented by official reports or government bills presented to legislative assemblies. For the descriptive part, it is of minor consequence only for what reasons a variation was selected, but only that it was selected. The factors leading to the selection of certain variations will be discussed in the concluding chapter

The following chapters will be largely describing the institutions and institutional arrangements of the Panchayat systems. The impact of on the ground will not be discussed, since it has no consequence for the acts themselves. Unlike species in biological evolution, political organisms remain, in a legal sense, alive, even if not working properly. A political

¹¹⁹ An organ can be the executive village council.

¹²⁰ Tiers of the Panchayat system.

organism is alive, even if irrelevant, until it is abolished. However, if persons in a strategic position want to reform the acts, because they perceive need of reform. Or if active resistance against the implementation of the act questions the act itself and therefore provides a negative feedback to the persons in strategic positions, politicians in government for example, forcing them to consider reform, then the impact on the ground has consequences. Here the element of conscious choice, that is strategically aimed choice, and abstract thinking come into the equation, elements that are absent in biological evolution. Nevertheless, the influence of persons in strategic positions is incorporated already as part of the environment of a political organism.¹²¹ Proper analyses of possible variations, factors for selection and ecological and ideational influences are discussed in the concluding chapter.

3.3. Sources

The most important sources for my research are the individual State acts and committee reports in their original text, which means from a government-edited source. For this purpose, I identified primary sources edited by government agencies, like composition of Panchayat acts published by the Ministry of Food and Agriculture, individual State acts published in local acts law compilations and facsimiles of government committee reports from the commissioning government agencies.¹²² To accentuate and complement I use secondary sources, where it is opportune. Where no primary sources are available, I try to deduce morphology and physiology from different secondary sources. In such cases the argumentative power of the relevant section that has to be based on secondary sources has to be considered has limited. Since indigenous names of institutional arrangements are often transliterated from their original writing system into the Latin alphabet, the spelling varies. I will exclusively use the spelling of the documents at hand.

¹²¹ See chapter 2.6.1., pp. 59.

¹²² See relevant section in the references.

4. The Evolution of Panchayati Raj between 1947 and 1992

The evolution of Panchayati Raj in India did not start in 1947 nor did it end in 1992. These dates are, however, very significant in the history of Panchayati Raj. In 1947 India became independent and local governments were no longer part of the British colonial system. In some cases new acts on local government passed in the three years between independence from the United Kingdom and the enforcement of the constitution of the Indian Republic in 1950; in other cases pre-existing legislation prevailed for some time. Although, the argument that Panchayati Raj as an Indian state endeavour began with the constitution in 1950 suggests itself, the establishment of several new acts after 1947 and the discussions in the Constituent Assembly about it in 1948 are important factors that should be included in any historical account. The year 1992 is without doubt a big cut in the evolution of Panchayati Raj. The ratification of the 73rd Amendment Act, establishing a centrally sanctioned and defined Panchayati Raj System, marks the end of the era of institutional mosaic of panchayats and starts an era of relatively coherent institutions with clearly defined aims and means. The years between 1989 and 1992 are also significant for India's general political and economic history, including the political instability from 1989 to 1991, the assassination of Rajiv Gandhi and the consolidation of liberalisation of the Indian economy.

In the time between India's independence and the reforms of 1992, Panchayati Raj was not a coherent federal system, but a mosaic of differing legislations and various institutional arrangements in the States. During that time the institutions, the institutional relations and the political interest in the idea of local government changed several times. There is no straight line from 1947 to 1992, rather there are several lines and ramifications, some simply disappearing over time and some incorporated into the institutional design of the 73rd Amendment. The genealogy of Panchayati Raj is therefore not a straight evolution starting with Article 40 of the Indian Constitution, the article that called for the establishment of local governments, and culminating in the Panchayati Raj System following the 1992 reforms. It is an evolution with several trajectories, some surviving and converging into to the 73rd Amendment Act and others simply dying out or leading into dead alleys. Nevertheless, specific phases of the evolution of Panchayati Raj can be identified. Within these phases, the panchayats underwent certain developments that were related to the political system of that

phase, their socio-economic background and their institutional past. These phases can be identified by key features of the political system and the social and economic circumstances and the legal and organisational features of Panchayati Raj itself. The evolution can be divided into four phases; each period is characterised by a significant event at the beginning and at the end. Each one will be described in its own chapter: the first period 1947 to 1958, starts with the independence of India and ends with the publication of the B.R. Mehta Committee Report; the second period 1958 to 1964, starts with the B.R. Mehta Committee Report and ends with the death of J. Nehru. The third period 1964 to 1977 starts post Nehru's death and ends with the end of the Emergency under Indira Gandhi; and finally the fourth period 1977 to 1992 starts with the publication of the Asoka Mehta Committee Report and ends with the passing of the 73rd Amendment Act. These periods concern Panchayati Raj in its general evolution on the central level. Some developments may deviate on State levels, but these deviations will be indicated and elaborated on individually.

This part of the thesis will describe the evolution of Panchayati Raj through the four periods and will, using the framework of Evolutionary Institutionalism, try to explain how Panchayati Raj institutions and arrangements changed during the individual periods. First, however, I will give an account of the general historical developments of the political, social and economic system of India.

This is crucial to have a familiarity with the nation of India as the ecological environment. The events of general history in this account characterise the evolution of the Indian political system as a whole and are necessary to understand the wider context of each period's events and developments.

This account will include the years from India's independence in 1947 to the year 1992 when the 73rd Amendment to the constitution was ratified. It will not be a complete and detailed account; that would exceed the limits of this thesis. Nevertheless, it will be an overview over the major and significant events during that era. Then an overview over the four periods will be given, providing the key features of the political and socio-economic system during each phase, as well as the key features of the legal and organisational features of the Panchayati Raj institutions during the phase. Since these institutional features differ not only over time,

but also over space within the same framework, i.e. from State to State, each overview will show the key features of central provisions and provisions that States have in common and key features that differ significantly between States. The central focus of this part of the thesis will be the account and analyses of each phase in detail. From contemporary legal and organisational sources as well as from contemporary research, I will trace the evolution of Panchayati Raj institutions at the central level and of institutions and arrangements on the State level. With consideration of the ecology of the Indian national system and the State systems, I will try to explain the institutional changes in Panchayati Raj that happen during each phase and try to integrate these changes into the political and socio-economic environment of that phase.

4.1. India between 1947 and 1992

After decades of struggle with the British hegemon, India gained independence from colonial rule on August 15 1947. While being independent of British authority, India remained nominally a dominion of the Crown until 1950. During these years the defining events in which the decisions about the direction the nation should develop happened. The leadership under the newly appointed Prime Minister Jawaharlal Nehru had to deal with several problems: the traumatic experience of the partition that divided British India (excl. Burma) into the nations of India and Pakistan; the colonial legacy of a disunited territory with hundreds of nominally independent princely states that had to be integrated into the new nation; territories on the sub-continent that belonged to other European powers, such as Portuguese Goa or French Pondicherry. The political elite had to negotiate a constitution and consequently a direction in which India should go; negotiations that included extremely different positions ranging from social revolutionary ideas by M.K. Gandhi, religious-nationalist visions based on the writings of V.D. Savarkar, social-justice ideologies promoted by B.R. Ambedkar to the more pragmatic left-liberal agenda of Nehru's camp. Additionally, India faced huge economic and social challenges at that time. The colonial legacy was an economy that was largely based on rather inefficient agriculture and had only few industrial centres around metropolises like Bombay or Calcutta. Most finished and half-finished goods, industrial products, had to be imported. Socially, India was divided into a large, agrarian based, caste-organised rural population and comparatively small western-educated and

politically influential elite. An additional problem was the necessary 'Indianisation' of the administrative services and the armed services. This time is marked by violence: intra-communal riots between Hindus and Muslim following the partition, two armed conflicts, and the first war over Kashmir between Pakistan and India and Operation Polo, the annexation of the State of Hyderabad, and the assassination of M.K. Gandhi by religious extremists. But is also marked by huge political efforts, such as the successful draft of a constitution, the peaceful integration of hundreds of princely states, the integration of a wide range of political forces, including former members of the Indian National Army which fought against British India during World War II and the peaceful transition of a loyal colonial military and administration into a loyal independent Indian military and administration.

When India became an independent state in 1947 it had several advantages that later post-colonial states did not have: a degree of self-administration in the provinces, a well-educated and politically active elite, a history of political party activity, with the broad-based Indian National Congress (INC) at the top and functioning administration that included Indians in many positions. India did not have to start from scratch in building a nation-state. India's independence was more an administrative deed than a glorious revolutionary event (Kulke and Rothermund 2006: 391). The INC, virtually the state-party of India, and the orderly transition, at least within in newly independent India itself, were assets. The INC was arguably the representative of the broad majority of Indians and could oversee the transition with the experience it had as a governing party in the provinces and the credibility it had as the main independence movement during later colonial times. Its authenticity could reconcile the loyal civil servant with the seasoned freedom fighter and the moderate with the rebel. The orderly transition of power from the British to the Indians helped to retain a functioning administration, the Indian Civil Service (ICS) that became the Indian Administrative Service (IAS), experienced and loyal armed forces and an institutional framework that included laws, regulations and with the Government of India Act 1935 a working proto-constitution. Especially the IAS, the former ICS, transitioned from the 'steel frame of the Empire' to the 'steel frame of India' and consequently guaranteed the institutional integrity and the continued working of the state (see *ibid.*: 392). Two persons were crucial to this successful transition: Jawaharlal Nehru, first Prime Minister of India and

Vallabhaibhai Patel, first deputy Prime Minister and then minister for home affairs. Both linked pragmatism with political vision, both were credible as independence leaders, but did not belong to the radical wings of the movement; both had a western legal education and were influenced by western political ideologies, but retained links to traditional elites in India. Nehru was the liberal-socialist visionary who saw the necessity of modernisation and global emancipation for India; Patel was the conservative representative of traditional elites, such as the rich land-owning peasant community, and a skilled politician of home affairs who was able to integrate the civil servants from the former colonial administration (ibid.). The rivalry and cooperation between those two dominated the early years of independent India and was a stabilising factor in the central government, with Nehru abandoning his constitution plans on Patel's insistency (ibid.: 393). Although it had the advantageous situation of having skilled politicians, working institutions and institutional arrangements and a dominating political party whose hegemony was generally accepted, independent India faced big challenges from the first day; just a day before India was released from British rule on August 15, the state of Pakistan was parted from British India and became independent. The new nation was founded on the two-nation theory¹²³ as a homeland for South Asia's Muslim population. Tensions had already grown in the previous years and had made the partition, and an earlier date for independence for that matter, inevitable (Mann 2005: pp. 119; Kulke and Rothermund 2006: 375). The partition took a terrible toll; millions of people at the borders were forced to migrate into either Pakistan, in the case of Muslims, or India, in the case of Hindus and Sikh. While the Bengal province had been parted into an eastern Muslim part and a western Hindu part during colonial times, Punjab suffered a traumatic division during that time. The displacement of people went along with communal riots that allegedly cost the lives of about a million people (Mann 2005: 120). The partition left India with millions of refugees to deal with and with a deep cleavage between Hindus and Muslims in northern India; a trauma still influencing today's society. An indirect result of these events was the murder of M.K. Gandhi by a right wing Hindu-nationalist on January 30 1948, following Gandhi's support for a fair partition of British India's treasury.

¹²³ A theory developed by Jinnah that said that Muslims and Hindus were culturally and linguistically distinct nations and that in an independent India Muslims would have no chance of real freedom due to the overwhelming majority of Hindus and that Muslims subsequently needed an own homeland (Kulke and Rothermund 2006: pp. 375).

The partition was also the first major foreign affairs issue for the Indian state. When the Maharaja of Kashmir, a Hindu ruler over a Muslim majority, decided to join India after being besieged by Pakistan to join it, a war between the two new nations broke out in 1947 that lasted for more than one year (Rothermund 2002: pp. 21). Although India would eventually affirm its sway over Kashmir, this war would lay the foundation for a perpetual conflict with Pakistan. The Kashmir question would remain a significant factor for both states' self-conception. While the Hindu-Maharaja of Kashmir joined India voluntarily, like most other princely states, the Nizam of Hyderabad in the south wanted to retain its independence earlier. The relatively large but land-locked State of Hyderabad had a Muslim ruler but a Hindu majority that preferred to join India. The internal tensions between the Hindu majority and the Muslim ruler, who was supported by Muslim militias, were used as a pretext to initiate a military invasion by India in 1948. The much better equipped and trained Indian Army defeated the Hyderabad forces and the Muslim militias within just 5 days (Kulke and Rothermund 2006: 388). The first years of India's independence were marked by military conflict and communal violence that scarred the society for decades onwards.

Domestically India faced big challenges in politics, economy and society. The nation had not yet had a real constitution and was technically still a dominion of the British Empire. The government was not appointed by a freely elected parliament, but by the Constituent Assembly whose representatives were indirectly elected from the provincial assemblies. The government had to integrate hundreds, sometimes tiny, princely states into the state-organisation of India. The Constituent Assembly that met since 1946 had to cope with the loss of the representatives from the provinces that formed Pakistan in 1947 and the 'surprisingly' early independence, as well as with the special status of Kashmir after the ascension. The state-legacy of the British remained mostly untouched during that period; the changes were often just limited to the replacement of British civil servants and officers by Indians. Even the British governor-general, Lord Mountbatten, remained in office until 1948. The economy of India was highly under-developed. The British had limited industrialisation of British India to a minimum, starting real efforts only in the beginning of the 20th century. The Indian economy was largely limited to an exploitative production of raw materials for the British industry (Tirthankar 2002: pp. 117) and to agrarian production, often stuck in feudal

relations. The food production and land value around 1947 were on a relatively low level and annual land productivity per capita was on a centennial low (Kurosaki 1999: pp. 162). The leadership of independent India had to shift the economy from a colonial resource base to a fully industrialised nation and they had to create an agricultural industry that was able to secure the food needs of a growing population. Politically, India mastered the constitutional challenge by January 26 1950 when the constitution of India came into force and ushered in the Republic of India. Although the new constitution included parts that guaranteed freedom and equality for marginalised groups, such as Scheduled Castes¹²⁴ and women, the constitution was basically a continuation of the Government of India Act 1935 (Kulke and Rothermund 2006: 393). The new constitution marked the full sovereignty of India as a secular and social republic with its own head of state, the president, and a powerful cabinet government headed by a Prime Minister. It would also prove to be a lively constitution getting amended on a regular basis. Even though the constitution of 1950 was influenced by conservatives led by Patel 1948, his death marked a turning point, with the left-leaning Nehru at the top of the government and the powerful INC (ibid.: 395). While India was officially a Union of States, with each State having its own legislature and government, the dominance of the INC in Union and States and the strong leadership of Nehru himself made India practically a centralised nation. First attempts of decentralised development and democratisation were made from 1952 onwards with the introduction of the Community Development Programme (Dey 1969), based on Article 40 of the constitution. The rule of Nehru and his INC saw extensive domestic changes, the most influential being the reorganisation of States in 1956¹²⁵, re-drawing the borders of the States from the former provincial borders of the colonial era to borders along the lines of languages in South India especially (Kulke and Rothermund 2006: 400). It also saw three consecutive democratic elections, proving to the world the ability of a post-colonial state to remain a stable democracy. In Kerala, one of the newly created States of the 1956 re-organisation, the first Communist government in India came to power in 1957, starting extensive land and

¹²⁴ Named that way, because the names of the castes were included in a schedule.

¹²⁵ <http://indiacode.nic.in/coiweb/amend/amend7.htm> accessed on 22 September 2014

educational reforms (ibid.: 399).¹²⁶ Economically, Nehru used his powerful position to establish the Planning Commission putting India on a fast track to industrialisation. India, however, did not become a Soviet-style plan economy, but a mixed economy, where the state invested, somewhat inefficiently, in heavy industry and private enterprises in consumer goods and light industry (ibid.: 396; Rothermund 1993: pp. 127). Rather than becoming an internationally competitive economy, Nehru's plan was to make India self-reliant in the strategically important industries, such as steel and electricity. The era was characterised by large-scale projects, like large dams to produce electricity, and a low level of economic growth (ibid.). The conservative influences within the INC had barred the government from fair and effective land reforms, but brought the land into the hands of the former tenants of large estates improving their situation considerably, making them into estate-owners themselves; the situation for the sub-tenants remained poor, however (Kulke and Rothermund 2006: 397). Although there was a growth of agrarian production between 1950 and 1960, that growth could only be sustained by the expansion of cultivated land, not by higher yield per acre; the results were stagnation by 1960 and a negative impact on forested areas (Rothermund 1993: 134). Internationally, the era of Nehru, which lasted until 1964, was characterised by success and conflict alike. One of the biggest successes of Nehru's foreign politics, on the one hand, was the establishment of the Non-Alignment Movement in Bandung in 1955 on the initiative of Nehru and Yugoslavia's ruler Tito. Nehru, together with Egypt's ruler Nasser and China's Prime Minister Zhou Enlai, emerged as one of the leaders of the new movement. India was also regarded as a credible mediator after the Korea War and in the neutralisation of Indochina during the Geneva Conference of 1954 (Kulke and Rothermund 2006: pp. 429). On the other hand, there was the breakdown of relations between India and China, culminating in the 1962 Sino-Indian border war. The Chinese offensive was surprising and devastating for India at the same time. Nehru's dreams of good relations to China in the spirit of 'anti-imperialist brotherhood' were shattered and the Chinese People's Liberation Army humiliated the Indian military by invading parts of Kashmir, Aksai-Chin, and shortly occupying parts of the Assamese lowlands (ibid.: 432). By 1964, the year of Nehru's death, much of the optimism of the early post-independence years was gone.

¹²⁶ This government was, however, dismissed by the President's Rule, an emergency rule, in 1959 after severe riots (Kulke and Rothermund 2006: 399).

The fast industrialisation of the nation, bringing economic growth and more fair distributed wealth, failed due to an inefficient and overly bureaucratic implementation. The ideal of equality and peaceful co-existence among the nations that was one of the principles of Nehru's foreign politics broke when India's supposed 'brother' attacked in 1962. Only in domestic politics Nehru's rule was marked by lasting success, having successfully held three democratic elections and alleviating local demands by an adaptive and responsive federalism.

The period from Nehru's death until 1977 was marked by internal and external conflicts, the 'Green Revolution' in agriculture and the slow demise of the hegemony of the INC. The Prime Minister following Nehru was Lal Bahadur Shastri. Almost immediately after his succession, he had to face war; in 1965, Pakistan attacked India at the border to Gujarat and in Kashmir. The Pakistani leadership under Ayub Khan was convinced that it had to attack India now, or the window of opportunity for a military victory would be closed, due to India's massive rearmament in the wake of the Sino-Indian war of 1962 (Rothermund 2002: pp. 36). Although Shastri chose to negotiate after the Rann of Kutch incident in Gujarat, he reacted very determined to Pakistan's invasion attempt in Kashmir in September 1965. The invasion was thwarted and Indian forces even threatened Lahore, forcing Ayub Khan this time to ask for negotiations (ibid.). The negotiations were held in the Soviet city of Tashkent, where an armistice agreement was reached. Shastri's lack of experience in foreign affairs, however, led to an unfavourable armistice for India. He died in Tashkent in January 1966 (ibid.). His successor was Nehru's daughter Indira Gandhi. Being a compromise candidate of the various INC factions, not much was expected of her, an assessment that would be proven wrong in the following decade. Gandhi had to face the test of the fourth general election already in 1967 under unfavourable circumstances. The Indian economy went into recession and the agrarian production was still in stagnation while the population was growing, aggravated by a drought that started in 1965 and the war with Pakistan the same year that diverted funds away from alleviation measures (Rothermund 1993: 138; Kulke and Rothermund 2006: 402). The recession and agricultural stagnation led to large numbers of unemployed youth who could neither get a job in the industrial sector, nor return to the agricultural sector. The drought had led to an unprecedented increase in food prices as well. Under these conditions,

the INC lost power in several States and could only narrowly retain power in the centre (ibid.). Following these results instable coalition governments in some States, where the INC lost power, were formed and dissolved by the emergency powers of the President's Rule, hurting the federal principle severely (Mann 2005: 124; Kulke and Rothermund 2006: 402. Gandhi's government became increasingly leftist, nationalising the largest Indian banks and abolishing the payments to the former rulers of the princely states. That caused confrontation with the conservative factions of the party and finally leading to the secession of the Indira Gandhi-loyal faction in 1969 and the formation of a new Gandhi led INC, retaining support of the majority of MPs. With a leftist, popular election manifesto, promising poverty alleviation, the INC of Gandhi was able to achieve a major victory in the 1971 general elections (ibid.: 403). A contributing factor to the landslide victory was certainly the 'Green Revolution'¹²⁷ that originally started with the first introduction of high-yield seeds, new fertilisers and a more intensive use of machines in 1963. Of course, the end of the drought contributed to good harvests in 1968 and 1969, but the increase in food production could now be sustained by higher yield per acre. Further, in 1971 the food production in India peaked to an, until then, all time high (Rothermund 1993: 141). For the first time since India became independent, the nation was not dependent on food imports. India's industrial production remained moderate but stable from 1970, alleviating the problems the combination of the agrarian crisis and the slow growth had caused (ibid.: 145).

The next big problem came in 1971. The partition of British India was not only violent, but also brought forth a Pakistan that was divided into a western part, dominated by the Mohajirs¹²⁸ and Punjabis, and an eastern part, the former East Bengal, with its own language and distinct heritage. After the first fair general elections in Pakistan in 1970¹²⁹ were clearly won by the Awami-League, the leadership in West-Pakistan refused to hand over power to Mujibur Rahman, leader of the Awami-League. The Bengalis threatened secession and the military-government of Pakistan sent its forces to suppress such efforts. Civil war ensued between loyal forces and Bengali freedom fighters and Zia-ul Rahman declared the independent nation of Bangladesh in 1971. The civil war also led to massive movements of

¹²⁷ For more on the 'Green Revolution' see Rothermund 1993: pp. 138 and Mann 2005: pp. 188.

¹²⁸ Immigrants from the Republic of India.

¹²⁹ Previous elections favoured the less populated western part.

refugees towards India and the atrocities committed by the Pakistani army against civilians made Gandhi's government sympathetic to the cause of Bangladesh. After a pre-emptive airstrike on Indian Air Force bases by the Pakistani Air Force India intervened in Bangladesh on behalf of the freedom fighters and defeated the Pakistani troops in Bangladesh within a few weeks (Rothermund 2002: pp. 38). With having survived the agrarian crisis with record harvests and being victorious in the war with Pakistan, Gandhi was at the height of her popularity. Nevertheless, like Shastri before her in Tashkent, Gandhi gambled India's victory away in Simla. Instead of settling the Kashmir-question once and for all in the wake of Pakistan's surrender, Pakistan's new president Zulfikar Ali Bhutto could convince Indira Gandhi to accept lesser terms in the 1972 Simla-agreement (ibid.).

The energy crisis of 1973-1974, however, caused by an oil-embargo by the OPEC nations, had a severe impact on India's economy. The 'Green Revolution' was fuelled by oil-products, such as artificial fertilisers and gasoline for machines. India's moderate industrial growth was dependent on oil as well, for goods production and as an energy source. Despite large resources of coal and limited oil-sources in India itself, the Indian economy was dependent on cheap foreign imports and subsequently suffered from the rising prices (Rothermund 1993: 151; Kulke and Rothermund 2006: pp. 404). Many of the populist promises of the 1971 election campaign could not be kept under these circumstances and a rising inflation-rate added to the economic deterioration. The situation caused widespread discontent and led to nation-wide strikes in 1974. Additionally, Gandhi had to face legal repercussions, when the Allahabad High Court in 1975 allowed the prosecution of alleged manipulations in the 1971 general elections against her. The court sentence declared her Lok Sabha mandate null and void and the opposition parties asked for her resignation (Mann 2005: 125; Kulke and Rothermund 2006: 405). Instead of following the court order, however, Gandhi declared a nation-wide emergency on the pre-text of the unrest followed by the strikes and ordered nation-wide President's Rule to avoid a major defeat in the general elections of 1976 (ibid.). This ushered in a short period of authoritarian rule called 'The Emergency', when Indira Gandhi assumed almost dictatorial powers and postponed the 1976 general elections. Although the Emergency had some short-term positive economic results, politically it was a catastrophe for Indian democracy, with its five consecutive free and fair elections up to this

point. During the Emergency basic constitutional rights were suspended, political opponents arrested, freedom of press restricted, strikes were illegalised and especially poor people were forcibly sterilised as a measure of population control (Mann 2005: 125; Kulke and Rothermund 2006: pp. 405). Her deal with Sheik Abdullah, a Kashmiri independence leader, was a successful, if short-lived attempt to integrate the troublesome State of Jammu and Kashmir further into India (Rothermund 2002: pp. 51). Through illegalisation of strikes and massive anti-corruption campaigns, Gandhi's authoritarian government was able to attain some economic stability and even perceptible growth. Additionally, harvest results remained on a high level during the years of the Emergency (ibid.; Rothermund 1993: 141). Based on these economic successes Indira Gandhi deemed it opportune to hold elections in 1977 lifting the Emergency and releasing opposition politicians. She believed to win the general elections in a landslide again, not only based on her favourable economic results, but also because most opposition leaders sat in jail during the Emergency and subsequently had no time to rally their electoral bases. The despotic measures of forced sterilisation programmes, limited freedom of press and severe constraints on personal liberties, however, did not only unite the numerous opposition parties, but alienated large segments of the population from the INC under Gandhi. Consequently, the INC, for the first time campaigning within an electoral alliance with the Tamil Nadu-based AIADMK¹³⁰, the Communist Part of India (CPI) and several other small or regional parties, lost more than half their Lok Sabha seats. For the first time since independence, the INC had to make room for another party-alliance to form the government. That party-alliance was the Janata Alliance led by Indira Gandhi's former rival from the pre-1969 INC Moraji Desai (Mann 2005: 125; Kulke and Rothermund 2006: 406), The general elections of 1977 marked the End of the so called Congress-Raj, the one-party dominance of the INC that had lasted for three decades.

The Janata government was only a short episode. The significance of its victory in the 1977 general elections was great for the ability of the Republic of India to return to a democratic order after the authoritarian intermission of the Emergency. Economically, the Janata government was able to profit from the end of the oil-embargo and a rising export of food

¹³⁰ All India Anna Dravida Munnetra Kazhagam, a breakaway party of the Dravida Munnetra Kazhagam (DMK), a Tamil autonomy party in the southern State of Tamil Nadu.

staples and well-educated young Indians into the Arabian countries (Kulke and Rothermund 2006: 409).

Further, it prompted the constitution of the Ashok Mehta Committee to investigate the state of the panchayats and make recommendations on how to improve their situation (1978), which was in line with the Janata's focus on agriculture (Kulke and Rothermund 2006: 408).

The government itself, however, formed from parties with highly diverging interests, ranging from the centre-right Janata Party, the Shiromani Akali Dal, a Sikh-autonomy party, to the Communist Party of India (Marxist; CPI-M), proved unstable. Internal rivalries were unavoidable and the new Prime Minister Desai was, although an excellent bureaucrat, not an integrating and good politician (*ibid.*: pp. 407). In 1979 Prime Minister Desai stepped down and Charan Singh, former deputy Prime Minister and home minister, took over. The caretaker government of Singh was only a placeholder and the general elections were moved up to 1980 (*ibid.*: 409; Rothermund 1993: 146).

The results of the 1980 Lok Sabha election were more than surprising; Indira Gandhi, who had split the INC again and was leading the party without an apparatus or notable politicians, achieved a landslide victory, regaining an absolute majority (Kulke and Rothermund 2006: pp. 410). Even more remarkably, the Gandhi-INC was able to achieve that majority on its own, even though it was committed in an electoral alliance. Of course, the result was helped by a worsening economy and the fact that the previously united opposition had splintered and competed against each other (*ibid.*). However, Gandhi's new term was overshadowed by increasing conflicts in the States. The centrifugal powers of regionalism and the strengthening of regional parties stood in opposition to the centralist tendencies of Gandhi's INC government (*ibid.*). In Jammu and Kashmir the successor of Sheik Abdullah, his son Farooq, became more and more adversarial towards the centre; in Punjab Sikh-separatists wanted to establish an independent state, threatening the integrity of the Republic of India (*ibid.*). In an attempt to weaken the Akali Dal in order to secure Punjab for the INC, Gandhi promoted radical Sikh elements; a move that backfired. The radicals occupied the Golden Temple in Amritsar, the holiest site of the Sikh religion, to underline their demands for an independent Sikh nation named Khalistan. What followed was an overreaction by the central

government. In a military operation in 1984 against the radicals, central police forces and army units moved, in an uncoordinated and amateurish manoeuvre, against the Golden Temple complex to forcibly evict the occupants and to arrest them. The result of the ensuing fighting that followed were hundreds of dead civilians and combatants (Mann 2005: 126; Kulke and Rothermund 2006: 412). The operation led to an outcry in the Sikh community and an unprecedented loss of trust into the Indian state. It also led to the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards the same year and subsequent pogroms against Sikhs all over India with thousands of deaths (ibid.). She was succeeded by her second son, Rajiv, who had reluctantly joined the political business in 1981 after the death of Indira's son Sanjay Gandhi. The INC-Prime Ministership ultimately became a dynastic post with Rajiv's succession. The same year, 1984, early general elections were held that resulted again in a landslide victory for the INC, which could even increase its seat number in the Lok Sabha and was even able to catch a plurality of seats in Punjab.¹³¹ Rajiv Gandhi's term began auspiciously with reconciliations in Assam and Punjab through the Assam Accord and the Punjab Accord with which the central government tried to settle the conflicts with the local dissidents (Kulke and Rothermund 2006: 413). However, he was unable to abide to the Punjab Accord, which resulted in riots and in President's Rule in the State in 1987. During his term the central government also lost control over Kashmir, where the conflict became ever more brutal (Rothermund 2002: pp. 67). In regards to foreign affairs, Rajiv Gandhi made a decision with severe consequence; in 1987, on demand of the president of Sri Lanka, the Indian Army intervened in the civil war on the island to disarm the Tamil rebels of the Liberation Tigers of Tamil-Elam (LTTE). The operation was planned as a short policing operation, but turned out to be a three years mission that included several army divisions and ended without any real results. The consequences were the alienation of Tamils in Sri Lanka and India, who perceived the mission as an attack on them, and the Sinhalese, who did not trust a nation with a large Tamil population to be neutral (Kulke and Rothermund 2006: pp. 439). On the Maldives, in contrast, the Indian military was able to stop a coup d'état against the ruling president and to detain the rebels (ibid.). The domestic conflicts and the Sri Lanka adventure severely damaged Gandhi's political reputation. Economically, his

¹³¹ http://eci.nic.in/eci_main/statisticalreports/LS_1984/Vol_I_LS_84.pdf, accessed on 30 September 1984.

government had tried to liberalise trade, but did not reform the public sector with the consequence that foreign goods could be imported in large quantities, but the domestic industry remained inefficient and overly bureaucratic. India could import, but had nothing for export except food staples. The last straw was a corruption affair about the acquisition of arms, where Gandhi remained inactive, causing a scandal. In the subsequent general elections of 1989 the INC was not able to retain its majority and, although having a plurality of seats, lost power to the National Front (NF), an alliance consisting of the Janata Dal, the DMK and the TDP amongst others. The NF built a minority government with outside support by the Hindu-conservative Bharatiya Janata Party and the CPI (M) led Left Front.¹³² The new Prime Minister was V.P. Singh who served as Minister of Finance in the previous administration (Kulke and Rothermund 2006: 415). Again, the non-INC government proved to be too unstable to serve a whole term. In 1990 Chandra Shekhar, a former head of the Janata Dal, left with 64 MPs, formed its own party, the Samajwadi Janata Party (SJP). With the support of the INC he constituted a short-lived minority government himself that existed for less than a year (ibid.). New general elections became necessary when the INC withdrew its support for the government in 1991. The INC had poor prospects, but the assassination of Rajiv Gandhi during the election campaign, a consequence of his intervention in Sri Lanka, gave a boost to the INC. As a result, the INC-led Congress alliance had a plurality of seats and with the outside support of the Left Front it was able to form a government.¹³³ Narasimha Rao, a long-serving INC-cadre, became Prime Minister and Manmohan Singh became Minister of Finance. With these two politicians, the era of liberalisation of the domestic economy began (Kulke and Rothermund 2006: 417). During his active times in politics, Rajiv Gandhi had expressed his interest in local democracy and development through Panchayati Raj. On his initiative, several initiatives were founded to research the obstacles and possibilities Panchayati Raj provides (Mohan Lal 1994: pp. 9). After several approaches during the 1980s by the INC government, unification and strengthening of Panchayati Raj succeeded

¹³² http://eci.nic.in/eci_main/statisticalreports/LS_1989/Vol I LS_89.pdf, accessed on 30 September 1984.

¹³³ http://www.ipu.org/parline-e/reports/arc/2145_91.htm, accessed on 30 September 1984.

with the ratification of the 73rd Amendment to the constitution in 1992, inaugurating the new Panchayati Raj System.¹³⁴

4.2. Panchayats before 1947

This chapter shows briefly the evolution of local governments before 1947. The knowledge about historical developments is crucial in order to realise that Panchayati Raj did not appear out of nowhere after independence, but that Panchayati Raj was a part of Indian states and British India before that. This existence of local government acts further helps to understand why Indian States so readily introduced new legislation on Panchayati Raj in the years after independence.

Histories of local self-government and administration are found in many corners of the world. In India the concept of panchayats as at least partly autonomous villages can be traced, with some certainty, into medieval times. A number of inscriptions mention village communities, which act in common accord and exert some judicial and administrative powers; they also mention common action of village communities:

“During the reign of Sadasiva Raya, not capable of bearing the enhanced and numerous taxes, the people of the village Chebale had deserted it. Dalavayi Appala Nayaka invited the people, and persuaded them to resettle in the village giving them some concessions.” (Sewell 1882; inscription from the 16th century).

In many works on the modern Panchayati Raj System, claims of antiquity of the system are made. Relying on inscriptions and interpretations of old texts, like the Rig-Veda (see Mohan Lal 1994: 4; Goel and Rajneesh 2009: pp. 5). However, claims of antiquity of democratic self-government in villages should be considered carefully. Equitizing our concept of democratic self-government with village assemblies in the past to construct an ancient tradition is a-historic (Mathew 1994: 4). Likewise, today’s concept of democracy as inclusive and participatory bears nearly no relation to the ancient Greek concept of democracy, which was highly exclusive and militaristic (Held 2006: pp. 18). That the panchayats of medieval and

¹³⁴ <http://indiacode.nic.in/coiweb/amend/amend73.htm>, accessed on 30 September 1984.

early modern times existed in the tension between feudal and quasi-republican systems (Mathew 1994: 4), is shown by this inscription from 16th century South India:

“[...], Tirumala Raya’s sons Rama-Rajaiyya and Tirumala-Rajaiyya made a grant of the village of Kabbare to Maddur to Brahmans as [...] agrahara.” (Archeological Survey of India 1890: Nr. 528).

Here to princes bestow a whole village upon some Brahmans as a fief. The concept of Panchayati Raj as a democratic, social-justice and development institutional arrangement is modern. The idea to use the element of village communities to further democratisation and development is a concept that was strongly advocated by M.K. Gandhi (see 1962) during his political life. As formal administrative units panchayats were used by the British colonial authority especially from the second half of the 19th century onwards (Goel and Rajneesh 2009: 9). As informal caste and religious organisations, they were in existence for at least the same time (see Government of India, Programme Evaluation Organization 1960: 6).

The British started to take the issue of local administration seriously when they established the first local institutions in territorial units called ‘unions’ that were used to maintain law and order villages and at the same time to levy the taxes to finance the village police under the Bengal Chowkidari Act 1870. Besides this first attempt to devolve some duties in rural areas, more efforts of devolving administrative powers and public duties in municipal areas were demanded by Lord Mayo’s resolution in 1870 (Simon Commission 1988 [1930]: 299; Goel and Rajneesh 2009: 9). For rural British India the decisive act was the Ripon Resolution of 1882 that established ‘taluks’, sub-divisional boards of administration; the resolution first called for local self-government through, of course restricted, elections of officials and the ability to levy their own revenue to cover their expenditures (Simon Commission 1988 [1930]: pp. 299; Goel and Rajneesh 2009: 10). The resolution was, however, only implemented in the Central Provinces to a greater extent. Over the next decades two attempts to enlarge and strengthen local administration are made; the Royal Commission on Decentralisation reviewed already existing efforts from 1907 to 1909 and recommended major improvements and the re-establishment of local administrative institutions in all provinces. The commission further recommended that panchayats are constituted and

entrusted with judiciary functions in petty civil and criminal cases, the levy of revenue to executed minor public works in the village and the construction and maintenance of village schools amongst others (Chishti 2001: pp. 93). The commission's suggestions meant to delegate minor public duties to local authorities in order to relieve the workload of agents of higher administrative levels (ibid.: 94). They also included provisions for a "system of informed elections by the villagers" (ibid.: 93); even though, no mode of election is proposed and one has to assume that the electorate would be restricted to male property tax payers. Additionally, the panchayats were subject to the supervision of the District Officer and could be dissolved at his will (ibid.: 94). It was, however, an important step to a more self-reliant, indigenous administration at the village level. Although the Government of India accepted the recommendations and allowed their implementation in 1915 (Governor-General of India), only few panchayats were actually constituted afterwards and the process was generally slow and tedious (Goel and Rajneesh 2009: 12). Evaluating the implementation of the 1915 resolution, the Montagu- Chelmsford report found many problems and mistakes and suggested in 1918 that a new initiative towards improved local self-government should be taken. The report further recommended expanding the franchise in panchayat elections to include a broader representation of the village population, still restricted to male taxpayers, an elected president and the inclusion of nominated members from minorities (Simon Commission 1988 [1930]: pp. 302). These measures were intended to increase local interest in their administrative affairs and to have to 'educate' the population politically and administratively (ibid.). However, one has to remember that these concessions have to be seen in light of on-going World War I, where British India played a considerable role in the war effort.

Following the Government of India Act 1919, which provided enhanced provincial legislative privileges, the provincial legislatures would enact legislation that entrusted panchayats with the recommended powers and would even extend the electoral base over the next decade. Bengal, Madras and the United Provinces were the most successful provinces establishing the most panchayats until 1918 (ibid.: 307), were also on the fore front to enact legislation concerning panchayats. The Bengal Village Self-Government Act, 1919 and the Madras Village Panchayat Act, 1920 are good examples for that. The Government of India Act 1935

finally ended the parallel structure of legislation and execution between elected ministers responsible to the provincial legislative assemblies and executors responsible to the governor, laid down in the Government of India Act 1919. Most powers and duties were transferred to the provincial legislatures; this included all powers over self-government in villages (Government of India Act 1935: 304). The provincial acts were, however, far from any India-wide unified legislation. The definition of panchayat areas differed from province to province and even within the provinces there were differences which areas were designated panchayats and which not (see provincial legislation, i.e. the Bengal Village Self-Government Act, 1919 or the Madras Village Panchayat Act, 1920). While several provincial acts were passed to formalise and extent the duties of panchayats until 1940, these efforts stopped with the outbreak of World War II and the entry of British India into the war in prior in 1939. The Congress leaders, initially sympathetic towards Britain's cause in the war against fascism, were angered that their elected representatives were not consulted for the declaration of war against Germany (Kulke and Rothermund 2006: pp. 372). Consequently, they started a campaign of non-cooperation and left the provincial governments, where they were in charge of village self-government (Goel and Rajneesh 2009: pp. 12). Subsequently no efforts towards decentralisation were made between 1940 and 1946 (ibid.).

Besides the provinces of British India, the princely states, under the British influence, started implementing legislations to implement village self-government. Until 1946, 18 of these semi-independent States had enacted such laws, although their statutes differed widely (Mathew 1994: 7). The British did not develop this system of decentralisation to democratise the Indian population; that was by no means the initial intention. It was at first an excellent way to delegate duties to native administrators at the local level and therefor to reduce the cost of administration of often-remote areas. The Bengal Chowkidari Act 1870 is a good example for such an approach, since it essentially delegated the duty as well as the costs of policing villages to the local inhabitants, making local law enforcement 'cost-neutral' to the British authorities. Both, cost-efficiency and appeasement to the growing independence-movement motivated the British to further delegate duties to native representatives. The idea that locals would be more interested in their affairs if they could participate in administrative decisions at the village level was also a factor in the increasing

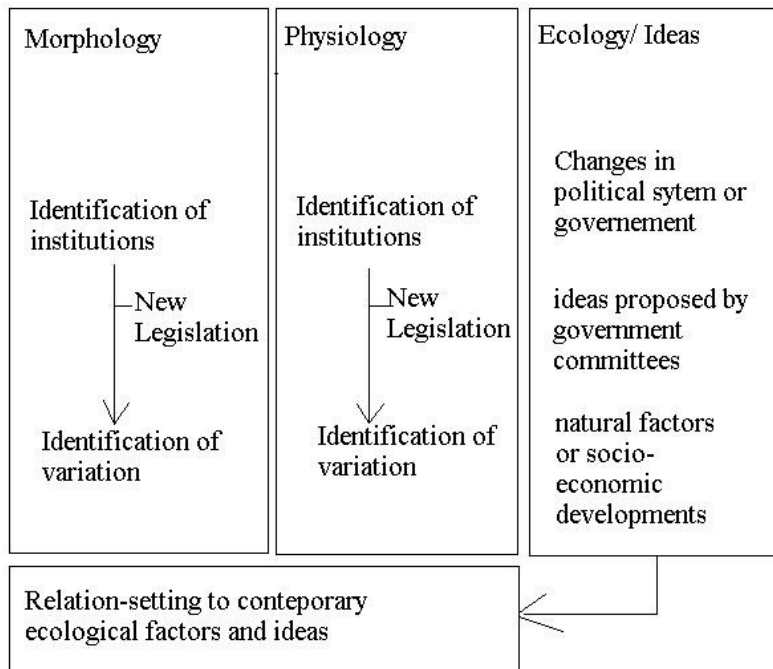
decentralisation efforts that devolved duties of public works, minor judiciary functions and elective representation. Parallel to these formal institutional arrangements that evolved between 1870 and 1947 in British India and many princely States, there always existed informal arrangements that were formed to represent castes or religious groups in the villages. In some cases, these panchayats represented the whole village community. These informal panchayats exercised some considerable influence over their respective members, fulfilled judicial duties, mediated between groups and governed customs and traditions (see Programme Evaluation Organization [PEO] 1960; Mathew 1994: 4). Usually, the traditional panchayats were either meetings of village elders or representatives of the village castes, and dominated by Brahmins (PEO 1960: pp. 76). Women were normally excluded from these meetings, as were Dalits (ibid.). Some informal panchayats were formed as part of the independence movement, following Gandhi's ideal of the village swaraj (Gandhi 1962) during the first half of the 20th century, usually transcending the caste-barriers; but even in those cases, the caste-panchayats were kept in a parallel-existence (PEO 1960: pp. 181). The panchayat-legacy was therefore twofold: The British way of formalising village panchayats to enforce law and order and to execute public duties, raising local interest through the election of local representatives; and the tradition of group representation within a village community through caste panchayats that enforced traditional law and customs and mediated between groups.

Table 3: Period-wise Ecological Systems in India¹³⁵

| | 1947 to 1952 | 1952 to 1958 | 1958 to 1964 | 1964 to 1977 | 1977 to 1992 |
|---------------------------|--|--|---|--|--|
| Political System | <ul style="list-style-type: none"> - Dominated by British institutional legacy - Phase of territorial formation - Partition of British India into India and Pakistan; armed conflict with Pakistan - Constitution-drafting and nation-building | <ul style="list-style-type: none"> - Formation of republic with institutional arrangements based on British legacy and Independence Movement legacy - Institutionalisation of India-Pakistan conflict - one-party-dominance of INC; strong leadership by Prime Minister Nehru | <ul style="list-style-type: none"> - Consolidation of the state - System of flexible federalism with strong centre - one-party-dominance of INC; strong leadership by Prime Minister Nehru - Democratisation of citizens as political aim | <ul style="list-style-type: none"> - Decline and end of one-party-dominance of INC; rise of regional parties and serious opposition - Centralist tendencies - Political upheaval; Emergency in 1975-77 | <ul style="list-style-type: none"> - End of INC rule in 1977, first attempt of opposition to form enduring government fails - cementation of multi-party system at the centre and in the States - Internal conflict ; separatist movements |
| Economic System | <ul style="list-style-type: none"> - Legacy of colonial economy; export of resources, import of goods - Low level of industrialisation; large agrarian sector with small scale farming - Initiation of modernisation of economy through large scale plans and state sector | <ul style="list-style-type: none"> - Mixed economy with strong state-sector - Planning Commission to modernise the nation - Industrialisation by state in strategic areas like steel and coal - Development/ industrialisation of agriculture to secure food base; no effective land-reforms | <ul style="list-style-type: none"> - Mixed economy with strong, but inefficient state-sector - Growth of heavy industry; stagnation of consumer goods production - Development/ industrialisation of agriculture to secure food base | <ul style="list-style-type: none"> - Economic stagnation - Oil crisis undermines industrial development - Green Revolution raises harvest per acre - Nationalisation policies under Indira Gandhi - Expansion of small-scale production (esp. textiles) | <ul style="list-style-type: none"> - Liberalisation of foreign imports - No immediate liberalisation of public sector and state-owned heavy industry - End of protectionism leads to serious trade deficit - Private transactions into India become more important |
| Society (primarily rural) | <ul style="list-style-type: none"> - Strong influences of traditional elites, esp. in rural India - Population living primarily in villages - Caste as primary factor of social order - Religious divide Hindu->Muslim - Upheaval through forced migration following partition | <ul style="list-style-type: none"> - New political elites - Dominance by INC - Parallel existence of traditional elites - Population living primarily in villages - Caste as primary factor of social order - First attempts of social modernisation through development - Rise of new rich peasantry | <ul style="list-style-type: none"> - Population living primarily in villages - Caste as primary factor of social order - Attempts of social engineering through influential peasantry with extensive landholdings | <ul style="list-style-type: none"> - Population living primarily in villages - Caste as primary factor of social order - Attempts of social engineering through family planning - Cementation of position of rich peasantry | <ul style="list-style-type: none"> - Population living primarily in villages - Caste as primary factor of social order - Widening of scope to social justice - Social conflict between Sikh and other communities following the assassination of Indira Gandhi |

¹³⁵ This table serves as an overview over the political, social and economic situation in each period¹³⁵ from 1947 to 1992. This shall help the reader to recapitulate important features of the ecology of each period during the in-depth analysis of the institutional evolution of Panchayati Raj in the four States. The period between 1947 and 1958 in the empirical part is divided into two periods.

Figure 3: Methodological Key¹³⁶



4.3. The First Decade

When India became independent on 15 August 1947, it was unfinished business. Literally still a dominion, it was also a metaphorical dominion of the British administrative system, keeping most institutions from colonial time to the extent that the Government of India Act 1935 remained in place until 1950. Additionally, India was not yet consolidated in terms of territory or in terms of constitution. Furthermore, the violent partition of Pakistan and the associated war about Kashmir called for the attention of the political elite. Also, the transformation of the new nation from a colonial economy into an independent national economy was a big challenge lying ahead.

In such a situation, the system of local government¹³⁷ was certainly not an immediate and pressing issue. Nevertheless, a strong institutional legacy from the British colonial era, as well

¹³⁶ This is a visualisation of the research process in the following chapter. For the complete methodological key refer to the methods in chapter 3, pp. 83 and there especially to the pp. 85.

¹³⁷ While local government also entails aspects of local administration, one should keep in mind that the Indian Administrative Service (IAS) still kept most of its authority in administrative matters. The institutions of the IAS

as a surprisingly strong impetus in creating new acts on local government is cognisable during the early years of independence. Adding to the already existing legislations, five new acts came into force between 1947 and 1950 alone. Some new acts became necessary due to the merger of some Union-States with former princely-States in order to unify legislation within the State (see Orissa Gram Panchayat Act 1948). One cannot speak about a uniform approach towards local governments, however, and even less of a Panchayati Raj System. Besides the differing morphologies of institutions and institutional arrangements, a number of informal panchayats existed in the villages¹³⁸. These were based on traditional social hierarchies and organisations and served on the one hand to organise religious or social communities, such as castes, and on the other hand as mediators in intra-village conflicts. Both, caste panchayats as interest groups and informal traditional village panchayats, usually headed by elders of the dominant caste, kept functioning well after independence (see PEO 1960; Mathew 1994: 4). By their already considerable influence, they also dominated the politics of the formal institutional arrangements that were implemented by the various Panchayati Raj acts.

Since no constitution was in place that could have determined rules and procedures what legislation to enact, the States, often mergers of former provinces with princely States, were free to enact local government acts constituting panchayats following the provisions of the Government of India Act of 1935, which was in force until 1950. Most of the acts passed during the post-independence, pre-constitution period were updates of existing legislation to accommodate the new situation and simplifications of the texts. Since the central government gave no recommendations how panchayats should look like in independent India, the States were relatively free in designing form as well as function. That is mirrored in the variety of forms the States used in their Panchayat Acts. The morphology of the various acts is the most interesting aspect of Panchayati Raj during these early years. Both, the Saurashtra Gram Panchayat Ordinance of 1949 and the United Provinces Panchayat Act of

therefore existed in parallel to the Panchayati Raj Institutions, often with superseding authority and powers of supervision.

¹³⁸ Village in the context of panchayats does not necessarily infer village as an agglomeration of houses and/ or farms, but does infer an administrative unit that covers a certain number of inhabitants and can include more than one actual village.

1947¹³⁹, for example, provided just a single tier structure with the Gram Panchayat as the only local government unit. The Assam Panchayati Raj Act of 1948 provided for two tiers of local government; one at the village level and one at the intermediate level between village and State. The Madhya Bharat Panchayat Act of 1949¹⁴⁰ already provided for a three-tier structure similar to today's Panchayat Raj System.

4.3.1. Uttar Pradesh

The U.P. Panchayat Act of 1947¹⁴¹ is a good example of proceeding within the British institutional legacy, while acknowledging the new circumstances of being a federal State within an independent nation. The foundation of this act were on the one hand the U.P. Village Panchayat Act of 1920¹⁴² and on the other hand the Central Provinces and Berar Panchayat Act of 1946, both legislations under the Government of India Acts 1919 and 1935 (Chaudhary 1986: 458). At the same time the spirit of the new U.P. Act was that of enhanced self-government for the sake of improving village communities, instead of facilitation of colonial administration, as evident in the provisions for elections (ibid.: 459). From a morphological point of view, the design of system in U.P. was comparatively simple. Three major institutional arrangements were prescribed: A Gaon Sabha¹⁴³ and a Gaon Panchayat¹⁴⁴, as the public-administrative aspect, and a Nyaya Panchayat as the judiciary aspect. Morphologically, the first two arrangements are the more interesting aspects, since the latter was relatively consistent in its form when comparing local government legislations. The Gaon Sabha was supposed to be the centre of the village community, whereas the Gaon Panchayat was the executive of the Sabha. The Gaon Sabha was the representative body of the whole village community in a general sense and the assembly of adult citizens, enrolled in the electoral lists, in the institutional sense of the U.P. Panchayat Act of 1947. The Gaon Sabha

¹³⁹ Hereinafter U.P. Panchayat Act of 1947. The source is the Act itself as published in Chaudhary 1986.

¹⁴⁰ This act came into force only in 1951.

¹⁴¹ The extensive treatment of this act is exemplary. Most acts have similar institutions and deviations from the rule will be treated specifically. Although, U.P. is an exception from the rule in terms of the corporate village assembly, it is exemplary for the essential morphology and physiology.

¹⁴² If no reference is mentioned in a descriptive paragraph the description refers to the relevant Panchayati Raj Act under investigation.

¹⁴³ Gaon simply means village in Hindi and Marathi; Sabha means assembly.

¹⁴⁴ Gaon Panchayat was not only a part of the institutional arrangement at village level but also described the area of jurisdiction of said arrangement.

was institutionalised as a corporation and able to act as such, having the privileges to own property and make contracts. The Sabha was therefore a legal entity. This is in so far important as, the village community, limited of course to the adult population in voting age, became an entity able to act on behalf of the villagers and in the villagers' interest, rather than having no direct influence in village politics under the previous system. That is in contrast to the earlier models, where the elected village boards were executive arms of the colonial administration with local legitimation to a very limited degree. Section 5 of the U.P. Panchayat Act of 1947 makes clear that the corporation of the village is as far inclusive as legally possible: "Every person whose name is for the time being included in the electoral roll for a Gaon Sabha shall be member of that Gaon Sabha." Section 9-A clarifies that every member of a Gaon Sabha has the right to vote and is eligible to be voted into any local office.¹⁴⁵ Section 5-A, however, disqualifies a person for a number of reasons including tax arrears, employment in any government service, may it be local, State or central, pre-existing convictions or, and that is quite interesting, leprosy or moral turpitude. So, while membership was only restricted to eligibility to vote and registration in an electoral list, office-holding was connected not only to the fulfilment of civic duties, i.e. paying taxes on time, but also to circumstances of moral behaviour and personal health. The two offices of the Gaon Sabha are the offices of Pradhan and Up-Pradhan, president respectively vice-president of the village assembly. Being officers of the Sabha, rather than appointed administrators of a State or central service, they had to be elected by the Gaon Sabha for a term of three years (Tiwari 1949: 15).¹⁴⁶ ¹⁴⁷ Under Section 5-B it was determined that candidates had to be at least 30 years old and under Section 11-D the Pradhan and Up-Pradhan are also barred to hold any other offices during their term. The thusly-constituted Gaon Sabha had to meet at least twice a year upon the call of the Pradhan, once after the autumn harvest and once after the spring harvest. The link of meeting with harvest seasons shows clearly the agrarian foundation of village life and the dependence on seasonal labour rhythms. The villagers simply were available to meet after the harvest-work was done. Further, a quorum of one-fifth of all members could request an extraordinary meeting that

¹⁴⁵ That includes the offices of Gaon Sabha, the Gaon Panchayat and the Nyaya Panchayat.

¹⁴⁶ If there is no election of a Pradhan, or the election fails to produce a result, the State government was able to nominate and appoint any qualified member of a Gaon Sabha under Section 11-B.

¹⁴⁷ The U.P. Act XV of 1960 connects the length of the term of the Pradhan to the term of the Gaon Panchayat.

had to be held within 30 days from receipt of the requisition. The general meetings had to be attended by a quorum of at least one-fifth of the members of the Sabha; lacking that quorum led to adjournment of the meeting, but Section 11 (2) states that not quorum is necessary in the adjourned meeting.

Morphologically, the basic 'genes' or institutions of the Gaon Sabha were rather simple; four institutions governed the basic form of the village assembly: Who is a member, who can be elected into office, how many have to attend to legitimate the general meeting and when do they have to meet. However, the additional institutions, which specifically governed the election to office, tenure, the exclusion of candidates, expulsion from office and barring of people already holding another office or being employed in any government service, are much more comprehensive. Especially when compared to the institutions that arrange the Gaon Sabha, the list of qualifications and disqualifications for holding the office of Pradhan or Up-Pradhan seems exhaustive. The U.P. Panchayat Act of 1947 did not provide any rules of procedure on Sabha meetings other than their timing, quorum and that they have to be presided over by the Pradhan or Up-Pradhan. The mode of election was, until an amendment in 1968¹⁴⁸, show of hands at the Gaon Sabha general meeting (Department of Community Development [DoCD] 1961: 7). Show of hands, however, as the mode of voting was an approach prone to pressure on each voting individual by the social hierarchy and still existing informal panchayats based on caste identity (see PEO 1960; Mathew 1994: 4). Although officially suffrage was universal, it can be doubted that men and women participated equally in the Sabha meetings, although reliable numbers are hard to find. Considering that there are records of no women filing for candidacy in the first elections to the offices of Pradhan, Up-Pradhan or the Gaon Panchayat (PEO 1960: pp. 97), it is likely that they had only a passive role in the Gaon Sabha, if they attended at all. The Gaon Sabha was an approach to dissolve the division of the inhabitants of a village into smaller caste or religion based communities and to establish a consistent village community based on universal adult suffrage. However, it is likely that the divisions into caste-based and religion-based communities remained a decisive factor and that women remained largely marginalised. Nevertheless, the Gaon Sabha can certainly be described as the nucleus of the

¹⁴⁸ Uttar Pradesh Act 38 of 1968; the act introduced election by secret ballot.

institutional arrangement of Panchayati Raj. The small number of institutions concerning the Sabha meant fewer rules to learn and to execute, making the constitution of a Gaon Sabha, for better or worse, easy and flexible. The executive of the Gaon Sabha under Section 12 of the U.P. Panchayat Act of 1947 is the Gaon Panchayat. The Gaon Panchayat was basically the elected village 'government' and was to be constituted by election immediately after constitution of the Gaon Sabha. It was responsible to the Gaon Sabha, which members were eligible to elect and being elected as the Panches¹⁴⁹ of the Gaon Panchayat, notwithstanding, of course, the many reasons for exclusion from passive suffrage provided by the Act. The Panchayat acted on behalf of the Sabha, which is explicit in Section 31, where, with few exceptions¹⁵⁰, all duties and privileges of the Sabha had to be delegated to the Gaon Panchayat. That Section makes the Panchayat also responsible to the Sabha. Like the Pradhan and Up-Pradhan, the Panches were elected by show of hands¹⁵¹ in the general meeting of the Gaon Sabha (DoCD 1961: 7). The exact number of Panches was determined in proportion to the number of inhabitants of a village, but was usually between 30 and 51 (Tiwari 1949: 15). The term of the Gaon Panchayat itself and the term of office of the Panches were limited to five year or, by declaration of the State Government according to Section 12 (2), for a longer period.¹⁵² An important institution of the Panchayat was the reservation of seats for Scheduled Castes under Section 12 (9), which provided for a proportional representation of Scheduled Cases according to their proportion in the village population. Interestingly, this Section made an explicit provision for a possible constitutional clause for reservation of seats in local governments, a clause that would not be included explicitly until 1992.¹⁵³ Under Section 11 (10) the State Government was authorised to nominate Panches if elections were unable to fill in all seats. Furthermore, the State Government had the authority to nominate persons as additional members based on qualification and expertise according to Section 12-B. The chair of the Gaon Panchayat is somewhat hard to identify ex-post facto, since the ex-officio chairpersonship and

¹⁴⁹ Panch is the designation of an elected member of a Panchayat.

¹⁵⁰ Exceptions were the entire Chapter III and Sections 30 and 41 of the U.P. Panchayat Act 1947.

¹⁵¹ Until implementation of Uttar Pradesh Act 38 of 1968; the act introduced election by secret ballot.

¹⁵² The original U.P. Panchayat Act of 1947 made eight years the maximum term, additional acts in 1968, 1969, 1970 and 1971 successively extended that period to 12 years.

¹⁵³ Section 243-D of the Constitution of India (<http://indiacode.nic.in/coiweb/amend/amend73.htm>), accessed on 14 October 2014.

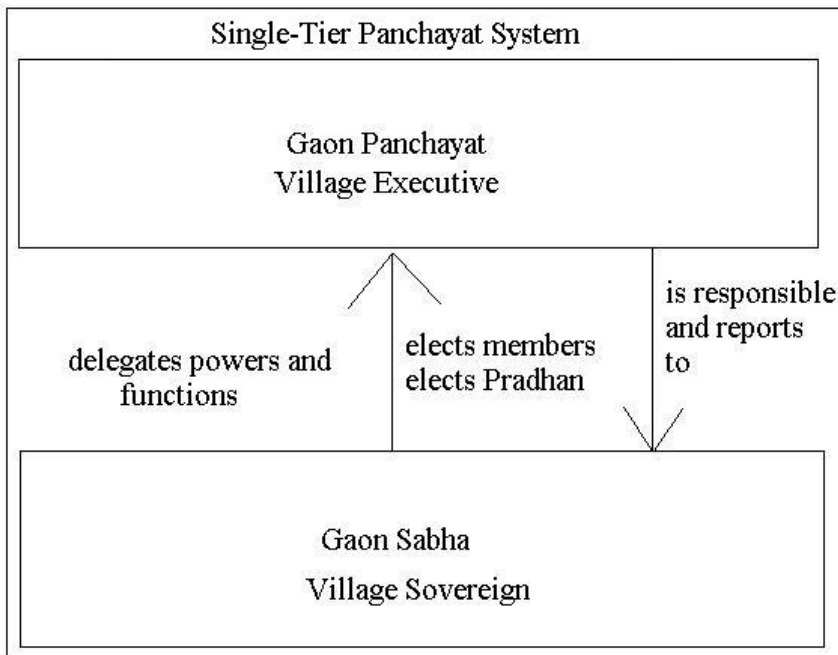
membership of Pradhan and Up-Pradhan were inserted retroactively¹⁵⁴, but one can assume that both fulfilled similar positions before by convention. Both had no voting rights within the Panchayat meetings, although the Pradhan could cast a deciding vote in case of a tie. Once constituted, the Gaon Panchayat was able to employ its own staff following Section 25 and to constitute committees of experts and qualified persons under Section 29 to which it could delegate its powers for specific tasks. The morphology of the Gaon Panchayat was more complex than that of the Gaon Sabha. The seven basic institutions, the mode of election and term of office, the determination of number of seats, the reservation of seats, the role of the Pradhan and Up-Pradhan, the ability to set up committees, the ability to employ staff and the responsibility to the Gaon Sabha, provided for a comprehensive form of the arrangement of Gaon Panchayat. Additional institutions dealt, like in the case of Pradhan and Up-Pradhan with the eligibility for office, barring from office and resignation or discharge from office and the authority of the State government to intervene in some matters. An institution providing for co-option of women into the Panchayat, if no woman was elected, was only inserted in 1978¹⁵⁵ and an institution of reservation was only inserted following the 1992¹⁵⁶ reforms. The basic idea of making the village executive council responsible to the citizens of the village, not only through regular elections, but also by law through the establishment of the incorporated Gaon Sabha, is however an important change from a delegated-administrative to a participative-administrative form in the evolution of local self-government. The arrangement of these institutions is both, comprehensive enough for working self-government and simple enough to work without constant supervision.

¹⁵⁴ See The Uttar Pradesh Rural Local Self-Government Laws (Amendment) Act, 1973, Section 4 (ii).

¹⁵⁵ By the Uttar Pradesh Act 37 of 1978; co.-option means recruitment of a female member of the Gaon Sabha by the Gaon Panchayat. The exact procedure is not fixed by act.

¹⁵⁶ Section 243-D of the Constitution of India (<http://indiacode.nic.in/coiweb/amend/amend73.htm>), accessed on 14 October 2014; The Uttar Pradesh Panchayat Laws (Amendment) Act, 1994, Section 12 (5) c.

Figure 4: Hierarchical Relation between Gaon Sabha and Gaon Panchayat



The physiology of the Gaon Sabha was very simple in that it delegates all its powers to the Gaon Panchayat except for its right to elect the officers of the Gaon Panchayat, set up joint committees with other Gaon Sabhas for the purpose of supra-areal undertakings and the privilege of budget vis-à-vis the Gaon Sabha. These three institutions describe the actual functions of the Gaon Sabha; all other functions ascribed to the Sabha, but executed by the Panchayat via delegation are regarded thusly as actual functions of the Gaon Panchayat. The Physiology of the Gaon Panchayat was, of course due to the executive nature of it, more complex. The institutions governing the functions of a Panchayat were separated into two groups: obligatory duties and discretionary duties. The duties under Section 15 were composed in a list of 19 items that could be categorised into public works, administration, agricultural support, local business and industry support, education and healthcare. In the first category fall construction, maintenance and repair and lighting of public streets within the Panchayat area; the maintenance and supervision of Gram Sabha property; supply and maintenance of drinking water sources and sanitation. The second category includes keeping birth, marriage and death registers; keeping records on population census, cattle census and

other statistics and regulations concerning markets and 'Melas';¹⁵⁷ the administration of justice, both civil and criminal in petty cases¹⁵⁸ and the regulation of construction within the village. The third category deals with the management of common grazing grounds that can be used by the village community and assistance for agricultural development. Into the fourth category falls assistance for the development of industry and commerce and the regulation of markets and 'Melas'. The fifth category includes the establishment and maintenance of primary schools and the sixth category includes medical relief and disease prevention. These six institutions are therefore the basic genetic code responsible for the physiology of the Gaon Panchayat. Additionally, the U.P. Panchayat Act of 1947 provided 16 discretionary functions that could be exercised by the Gaon Panchayat, but were not obligatory. The duties were listed under Section 16 and encompassed all six categories of the obligatory functions. Some of these were concerning simple cosmetic measures as the planting of trees in public spaces, others were more essential, like the organisation of a village volunteer force to perform duties similar to police and bailiff, with less powers of course. The extent of discretionary functions executed by different Gaon Panchayats across the United Provinces would result in the evolution of different characteristics. Some Panchayats would have only exhibited a characteristic physiology based on the core 'gene code', while others would have shown a broader physiological range, despite all sharing the same morphological characteristics.

Although I have treated the Gaon Sabha and the Gaon Panchayat separately for the purpose of analysis, they were a consistent institutional arrangement, which could not have worked separated. That becomes more than clear concerning the 'sustentation', the financial income that was necessary to execute all duties of this arrangement. The institutional form responsible for the function of 'feeding' of Gaon Sabha and Panchayat was the Gaon fund under Section 32. The sources of income under Section 37 were for example taxes, fees and dues levied on vehicles for hire, cultivated land¹⁵⁹, on the conduct of markets and registration of cattle for sell and slaughter. Additionally, Gaon Panchayats could become contractors of the State government to collect taxes on its behalf under Section 24 and would be able to

¹⁵⁷ Mela is Sanskrit for gathering and is a collective term for fairs, religious gatherings or commercial fairs.

¹⁵⁸ The Gaon Panchayat is essentially carrying out the sentences given by the Nyaya Panchayat.

¹⁵⁹ The tax was part of the land revenue a cultivator had to pay to the State government.

charge the State government for that service. The U.P. Panchayat Act of 1947 does not prescribe any sums of fixed income for the villages and it is therefore to assume that the actual income of the Gaon funds differed widely across the United Provinces, respectively Uttar Pradesh.

The pretence to the institutional arrangement of Gaon Sabha and Gaon Panchayat was that it would form bodies, which represented the whole village community, expressed especially by the institution of reservation, and that was able to execute the will of the whole village community. However, the first elections to the Gaon Panchayats, following implementation of the U.P. Panchayat Act of 1947, revealed many problems. In some localities, the open mode of election through show of hands invited community pressure on voting behaviour. It even caused riots based on the election campaign and voting behaviour. In some villages, voting was based on caste affiliation (Tiwari 1949: 17). Another issue, already mentioned earlier, was the marginal role of women. As case studies have shown, women were generally reluctant to file for candidacy for the offices of the Gaon Sabha of the Gaon Panchayat (PEO 1960: pp. 97). These instances hold of course little value for a judgment on the overall implementation in U.P. They are simply mentioned to illustrate possible problems that occurred; a judgment on the implementations of the act is not the purpose of this study.

4.3.2. Assam¹⁶⁰

In Assam, the legacy of the British legislation was somewhat less continuous. The preceding legislation, the Assam Rural Self-Government Act of 1926, provided no extensive foundation for the Rural Panchayat Act 1948. Unlike the U.P. Panchayat Act of 1947, the Assam act established not only one, but two levels of Panchayati Raj throughout the State. While the form at the village level was somewhat similar to that in U.P., the nomenclature differed. The main deviation, however, was the establishment of a second level, superior to the village level. As in U.P. the foundation was a corporation of the village consisting all inhabitants of a village based on adult suffrage. This body was called Primary Panchayat. The Primary Panchayat elected under Section 7 from amongst its members an executive committee including a president and a vice-president to head the committee; it was simply known as the

¹⁶⁰ Source of the act: *Village Panchayats* (Directorate of Economics and Statistics 1954).

executive committee of the Primary Panchayat or Primary Executive Committee (GoA 1967: 337). Besides from differences in the number of members constituting an executive committee, the institutions governing the form were very similar to those in the U.P. Panchayat Act of 1947. Additionally to the Primary Panchayat there was, however, a second tier at the sub-divisional level¹⁶¹, the Rural Panchayat, which was constituted under Section 16 by direct elections from the members of the Primary Panchayat; for every 500 inhabitants, one representative was elected. The members of the Rural Panchayat elected from amongst themselves a president and a vice-president (ibid). All elections were by show of hand, similar to the U.P. Panchayat Act of 1947 (DoCD 1961: 7). The State government had the authority to appoint ex-officio members based on special qualifications where it was deemed necessary. Under Section 19 the president of a Rural Panchayat formed a cabinet, the Mantri Parishad, by appointing members of the Rural Panchayat according to their qualifications, expertise and interests. To both institutional arrangements, a trained professional was appointed as secretary under Section 28. The morphological difference makes the Assam case interesting enough, having a two-tier system instead of the widespread single-tier system, like in U.P. or Punjab (Punjab Gram Panchayat Act of 1952). The simplicity of nomenclature of the village level and the democratic foundation of the sub-divisional level are hints to an uneven importance between Primary Panchayat and Rural Panchayat.

A look at the physiology of the Panchayat system in Assam under Section 31 demonstrates that the Rural Panchayat was the far more important aspect. Instead of being a self-responsible corporate body that served the development of the village, the Primary Panchayat and its executive committee was in fact the executing arm of the Rural Panchayat. Its purpose was to assist in and execute tasks of the Rural Panchayat, especially improvement of communication, water conservation and supply and the collection of taxes and fees; additionally, the secretary of the Primary Panchayat, also responsible for the usual administrative duties of registration, was to survey about the population and produce of a Primary Panchayat area. The Rural Panchayat was responsible for the agricultural and economic development of the sub-division. This included primary education, disease prevention, basic health care, promotion of cottage industries, and regulation of markets,

¹⁶¹ Below district level, above village level.

fairs and rest houses. Its main task was to devise plans on how to improve agricultural production, help to sell the produce and steer the development into a direction of economic local self-sufficiency. To this effect an economic unit was implemented that dealt with the aspects of production and selling. This unit was the Primary Trading Co-operative, which was responsible for the import of goods that could not be produced within a Rural Panchayat and it should buy the surplus from producers within the sub-division (GoA 1967: 337).

The morphological and physiological differences between the U.P. Panchayat Act of 1947 and the Assam Rural Panchayat Act of 1948 are very obvious; the Assam act has not only a different form, being composed of an institutional arrangement split into two levels, but also emphasis the role of the superior level in physiological terms. Furthermore, the functional institutions of the Primary Panchayats and Rural Panchayats differ in their focus. The institutional arrangements in Assam were clearly more centred on economic development and self-sufficiency. Such a focus is not surprising giving the ecological challenges of within the State. Geographically dominated by hills and the Brahmaputra valley, the establishment of supply-lines to the sub-divisions or individual villages was very difficult during the period in question. Additionally, the constant rainfalls complicated the communication between villages and cities and other villages. Such challenges are also mirrored in functions like the development of rural communications, one of the main tasks of the Primary Panchayats. The morphological and physiological differences can therefore be seen as institutional adaptations to the natural eco-system of villages of Assam.

4.3.3. Madhya Bharat

The Madhya Bharat Panchayat Act of 1949¹⁶² ¹⁶³ diverts from the one-tier model even further by providing a three-tier system. In addition to the village level, a block level and a district level were incorporated as parts of the Panchayati Raj system. This system was, morphologically, a mixture between direct and indirect representation, where the direct part was restricted to the village level (Shrivastav 1971: 535). Furthermore, the Madhya Bharat

¹⁶² The act was passed in 1951 and in effect from 1952.

¹⁶³ Henceforth called the M.B. Panchayat Act of 1949. The original act is not available; this chapter is therefore based on the District Gazetteers of the Indore District. Since this Gazetteer is an official government document by the Government of Madhya Pradesh, I consider it a primary source.

case is significant, because the State is a union of former princely States, which were under British suzerainty, but never part of British India. Subsequently, not all parts of this State had an institutional legacy concerning local self-government (Mathew 1995: 118).

The M.B. Panchayat Act of 1949 did not provide for a corporate village assembly, like the Gaon Sabha in U.P. or the Primary Panchayat in Assam; the adult citizen who were registered as voters in the panchayat area were, however, the electoral foundation for the system (ibid.). The basic institutional arrangement was therefore the Gram¹⁶⁴ Panchayat, which was elected for a term of three years by the adult voting population of a panchayat area through a secret ballot (ibid.; DoCD 1961: 7). The absence of a corporate village assembly was probably a reason for having elections via secret ballot rather than show of hands like in U.P. or Assam. The electors of every village elected between four and fifteen Panches; reserved seats guaranteed the inclusion of at least one-woman representative and Scheduled Castes and Tribes representative according to their proportion in the village population (Shrivastav 1971: 535). The Panches elected from amongst themselves the Sarpanch and Up-Sarpanch, the president respectively the vice-president, of the Gram Panchayat (ibid.). Unlike in U.P. and Assam, the chair and deputy chair of the Gram Panchayat were not officers of a village assembly, due to the lack of it, and were elected through indirect an election which deviates strongly from the other two examples. Morphologically, the M.B. Panchayat Act of 1949 provided for a purely executive model at the village level by omitting the corporate village assembly and their role of delegating their powers to a Panchayat. Furthermore, by removing the broad electoral basis for the Sarpanch and Up-Sarpanch, and endowing them with substantial powers as it will be seen later, their offices were further removed from the village population than their counterparts in U.P. and Assam who were directly responsible to the corporate village assemblies. The next level, the Kendra Panchayat, was constituted by indirect elections as well; one representative, elected by the Panches from every Gram Panchayat, was sent to the respective Kendra Panchayat. The members of every Kendra Panchayat elected from amongst themselves a Sarpanch and an Up-Sarpanch (ibid.). The Sarpanches of every Kendra Panchayat then constituted the highest level of Panchayati Raj in M.B., the Mandal Panchayat, which was located at district level. Additionally, the Mandal

¹⁶⁴ Gram, like Gaon, simply means village.

Panchayat co-opted a women representative and a Dalit representative (ibid.). The biggest morphological characteristics of the M.B. Panchayat Act of 1949 were certainly the three-tier system, the absence of a corporate village assembly and the indirect elections of the Sarpanches and all higher level offices.

The different morphology led also to a deviation in the physiology. While many functions were similar to the cases of U.P. and Assam, the responsible institutions that executed those functions were different. At the village level an assembly of the electorate had one additional function to voting; that was to consider the budget of the Gram Panchayat before it had to be submitted to the Kendra Panchayat (Ibid.: 537). The Gram Panchayats had, similar to U.P., obligatory and discretionary functions (ibid.: 536). The obligatory functions can be separated into the categories of public works: the construction and maintenance of village roads and the provision of drinking water; administration: registration of birth, marriages, death and cattle; agricultural support: cattle management, agricultural development and cattle development; local business and industry support: the conduct of weekly markets and development of cottage industries; provisions for adult education (ibid.). The discretionary functions were either hygienic measures, such as the provision of public latrines and slaughterhouses or simply provisions for more sophisticated village environments, such as 'cosmetic' measures for roadsides, preparation of a village library (ibid.). The Kendra Panchayat had the same functions, but only in regard to projects affecting more than one village. It did not execute the work itself, but rather coordinated and supervised the involved Gram Panchayats (ibid.: 537). In that respect the of an indirectly elected institution, constituted from representatives of the Gram Panchayats, made sense, since a direct link between the relevant Gram Panchayats and the Kendra Panchayat was guaranteed. Furthermore, the Kendra Panchayat had to archive and approve the budget of the Gram Panchayat (ibid.). The Mandal Panchayat had the same coordinating and supervising functions as the Kendra Panchayat on the district level (ibid.), and again the procedure of constitution through indirect elections was adequate concerning the functions. Both, the Kendra Panchayat and the Mandal Panchayat were more or less coordination committees for enterprises that included more than one Gram Panchayat. The sources of income of the M.B. Panchayats were also similar to that of the U.P. Panchayats, with of

course the exception that all three levels had to share these incomes. The various sources included cess tax on land revenue, house taxes, levies from cattle pounds and government grant-in-aids by the State government (Shrivastav 1971: 537). Furthermore, the Panchayats were authorised to levy labour-force for public works up to five days a year from the male adult citizens of the village; this day-labour could also be settled in an equivalent of money (Mathew 1995: 120).

Morphologically, the M.B. Act is the most extensive in that it comprises three different tiers of Panchayats, extending to district level. Remarkable is the lack of a corporate village assembly at the lowest level and the use of indirect elections for offices and all higher tiers of the system. Madhya Bharat was a union of 25 formerly semi-independent princely States. The three-tier system may have reflected the need to provide representative self-government at the district level. The districts were equivalent to the princely States, at least in regard to the larger ones. Physiologically, the three-tier system did not provide any special tasks to the block or district level, unlike the Assam two-tier system, which was centred on the second level. In most cases, the Gram Panchayat was charged with planning public works, with administration and with the support of agricultural, commercial and industrial development and it executed tasks on village level. The Kendra and Mandal Panchayats rather had supervisory and coordinating functions in larger projects including more than one Gram or Kendra Panchayat. In that regard the indirect elections to the higher tiers made sense, since the both arrangements would represent the interests of the Gram Panchayats in such larger projects.

The three cases present a variety of approaches to Panchayati Raj. The most conservative approach is the U.P. Act of 1947 that kept the single-tier system and modified institutions only within this system, for example adding a corporate village assembly, the Gaon Sabha. An extreme approach was the Assam Act of 1948, which emphasised the entity above the village, the Rural Panchayat and was strongly focused on economic development. Madhya Bharat's three-tier system was morphological more experimental than the conservative single-tier system of U.P., but simply spread the functions of a single-tier system over three levels. Unlike Assam, the additional tiers had no impact on focus or function of Panchayati Raj in Madhya Bharat.

4.3.4. *The Constituent Assembly and Panchayati Raj*

Parallel to the creation of new Panchayat Acts in the States, the Constituent Assembly was deliberating the status of Panchayats in a future constitution. M.K. Gandhi, without doubt, one of the most influential thinkers of India at that time had imagined a comprehensive Panchayati Raj System as early as 1942 defined as independent, sovereign republics that would be the centre of independent India (M.K. Gandhi 1942: pp. 238). The various committees on fundamental rights, however, did not touch the subject of Panchayati Raj at all. Phulan Verma, a member of the Provincial Constitution Committee, did send a note called “Twelve Points for the Framing of the Provincial Constitution” to the Constituent Assembly in mid-1947. That note included two points, number 9 and 10, which expressively mentioned local self-government and Panchayati Raj. Point 10 mentioned Panchayats as the basic unit of administration, while point 9 named the duties and privileges of local self-governments (Rao 1967: Vol. II, pp. 643). Nevertheless, this note had no impact on either the Provincial Constitution Committee or the Constituent Assembly. Based on the vision of Village Swaraj Gandhians involved in the draft process advocated the inclusion of Panchayati Raj into the constitution as either a fundamental right or a federal institution. In K.T. Shah drafted two motions to amend Article 1 of the constitution to include Panchayats as integral parts of the Indian Union. L.N. Misra brought in a motion to include Panchayati Raj as Article 8A (Kashyap 1989: pp. 55). All three were rejected on the grounds that the draft constitution was already circulated and changes not practical (ibid.: 21). One of the main reasons that Panchayati Raj did not play any role in the drafting was the staunch opposition of B.R. Ambedkar, who said the following during the Constituent Assembly Debates: “What is the village but a sink of localism, a den of ignorance, narrow-mindedness and communalism?”¹⁶⁵ As Chairman of the Constitution Drafting Committee, he had of course considerable influence on the drafting text. Nevertheless, in the end the faction around K.T. Shah, which favoured Panchayati Raj, were able to include a, rather diffuse, article on the subject. A motion, introduced to the part on fundamental rights by K. Santhanam was included under the directive principles as Article 31 A¹⁶⁶ (ibid.). It read, “The State shall take steps to organise village panchayats and endow

¹⁶⁵ <http://164.100.47.132/LssNew/constituent/vol7p1.html>, accessed on 22 October 2014.

¹⁶⁶ In the last reading of the draft constitution Article 31 A was moved to Article 40.

them with such powers and authority as may be necessary to enable them to function as units of self-government.”¹⁶⁷ The late inclusion and shift to the directive principles caused some criticism during the debates in the Constituent Assembly. Interestingly, neither the acting Prime Minister Nehru, nor Patel, then acting home minister, did say anything on the subject during the debates (ibid.). The point of contention, the obscure place of Panchayati Raj within the Indian Constitution, was nevertheless mentioned by several members during the Constituent Assembly debates. In the debate on 24 November 1949, namely M.L. Varma and K. Santhanam voiced their discontent with the place local self-government was allocated to.¹⁶⁸

4.3.5. Conclusion

The developments of Panchayati Raj institutional arrangements in the States did not have any impact on the draft constitution, nor had the debates in the Constituent Assembly and its committees any impact on State legislation. That has two reasons: First the draft process had started already in 1946. At that time the provincial legislations and acts concerning local and village self-governments was considered a minor factor, due to the pressing importance of other aspects, like the partition of British India, the transition of the bureaucracy, the military and the treasury and the future constitutional status of independent India within or outside the British Empire. Secondly, the passing and implementation of Panchayati Raj acts in the States became necessary in many instances due to the merger of provinces with princely States. That made a subsequent adjustment of existing laws on the subject necessary. In many cases the new legislation relied on the institutional legacy from the British colonial era and simply added democratic elements, like the corporate village assembly, and devolved public works, administration and development duties. Some States, like Assam and Madhya Bharat used the opportunity to experiment with the Panchayati Raj legislation by either changing the emphasis or expanding the institutional structure, adding a stronger democratic element. The passing of the Constitution of India, including the obscure Article 40, and the subsequent enforcement in 1950, did not provide any legal necessity or incentive to change the States’ legislation on Panchayati Raj, nor did it provide any guidelines or ideas for acts

¹⁶⁷ <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>, accessed on 22 October 2014.

¹⁶⁸ <http://parliamentofindia.nic.in/ls/debates/v11p10m.htm>, accessed on 22 October 2014.

after 1950. If anything, Article 40 was a sign that the central government had no interest to work on guidelines or even binding legislation concerning local self-government. It rather relied on the State governments' interest in the matter. That decision cemented an uneven development of Panchayati Raj for the years to come. Success depended on the State governments' political interest and the finances to implement Panchayati Raj as working local self-governments. Here the political system as part of the ecology around Panchayati Raj had a decisive influence on the evolution of institutional arrangements. The delegation of the matter into the realm of State legislation was a central point in the diverging evolution of Panchayati Raj in different States. Starting with a relatively similar institutional legacy on local governments, the different provinces and princely States had minor variations in the relevant legislations, the independence gave the various State legislatures the opportunity to delegate powers and enhance democratic participation on the village level. How strong the British legacy was in the period between 1947 and 1958 is demonstrated by how little some acts changed the existing structure. In the cases of West Bengal, for example, the Bengal Village Self-Government Act of 1919 remained intact with minor amendments including universal suffrage as the biggest change. Although a new act was passed in 1957, the implementation of that act started much later (Mathew 1995: 217). It is likely that the partition of 1947 and the subsequent influx of large masses of refugees from East Bengal, later East Pakistan, made local self-government an issue that could be deferred. In Bombay the Act of 1933, of course with necessary amendments in 1947 and 1950, remained in place, The single-tier systems of U.P., Punjab (Punjab Gram Panchayat Act of 1952), Bihar (Bihar Panchayati Raj Act of 1947) or Madras (Madras Village Panchayats Act of 1950) also continued much of the British institutional legacy. Even the addition of corporate village assemblies was an exception, limited to U.P., Orissa, Saurashtra and Pepsu, and Assam in a different outlook. In the case of Assam, the environmental and climatic pressures were certainly also an important influence on the design of Panchayati Raj, since the geographical features and the weather there fostered the idea of a necessary economic autarky. The romantic notion of the village community as a wholesome entity may have been a major influence in the idea to create corporate village assemblies from which the Panchayats would derive their legitimate power. In States, which through major changes, like territorial and

political mergers, had to enact completely new legislation, new morphologies were opportune. Madhya Bharat is a good example for a situation where institutional legacies were not only bundled and slightly amended, but, from the contemporary perspective, significantly expanded. With the exception of Assam, the physiologies of the acts are all quite similar. Most of the acts gave obligatory and discretionary functions to the Panchayats. The obligatory functions were quite basic, usually the execution of fundamental public works, like maintenance of roads, sanitation and provision of potable water, support for agriculture, small industries and commercial activities and basic administrative duties, like registration of citizens and cattle. Even the deviating structure of Madhya Bharat did not change these functions, but rather distributed them to the different tiers. This is on the one hand due to the average needs of a village and on the other hand due to the lack of trained and educated personnel to execute more complicated tasks on behalf of a Panchayat, respective the lack of trust into the abilities of the villagers to execute more complicated tasks on their behalf by the States' political elites. Overall, the ecological system of the time was not very much in favour of a comprehensive decentralisation of any kind. The primary political task of the time was national consolidation, which included the assimilation of former British India and hundreds of formerly semi-independent princely States and millions of refugees into the later Republic of India. The Modernisation ideology of Nehru, expressed by the implementation of a mixed economy that emphasised large-scale industrialisation through public enterprises and the one-party-rule of the Congress system of the time clearly favoured centralist tendencies. That there still were variations of institutions was owed to either ecological pressure, for example by geographical and climate pressures in Assam, or political re-organisation pressures as in M.B., Orissa, Saurashtra or U.P. The technocratic and centralist approach to decentralisation is highly evident in the early stages of the Community Development Programme and the National Extension Service that started 1952 and 1953 respectively.¹⁶⁹ These programmes are closely connected to the person of Nehru, who was arguably the most influential person of this period. Variations that occurred in all States, either by amending existing acts or creating new ones, were simply adaptations to the new situation of independence and the subsequent necessity to implement universal suffrage.

¹⁶⁹ See following chapter.

4.3.6. Community Development

The period between 1952 and 1958 was a period of continued consolidation and the development of a national entity that is India. The constitution had come into effect in 1950 and the hundreds of princely States had been incorporated into the Indian Union. Furthermore, this period saw the implementation of the first Five-Year-Plan that had started in 1951. Although the five-year-plans were guidelines for the economic policies of the Government of India, the fact that Prime Minister Nehru was the chairman of the Planning Commission as well, made them de-facto official policies (Rothermund 1993: 130). For the evolution of Panchayati Raj, the year 1952 was of crucial importance; not so much, because the evolution of the States' Panchayat acts changed in a significant way, but because the Community Development Programme and National Extension Service started their work (Dey 1969: pp. 55). For the first time, the central government, via these enterprises, recognised the importance of the rural communities and the villages as units of development. For the endeavour of developing the countryside the various agencies, departments and ministries concerned with rural industries, agriculture and food, health and education bundled their projects (Dey 1964: pp. 43). An impact on Panchayati Raj came only in 1958 when the B.R. Mehta Committee Report was submitted. The inauguration of the Community Development Programme and the implementation of the National Extension Service were doubtlessly important factors for rural development and therefore for the evolution of Panchayati Raj. The Community Development Programme and the National Extension Service did, however, establish a system that was initially largely independent from any Panchayat System (ibid.: 45). It were the developments during the period of 1952 and 1958 that would have a decisive impact on the Panchayati Raj Systems after 1958, although these developments were ostensibly not directly related with Panchayati Raj. The institutional evolution of local self-governments remained largely faithful to their legacies from the pre-independence period and the developments that happened during the first consolidation period between 1947 and 1958. Nevertheless, the establishment of the institutional arrangements of the Community Development Programme and the National Extension Service is interesting in its own right. Additionally, these arrangements had some tasks that overlapped with the tasks of the village Panchayats. The main institutional focus of the Community Development

Project (CDP) was not the village itself, but newly established Community Development Blocks, which were largely kept apart from the institutional arrangements of the States' Panchayati Raj systems.¹⁷⁰ These CDB were headed by a Block Development Officer (BDO) and were entities between the district level and the village level that covered tens of thousands of citizens and about one hundred villages (Dey 1969: 45). CDP set up a completely new bureaucratic structure, which were administration, technical support and political executioner combined. At the start, on 2 October 1952, it was a small pilot project with 165 CDB in all States of the Indian Union (ibid.). The official aim of the CDP was to make the rural population more self-reliant and enterprising to cause no less than the social and economic modernisation of the rural areas of India (Jain 1967: 62). The Indian population lived in its large majority still in rural villages, dominated by traditional social hierarchies and means of agricultural and industrial production (Krishnan 1966: pp. 2). Agricultural development was necessary to secure food base of the growing population. At the same time the great plan, to modernise India and make it an industrial power that can satisfy its own needs, provided somewhat of an ideological frame for the CDP. The administrative framework of the CDP was centred on the BDO and his team of experts, the Extension Officers. These were allocated to portfolios including for example agriculture, village industries, healthcare and education (Dey 1964: 45). To connect the local issues to the CDB an advisory committee was created, including amongst others, officials of the administration, the local members of parliament, representatives of marginalised groups and Sarpanches of the area (Co-operation and Rural Development Department [CRDD] 1961: 28). The CDB was also the financial hub of the programme receiving the funding from the centre as well as from the State governments (Dayal 1966: 32). While identifying appropriate projects for the CDB was the task of the BDO and his team, the execution on the ground was the task of the associated Village Level Worker, or Gram Sevak. He was responsible for a group of villages, usually up to ten, but was not the last level of execution, since the work itself was to be carried out by the volunteers from the villages (ibid.: pp. 20). Although the CDP was mainly placed at the level of the newly created development block, it still was in line with the usual top-down approaches of that time. The CDB were in the pilot-scheme constituted by the

¹⁷⁰ The block was roughly identical with the administrative unit called Tehsil or Taluka.

Central Committee¹⁷¹ and supervision was delegated to the State governments, who in turn delegated the ladder down to the Development Commissioners and Collectors until the BDO (Jain 1967: 63). The intensity of the CDP, in terms of budget as well as in terms of personnel, was overspending the resources of the state, however, and a second stage was inaugurated exactly a year later: the National Extension Service (NES; Dayal 1966: 21). The NES was set up along the same organisational lines as the CDP, but with fewer financial resources and fewer staff-members (ibid.: 40). While the CDP was a more intensive, but temporary effort for the development of rural areas, the NES was supposed to be a long-term arrangement (ibid.). The steady growth of the project, by the end of the first Five-Year-Plan in 1956 more than 1,000 blocks were constituted covering more than 160,000 villages (Jain 1967: 63), made a constant expansion of the central administration of the CDP necessary. To bolster that expansion and to stress the importance of the project, the Ministry of Community Development under S.K. Dey was created in 1956. Since all rural development works were constitutionally privileges of the State governments, this new ministry could only prepare general planning programmes and provide training and support (Dayal 1966: 44). The acknowledgement of the importance of the programme by elevating a central agency to a full ministry in 1956 brought also changes in the execution on the ground level. Panchayats, formerly not part of the official structure, were included to execute minor local projects (Jain 1967: 68). This was not really an acknowledgement of the Panchayats as crucial parts of community development, but more or less an acknowledgement of the problem of shortage of staff. It is not surprising that Nehru was an active supporter of the CDP and the NES, considering the huge challenges rural India faced and the fact that the majority of Indians lived in rural India. The whole structure and ideological framework of project were clearly in line with the ideas of modernising development of the time. Nehru, as the first administrator of the nation and advocate of modernisation and planned economy, had a considerable influence on the CDP by being the chairman of the Planning Commission and the chairman of the Central Committee concerned with CDP and NES (Dayal 1966: 394). It is therefore also not surprising that the whole structure and ideology was top-down with a strong modernisation approach. The institutional arrangements created for the endeavour of

¹⁷¹ Consisting of members of the Planning Commission, the Ministries of Food and Agriculture and the Prime Minister as chair of the Central Committee (Dayal 1966: 43).

community development demonstrated a technocratic understanding by making the BDO and his team of experts the centre. A quite paternalistic view of village, supposedly dominant at that time, probably discouraged the modernisers at the start of the CDP to include Panchayats into the equation. Even with the inclusion of the Panchayats, their significance was very limited. The technocratic approach to development and the modernisation ideology did not permit to allocate such important tasks to institutional arrangements that were elected by mostly illiterate villages and manned by the same. The project drew a lot of criticism for its ineffectiveness in the stages between 1952 and 1957. It was neither able to entice the affected citizens to provide voluntary participation in the execution of development enterprises, nor was it financially sound (Dayal 1966: pp. 394). These criticisms were acknowledged by the leadership, especially by the newly founded Ministry for Community Development, which ordered an investigation into the progress of the CDP and NES already in 1956. This investigation became the Report of the Study Team for Community Development and National Extension Service, or B.R. Mehta Committee Report of 1957 (Jain 1967: pp. 68).

4.4. The Zenith of Interest in Panchayati Raj

The period from 1947 to 1957 had been used by the Congress system under Prime Minister Nehru to consolidate the nation, to integrate the numerous princely States and to initiate the economic modernisation of the country. Based on the mixed economy approach, large-scale industrialisation projects were started. To secure the food-base of the nation and to stimulate the development of the rural areas, the Community Development Programme and the National Extension Service were inaugurated in 1952 and 1953. Instead of utilising the existing institutional arrangements at the village level, a completely new structure was built. Panchayati Raj, which kept most of the institutional legacy from the British colonial era, varied only in few aspects and only in few States. The large projects CDP and NES, which were set up in a very centralist manner, had only minor impacts on the evolution of local self-government. Only in 1956 they were included into these projects at all and then only in order to execute minor duties. Otherwise, they remained institutional arrangements largely responsible for the discharge of petty administrative and public services. After five years of

CDP and NES, it became obvious that the new structure was understaffed, underfinanced and unable to deliver the idea of rural development to the rural citizens (Dayal: 1966: pp. 394).

4.4.1. The B.R. Mehta Committee Report

In light of these facts, the Government of India appointed in 1957 the chairman of the Estimate Committee of the Lok Sabha Balwantraji Mehta to evaluate the CDP and NES and to provide recommendations for reform. The group that was formed to execute this was the Study Team for Community Development and National Extension Service, which submitted its results in November 1957. In These recommendations were published in January 1958 and became known as the B.R. Mehta Committee Report (CRDD 1961: 29; Jain 1967: pp. 68). The recommendations of this report would have a large impact on the evolution of Panchayati Raj. The outcome of the report would change the institutional arrangements of local self-government profoundly and induce extensive variations in the morphology and physiology of the arrangements. The reforms recommended by the B.R. Mehta Committee were, however, guidelines for the States and had no real binding powers and it was up to the State legislatures to initiate reforms accordingly. The result was therefore not a unified Indian legislation, but many varying legislations (Goel and Rajneesh 2009: 16).

Nevertheless, following the acceptance of the report by the National Development Council many States passed acts based on the recommendations.

One main point of critique by the B.R. Mehta Committee Report was the lack of interest by the relevant institutional arrangements to include the affected population in the execution of development projects (Committee on Plan Projects [CPP] 1957: 5). Another important point of critique, which connects to the first issue, was the focus on pure welfare activities rather than on development projects to effect that villagers had no interest to invest their time and labour into economic development (ibid.: 4). These points led the committee to the insight that effective development could only work in combination with democratic representation and accountancy to evoke the interest of the local population. Institutional arrangements that were the “expression of local people’s will in regard to local development” (ibid.: 6), rather than pure executive agents, responsible only to the central and States’ governments,

were felt necessary. The committee reviewed therefore the existing institutional structure in the rural areas and found that it was inefficient and inappropriate for such a task. District Boards were evaluated as understaffed, underfinanced and overburdened with the task of local development. The Block Advisory Committees were deemed too powerless and unrepresentative of the local population (ibid.: pp. 5). Therefore, the committee recommended the creation of a new, representative entity at the block level. That had, according to the report, several advantages: First, institutional arrangements created for development work already existed at that level, the CDB. Secondly, the block was small enough to effectively tend to local needs, evoke popular interest in local development works and establish a connection between the citizen, the representative institutional arrangement at the village level, usually a Gram Panchayat, and the executive development agency. It was, however, also large enough to stem larger projects that either involved several Gram Panchayats or were simply too big to be planned or executed at the village level (p. 9). The proposed integration of the democratic institutional arrangement with the CDB, which was already in place, is evidence for the acknowledgement that the existing structures rather had to be reduced than expanded. Rather than devolution of the execution of development work, as it was conceived in the CDP and NES projects, a decentralisation of executive powers and accountancy was recommended in the B.R. Mehta Committee Report. The block entity was not conceived as only an agent of the State or central authority, but as a representative corporation with a mandate from the local population and accountancy to them. The entity was called Panchayat Samiti¹⁷², expressing the more representation oriented focus of the recommended reforms. Furthermore, the insight that village Panchayats are already discharging some of the developmental functions of the CDO and NES Blocks led to the recommendation that these Panchayats should be integrated into any reforms regarding community development (CPP 1957: 10). Interestingly enough, the proposed entity was not at all as democratic as for example the existing model in Assam, where the representatives to the Mandal Panchayat were elected directly. The proposition of the B.R. Mehta Committee was to have indirect constitutions of Panchayat Samitis through elections in the Gram Panchayats. Additionally, provisions about co-optation of members were made, especially to

¹⁷² Samiti simply means 'association'.

safeguard the representation of marginalised groups. Where Scheduled Castes or Scheduled Tribes were more than five per cent of the local population, and where none of their representatives was elected from amongst the Panches of the Gram Panchayats, one representative was to be co-opted. Also, it was recommended to co-opt two women who were “interested in work among women and children” (ibid.). At last two persons with expertise in administration or development work could be co-opted. Especially the part about the addition of women representatives seems, from today’s perspective, problematic. On the other hand it was simply an acknowledgement of the reality of rural societies and the role women had to play therein. An aspect, which shows the developmental character of the proposed Panchayat Samiti was the recommendation to include representatives of local cooperative organisations with as much as ten per cent of the seats. These representatives should be elected from among the directors of the local cooperative organisations of the area of jurisdiction. Ex-officio members, such as Members of Legislative Assemblies (MLAs) or Members of Parliament (MPs), were considered (ibid.: 11). The committee also proposed the term of a Panchayat Samiti to be five years and aligned to the Five-Year-Plans in a fashion that the elections take place roughly half way through the Five-Year-Plan. Again, this shows the focus on the Panchayat Samiti as a development agency with representative elements, rather than a grass-roots institutional arrangement that also executes developmental functions. It was the aim to keep this entity apolitical, argumentatively enforced by the exclusion of politicians, MLAs or MPs, as ex-officio members and the nature of the elections to the Panchayat Samiti. Aside from the elected and co-opted members of the Panchayat Samiti itself, the institutional arrangement should include, by recommendation of the committee, an executive officer, responsible for the discharge of administrative functions, and a technical service that includes specialist officers with expertise in fields corresponding to the functions of the Panchayat Samiti. The committee proposed that these officers were to be lent to the block entity by State, drawn from the State Administrative Service cadres. While technical supervision was suggested to come from district level officers, the administrative and operational supervision was to be devolved to the executive officer who acted as chief administrative officer (CCP 1957: pp. 13). To ensure that the block entity and in connection with their tasks, the village entities, were able to execute their functions properly

a number of income sources were recommended. These sources included percentages of the State's land revenue, proposed to be 40% of the entire blocks revenue income combined for Village Panchayats and Panchayat Samitis; taxes on professions and trades, to be exclusively levied by Panchayat Samities; rents and profits from property, such as for fisheries maintained by Panchayat Samitis; tolls for the use of roads and bridges maintained by the Panchayat Samitis; taxes on entertainment, fairs and markets as well as a share of the motor vehicle tax; and lastly grants by the central or State governments (ibid.: pp. 12). Moreover, the committee recommended that all funds for rural development, either from central or from State entities spent within a block, should be channelled through the Panchayat Samitis. That means that all funds were to be given to the Panchayat Samitis to be either spent directly by them or distributed to other relevant entities (ibid.: 13). These recommendations concerning the morphology of Panchayati Raj were extensive and affected existing State legislations profoundly. Not only did the B.R. Mehta Committee Report suggest adding the block tier to the existing village level, but it integrated the massive duties of the CDP and the NES into the new entity. Although the representative element at this level was not as democratic as the report tried to convey, the idea of adding accountability to the enterprise of community development was, compared to the preceding arrangements, revolutionary. Especially the recommendations regarding the staffing of the Panchayat Samitis were interesting. The proposition to delegate State administration cadres to the block level and effectively put them under the authority of a locally constituted institutional arrangement was groundbreaking in light of the centralist tendencies of the time. The same goes for the substantial suggestions of income sources for the Panchayat Samitis.

The recommendations about which functions the Panchayat Samiti should execute were substantial. Many of these functions were already executed by Village Panchayats under the State acts, but not to the extent the committee proposed. The focus was clearly on agricultural development, in line with the need to expand the food base of the nation and its growing population. Therefore the B.R. Mehta Committee Report recommended bringing all agricultural matters under the Panchayat Samiti, including the selection and distribution of seed for cultivation, improvement of practices, especially sowing, watering and harvesting; constructing and improving minor irrigation works; provision of financial support for

agricultural undertakings and improvements in animal husbandry. Development of local commercial and industrial enterprises was also recommended to fall under Panchayat Samiti jurisdiction, such as the improvement of small-scale industries. Furthermore matters of public health and emergency response were recommended to be brought under the Panchayat Samiti, such as health and sanitation and relief in natural disasters and medical emergencies; provision of drinking water. Additionally, the institutional arrangement was proposed to be in charge of usual public and administrative tasks like maintenance of roads, maintenance and collection of statistics and management of primary, and in some cases, secondary education. Last, but not least, Panchayat Samitis were to be in charge of welfare tasks, like fixing local minimum wages, especially affecting agricultural labourers and promoting development of backwards classes. To avoid parallel structures all development schemes by the State governments were to be channelled through the Panchayat Samitis (CPP 1957: 11). The proposed physiology of the Panchayati Samitis reveals their focus on development, especially agricultural development. The focus of developmental tasks coincided, of course, with the functions the CDB and NES block had and was to be integrated into the new entity. Some of these tasks were overlapping, or at least were similar, to duties discharged by Village Panchayats under many States' Panchayat acts. The recommendation to channel all development schemes through the Panchayat Samitis, as well as to allocate all funds for development projects, State as well as central funds, showed the clear intention to make the block level the main hub of development for rural areas. The suggested responsibilities of the Panchayat Samitis in terms of health and sanitation were also developmental in nature. Insufficient sanitation and health care were the main causes for severe sickness and the loss of many lives and therefore a serious hazard to agricultural production and development.

Although the recommendations of the B.R. Mehta Committee clearly focused on the establishment of Panchayat Samitis, it also included suggestions on the improvement of Village Panchayats and the establishment of a third tier institutional arrangement at the district level.

The Village Panchayat as a representative institutional arrangement was already established in the States, although their exact morphology and physiology varied because of the differing

State legislations. Due to the already established position of Village Panchayats, the report called them Gram Panchayats, the recommendations were not as extensive as in regard to the Panchayat Samitis. The constitution of the Gram Panchayats was to happen by elections, provided for already in the States' Panchayat Acts, and inclusion of Scheduled Tribes, Scheduled Castes and women through co-option (CPP 1957: 15); the inclusion of these marginalised groups, however, was also regulated in most States' acts, as in U.P through reservation of seats for example. Identifying elections as a source of disharmony in villages and therefore an inhibitor for community development, the committee actually recommended looking at the possibility to ensure unanimity in Gram Panchayat elections (ibid.: 19). The very democratic element of contestation and argument were to stand back in favour of development. Interestingly, corporate village assemblies, like Gaon Sabhas in U.P., are not mentioned at all. The main change for Gram Panchayats suggested by the B.R. Mehta Committee was probably the re-consideration of the role of the Gram Sevak.¹⁷³ His role was changed in so far, as he was delegated to be the development secretary of the Gram Panchayat in his circle or of a joint committee of Gram Panchayat Sarpanches, if more than one panchayat was in his circle. While it was not suggested to make him entirely an officer of the Gram Panchayats or the joint committee, he was practically to act on behalf of the Gram Panchayats in development matters. At the same time he had to execute development tasks delegated to him from the block level (ibid.: 15) In terms of financial income sources the committee recommends to keep the taxes, fees and levies most State acts already named (see for example U.P. Panchayat Act of 1947 or Punjab Gram Panchayat Act of 1952). These included water and lightning rates, fees for cattle-pound usage, taxes on markets and commissions for the collection of land revenue. Additionally, the land revenue share allocated to the Panchayat Samiti was proposed to be shared with the Gram Panchayats in their jurisdiction. Furthermore, Panchayat Samitis were supposed to provide grants to Gram Panchayats (ibid.: 16).

Physiologically the report provided suggestions that were more comprehensive. The recognition of widely differing prescription of duties of Gram Panchayats by the various State acts (compare for example the U.P. Panchayat Act of 1947 and the Assam Rural Panchayat

¹⁷³ Gram Sewak in the B.R. Mehta Committee Report.

Act of 1948) led the committee to the proposition of unifying and limiting the number of tasks the village level should execute. The committee recommended limiting the number of compulsory duties to eleven: provision of domestic water supply, sanitation, maintenance of public streets, panchayat roads, bridges, drains and tanks as well as the lightning of public streets and places, land management, records-maintenance of cattle, relief of distress, supervision of primary schools, welfare activities towards backwards classes and the collection and maintenance of statistics (CPP 1957: 18). Some of these duties overlapped with Panchayat Samiti duties, so that the committee recommended that by approving the budgets of the Gram Panchayats in their jurisdiction, the Panchayat Samitis had to identify double tasks and eliminate them. Furthermore, the Gram Panchayats were supposed to execute development tasks planned and approved of at the block level in cooperation with the relevant Panchayat Samiti (ibid.). Again, the focus on development is revealed by limiting the duties of Gram Panchayats and relegating them to the role of executive agents of developmental tasks of Panchayat Samitis.

Interestingly political parties are completely absent in both, the legislation in place and the recommendations of the committee. This curious absence was on the one hand certainly a strategic decision by the INC to keep their dominance, the party ruled the Union and close to all of the States during the period 1947 to 1964, and to bar the rise of localised power-bases for other parties; on the other hand the villages were simply not recognised as political units. The whole tone of the B.R. Mehta Committee Report reveals a paternalistic approach to villagers and it emphasises integration of villagers into developmental enterprises, but never mentions any political aims, despite the clear proclamation of democratic decentralisation throughout the report.

The B.R. Mehta Committee Report also included recommendations to establish a body at the district level. The committee saw a necessity for such a suggestion, because some of the duties of district entities, such as school boards, were to be delegated to the Panchayat Samitis, and had therefore no justification for further existence; a disitric body was nevertheless felt useful to coordinate Panchayat Samitis and their work and to link the State governments to the local institutional arrangement. The proposed entity was to be called

Zila¹⁷⁴ Parishad (ibid.: 19). The Zila Parishad was suggested to be an entirely non-representative body. Instead, it was proposed to be constituted from the presidents of the Panchayat Samitis, the MLAs and MPs in the jurisdiction of the relevant Zila Parishad and the district level officers with portfolios affecting the duties and tasks of the Panchayat Samitis and Gram Panchayats. The chairman was supposed to be the district collector of the relevant district (ibid.). The appearance of a pure coordination committee is re-enforced by the functions the Zila Parishad had, however, the powers of the Zila Parishad were considerably strong in comparison to its actual functions.

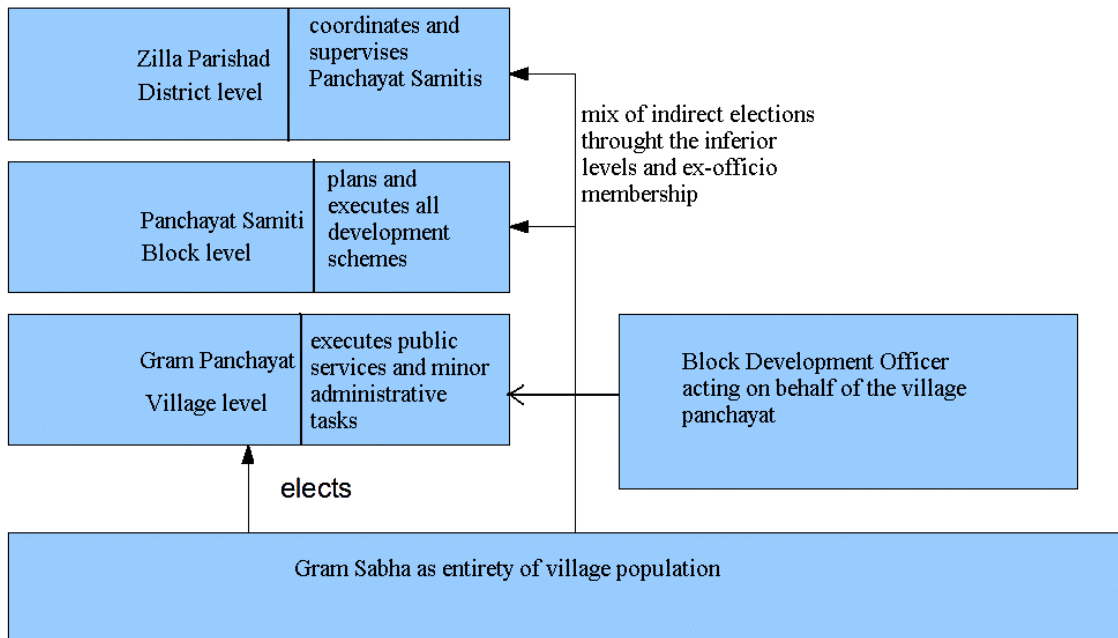
The functions of the Zila Parishad were few. It was recommended to be mainly tasked with coordination and supervision of the Gram Panchayats and Panchayat Samitis in its jurisdiction. Additionally, it had to approve of the latter's budgets and forward financial demands by the Panchayat Samitis to the State governments. As a proposed replacement of the District Planning Committees, it was also in charge of coordination and consolidation of the Panchayats Samitis development plans. Furthermore, the Zila Parishad was to replace the Panchayat Directorates, previously tasked with the supervision of Gram Panchayats and Block Panchayats, where they existed. To evaluate the subordinate tiers' budgets it was suggested by the committee to establish a finance standing committee consisting of the chairman and two additional non-official members¹⁷⁵, for other purposes, like plan coordination, different standing committees were to be established including the chairman, only one non-official member and the relevant technical officer (CPP 1957: pp. 19).

¹⁷⁴ Sometimes written as 'Zilla'.

¹⁷⁵ Meaning two members of the Zila Parishad that were Panchayat Samiti presidents.

Figure 5: Panchayati Raj according to the B.R. Mehta Committee

Panchayati Raj System according to the B.R. Mehta Committee Report's Recommendations



Lastly, the B.R. Mehta Committee made recommendations concerning the judiciary aspect of Panchayati Raj, which existed in many State acts at the time. These recommendations are short and include simply the suggestion to expand the jurisdiction of judicial Panchayats. The jurisdiction was supposed to include at least two Gram Sevak circles, leading to the establishment of four to five judicial Panchayats within a Panchayat Samiti. In terms of membership, it was suggested to be largely independent from the other institutional arrangements of Panchayati Raj. While the Gram Panchayats could recommend panels with the name of persons, the selection was to be the duty of the relevant district magistrate (ibid.: 20).

All in all the B.R. Mehta Committee Report included many recommendations that would change the overall morphologies and physiologies of Panchayati Raj institutional arrangements in many States in a very profound way. The most obvious change the recommendations, if adopted, would cause was the recommendation to establish a three-tier system, something that was only in place in Madhya Bharat until its merger into Madhya

Pradesh in 1956. Compared to the single-tier systems of most States the establishment of two additional tiers was an enormous expansion of Panchayati Raj. Connected to the structural expansion was the focus on the second tier, the Panchayat Samiti, bringing additional morphological and physiological changes to the legislation in place in the States. The integration of Panchayati Raj and the Community Development Programme and National Extension Service was a major change in the role Panchayats played. Instead of being mere extensions of States' administrations and development agencies in the villages, Panchayats, especially on the block level, were planned to become the major hubs of development. The basic idea behind all that was to include the village population into the development efforts by bringing the projects execution closer to them at a level where they could actually interact with the relevant institutional arrangements. The propagated democratisation of CDP and NES, however, did not really show in the recommendations of the B.R. Mehta Committee Report. For the Gram Panchayats there was simply a recommendation to have them elected, a state already in practice in the various legislations. A mention of corporate village assemblies, for example Gaon Sabhas, as democratic hubs of village communities, was not even made. The decisive institutional arrangement through which all developmental schemes and funds should be channelled, the Panchayat Samiti, was suggested to become the inclusive and integrating unit where villagers would be represented and could interact through their representatives with the CDP and NES. Nevertheless, the recommendation to have the Panchayat Samitis constituted by indirect elections contradicts the democratic propaganda of the report. The provisions of the Assam Rural Panchayat Act of 1948 went already much further by providing direct elections and accountability to the second tier, the Rural Panchayats. The recommendations can thus be seen much more as administrative reforms to make the development projects of the central government and the State governments more effective by centralising their efforts, both execution and financing, in one institutional arrangement, integrating existing institutional arrangements into the projects and abolishing parallel structures.

Although the recommendations of the B.R. Mehta Committee were guidelines and had no binding effects, even the committee itself expressively saw implementations of reforms as the responsibility of the States (CPP 1957: 19), many States implemented reforms following

the model proposed by the committee. The State of Rajasthan took the lead and passed the Rajasthan Panchayat Samitis and Zila Parishads Act in 1959. The same year the first institutional arrangement modelled after that act was inaugurated in Nagaur, Rajasthan in a festive act by Nehru himself, who was up until then quiet on the issue of Panchayati Raj and had not taken any public initiative to strengthen Panchayats (Mathew 1995: 5). By personally attending such an occasion Nehru, still the undisputed leader of the nation brought his support behind the Panchayati Raj project. With the elevation of the Department for Community Development into the status of a ministry, and the subsequent elevation of the Panchayati Raj proponent S.K. Dey into the rank of a minister, three years earlier and the personal inauguration of the first new model Panchayat, Nehru made a powerful statement in favour of Panchayati Raj. Such a statement had of course effects on the legislations in the States, which were at that time under the rule of the INC in their vast majority. Nehru's personal weight as the leader of both nation and party, but also the prospect of large developmental funds by the central government, might have had a decisive impact on the reforms that followed the publication of the B.R. Mehta Committee Report. Nevertheless, Rajasthan, and most of other States that implemented the reform suggestions, simply amended the legislation in place instead of a unified and comprehensive new legislation. Following the reorganisation of States in 1956 and the partition of Bombay into Gujarat and Maharashtra, some States took the necessity of establishing new legislations for the new State jurisdictions to implement the B.R. Mehta Committee's recommendations. To those class of States belonged for example Gujarat (Gujarat Panchayats Act of 1961) and Madhya Pradesh (Madhya Pradesh Panchayati Act of 1962) Maharashtra, however, kept the legacy of the Bombay Village Panchayat Act of 1958 and, like other States, and added the two additional tiers via the Maharashtra Zilla Parishads and Panchayat Samitis Act of 1961. A notable exception was Assam, where a completely new act, the Assam Panchayat Act of 1959, was passed, although the State was not affected by the reorganisation of 1956. Some States were reluctant to implement any of the committee's recommendations, for example West Bengal. The State of West Bengal is a curious case in terms of Panchayati Raj institutions. Having passed the first comprehensive post-independence legislation on the matter only in 1957, it established a four-tier system via an amendment act in 1963.

I will discuss¹⁷⁶ the variations of the U.P. Panchayati Raj Act of 1947, the Assam Rural Panchayat Act of 1948 and the Madhya Bharat Panchayat Act of 1949¹⁷⁷ in order to get an overview over the evolution of Panchayat acts since 1947. Since the case of West Bengal is very interesting, because it deviates strongly from existing institutional legacies, as well as from variations induced by the B.R. Mehta Committee Report, I will also evaluate the West Bengal Panchayat Act of 1957 and West Bengal Zilla Parishads Act of 1963. The first three cases stand for three different institutional changes in the context of the reform recommendations by the committee.

4.4.2. Uttar Pradesh

U.P. simply added the additional two tiers to the existing legislation with the effect of having an actually more expansive system by keeping the Gaon Sabha as a corporate village assembly. In contrary to that Assam replaced the existing act completely with a new unified act that affected all three tiers, while keeping certain institutions from the preceding legislation. Lastly, in Madhya Pradesh a completely new act had to be passed in order to integrate the different legislations and consolidate them. Since the institutional legacy of Madhya Bharat provided already for a three-tier system, the new act was heavily based on that legacy and included largely physiological changes. The fourth case stands for a complete deviation from both the institutional legacies of the direct post-independence era, as well as from the variations induced by the B.R. Mehta Committee Report. Speaking in biological terms, the variations, and in some cases one could justifiably speak of mutations, caused by the recommendations of the report, can be, in many States, be seen as an example of a punctuated equilibrium¹⁷⁸; a relatively stable institutional legacy after 1947 until a major change of Panchayati Raj induced by the B.R. Mehta Committee Report.

¹⁷⁶ To prevent unnecessary repetitions I will only provide an evaluation of major morphological and physiological changes and will not go into detail concerning minor addenda, for example minor increases in seat numbers, etc.; also references made to 'the committee' and 'the committee's recommendations' always refer to the B.R. Mehta Committee Report.

¹⁷⁷ Madhya Bharat had merged into Madhya Pradesh in 1956 following the State reorganisation. The State of Madhya Pradesh had therefore several institutional legacies, for example the Central Provinces and Berar Panchayat Act of 1946. For reasons of internal logic and continuity the new legislation will be compared to the preceding legislation in of Madhya Bharat.

¹⁷⁸ A punctuated equilibrium in the biological sense, not the RCI sense. See chapter on Darwinian Evolution, especially p. 46.

U.P. reacted to the recommendations of the committee by implementing the Kshetra Samitis and Zila Parishad Adhiniyam of 1961¹⁷⁹ in order to establish institutional arrangements at the block and the district levels. This was major evolutionary step caused by what could be described as mutation of the Panchayati Raj system in U.P. The introduction into the Act of 1961 referred directly to the B.R. Mehta Committee Report and its recommendations as the cause for its enactment. The first part of the Act was concerned with the Kshetra Samiti, the block level entity, and the second part with the Zila Parisha, the district level institutional arrangement at the apex of the three-tier system.

The morphology of the Kshetra Samiti deviates in many aspects from the recommendations of the committee. The area of jurisdiction was denominated as a Khand, which equalled a block. Although the Act itself made no such references, it can be assumed that it also equalled a development block. The constitution of the Kshetra Samiti was in one aspect more democratic than the recommendations of the B.R. Mehta Committee; instead of direct elections at the Gaon Panchayat level, the representatives in the Kshetra Samiti were the Pradhans, who were directly elected by the Gaon Sabha as their principal officers. The other members were under Section 6 (iv) and (v), however, ex-officio members. These ex-officio members included all MPs, MLAs,¹⁸⁰ who had their constituencies in the relevant Khand; members of the Rajya Sabha¹⁸¹ and members of the Vidhan Sabha who had their resident in the Khand area. Under Section 2 (i) up to two persons with obvious interest in development work could be co-opted. Under the same Section, clause (ii), women had to be co-opted if there were less than five female members in order to have at least five women present in the Kshetra Samiti; and Sub-section 2 (iii) prescribed to have at least eight Scheduled Caste members and if the number was less, as many Scheduled Caste members were to be co-opted to make it eight.¹⁸² Furthermore, in line with the committee's recommendations, representatives of cooperative societies registered in the Khand were co-opted into the Samiti. Of the up to five prescribed members, four, one from each, had to be from the

¹⁷⁹ Henceforth the Act of 1961. The Kshetra Samiti equals the Panchayat Samiti of the B.R. Mehta Committee Report. The source is the Act itself as published in Chaudhary 1965.

¹⁸⁰ Legislative Council of Uttar Pradesh, also Upper House.

¹⁸¹ Council of States or Upper House of the Indian Parliament.

¹⁸² With the implementation of Article 334 of the Indian Constitution, the U.P. Act II of 1963 deleted this clause and replaced it with reserved seats for Scheduled Castes.

Industrial Co-operative Societies, the Co-operative Cane Unions, the Central Societies and the Co-operative Farming Societies; the fifth representative had to be co-opted from either the Labourer Co-operative Societies or from other co-operative societies registered in the relevant Khand.¹⁸³ A substitution by the U.P. Act II of 1963 also added under Section 6 (ii) any Chairman of the Committee of a town area contiguous to the Khand as a member of the Kshettri Samiti. While it can be argued that the MPs, MLAs, and members of the Union and State Upper Houses are elected, the co-option of members was in contrast to the propagated democratic decentralisation. The institutions that called for inclusion of representatives of co-operative societies and person interested in developmental work stressed the developmental character of the new institutional arrangement. Section 7 provided the institutions for the chair and deputy chairs of the Kshettra Samiti. The chair, called Pramukh, was to be elected from among the whole adult enfranchised population of the Khand by all members, even the ex-officio and co-opted members. His deputies, a senior and a junior Up-Pramukh, were to be elected by the members from amongst the members. A number of institutions ruled out holding two offices at once, meaning that members of the different parliamentary houses at Union and State level and chairmen of town areas were disqualified to become Pramukhs or Up-Pramukhs, while Pradhans after being elected into office had to vacate their office at the Gaon Sabha. The terms of the Kshettra Samiti and its officers were five years. The Kshettra Samiti was under Section 49 provided with a Khand Vikas Adhikari who served as the Block Development Officers. Under Section 48, the Zila Parishad could place servants and officers in service of the Kshettra Samiti. The officers and members of the Samiti were also obligated to constitute committees and sub-committees on certain tasks and duties, like a financial or a business committee.

The morphology of the Zila Parishad, the district level entity, also deviates in some aspects from the recommendations made by the B.R. Mehta Committee. The Parishad was constituted by all Pramukhs of the relevant Kshettra Samitis, additional members from the Samitis in proportion to the population of the relevant Khands; the presidents of all Municipal Boards within the district; the Managing Director of the District Co-operative Bank or an equivalent; a representative of the District Co-operative Federation elected by its Board

¹⁸³ All specified in the U.P. Kshettra Samitis (Representation of Co-operative Societies) Order of 1962.

of Directors; a representative of co-operatives registered and active in the district specified by the State government; a representative of the Cane Union(s) in the district; up to three persons engaged in social, cultural or professional activities, nominated by the State government; all MPs and MLAs with constituencies in the district; and members of the Upper Houses of Union and State residing in the district. The prescribed membership of the Zila Parishad was expressively development-oriented with at least seven members from co-operative enterprises. Furthermore, women members and Scheduled Caste members¹⁸⁴ had to be co-opted, if their number was less than three to five, respectively three to ten. Unlike the recommendation of the committee to nominate the District Collector as chair ex-officio, the chair and deputy chair, called Adhyaksha and Upadhyaksha, were elected to office according to the U.P. Act of 1961. The Adhyaksha, like his counterpart in the Kshetri Samiti, was, according to Section 19 (1) and (2), to be elected by the members of the Zila Parishad out of the adult enfranchised population residing in the district. The Upadhyaksha was to be elected, under Section 19 (4), from amongst them members and by the members of the Parishad. Like in the case of the Kshetra Samiti, all members of both parliamentary houses and all presidents of Municipal Boards were barred from holding office. Elected Adhyakshas and Upadhyakshas had to give up the office that qualified them for membership in the Zilla Parishad. The terms of the Zila Parishad and its officers were five years. A number of officers were allocated to the Zila Parishad under Section 39. These were the district officers of departments that were related to development tasks and public health care. The officers transferred by the State government to Zila Parishad control were for example the District Planning Officer, the District Medical Officer of Health, the Deputy Inspector of Schools, the District Agriculture and Livestock Officers and the Senior Mechanical Inspector (Minor Irrigation). Other officers from the State Administration Service could be transferred into service to the Zila Parishad by decree of the State government. Additionally, the Zila Parishad was authorised to recruit servants. The officers and members of the Parishad were also obligated to constitute committees and sub-committees on certain tasks and duties, like a financial or a business committee.

¹⁸⁴ Here again: With the implementation of Article 334 of the Indian Constitution, the U.P. Act II of 1963 deleted this clause and replaced it with reserved seats for Scheduled Castes.

Physiologically, the reforms brought by the Act of 1961 were very much in accord with the recommendations of the B.R. Mehta Committee Report. The Kshetra Samitis were responsible to discharge a number of functions specified in Schedule I of the Act. These were especially development functions like increase of agricultural production and introduction of modern techniques, extension of arable land, minor irrigation, establishment of co-operative societies and seed management; the Kshetra Samitis were in charge of providing veterinary hospitals and the improvement of fisheries and poultry production. Additionally, they had to construct and maintain roads, bridges and public buildings under their jurisdiction. Furthermore, they had to develop cottage and small-scale industries by providing loans and training. The Kshetra Samitis were also responsible for primary health care, disease prevention, drinking water provision, maternity care and vaccination. Moreover, they had the task to provide primary education, social and cultural education and vocational training, as well as welfare programmes for Scheduled Castes. Lastly, they were in charge of planning and supervising development plans for the Goan Panchayats, reviewing development activities from the Goan Sabhas, collecting statistics about development activities and executing development schemes from higher levels. These functions were for the most part development oriented and reflected the aims of agricultural modernisation, rather than democratic decentralisation.

The Zila Parishads had, under Schedule II, a large number of functions, unlike the B.R. Mehta Committee recommended. While some of them were pure supervision and support functions, like ensuring the financial abilities of the Kshetra Samitis to discharge their health care functions or reviewing their development plans, many functions were executive in nature. The Zila Parishads were, for example, responsible to provide training centres for the promotion of small-scale industries, public hospitals, public work, like construction and maintenance of roads and bridges, inter-block waterworks and drainages, improvement of communications; the provision of emergency relief facilities, such as food storages and shelters; establishing and managing facilities for the poor and for orphans. However, the focus was clearly on planning and supervision. The Zila Parishad had to prepare plans for their jurisdiction and had to supervise and review their implementation; they had to supervise and review the execution of plans of the Kshetra Samitis and to distribute

government grants. They were also in charge of evaluation and preparation of statistics about the development plans. At last, the Zila Parishads had a number of administrative duties, some taken over from the defunct district boards. These were for example the regulation of encampment grounds, stage carriages and other non-motorised vehicles; the management of public ferries, charities and property entrusted to them; collecting the census data and statistics about births and deaths; and constructing or supporting means of public transportation. Under Section 239, the Zila Parishad was even able to pass byelaws, with prior sanction from the State government, concerning the duties and tasks of the Kshetra Samiti and the Parishad within the Zila Parishad's jurisdiction. Under Schedule III many duties, previously performed by the State government, the State Administration Service and their agencies at the district and block level, were devolved to either the Kshetra Samitis or the Zila Parishads. These included the devolution of power to sanction public works or creation of staff positions, the administrative control of the Panchayat secretaries in respect to disciplinary action and the ability to direct the Goan Sabhas to impose taxes to the Kshetra Samitis. Powers, like the power to appoint Panchayat secretaries, exercise complete administrative control over them, and transfer Panchayat servants within the district, were devolved to the Zila Parishads. Under Schedule IV the Zila Parishad was allowed to delegate some of its functions to prescribed entities, for example to directly to the subordinate tiers or to certain offices. A number of posts were created to execute the directions of the Kshetra Samitis and the Zila Parishads. Their functions were named and specified in Schedules V and VI in the Act of 1961.

Both, the Kshetra Samiti and the Zila Parishad had the right had a limited right to budget. While the Zila Parishad budget needed the assent of the relevant divisional commissioner, a State officer, the Kshetra Samiti budget needed the approval of the Zila Parishad. The Act of 1961 defines some purposes and sources of income, such as taxation by the Parishad. Thus the Zila Parishad was sanctioned to levy property taxes under Section 120 (1) and could delegate the collection of taxes to the Gaon Panchayats. The Kshetra Samiti and the Parishad were also sanctioned to levy fees for the use of public property, such as roads and bridges, and to levy licence fees on, i.e. markets and goods and businessmen commencing their trade on markets. Otherwise, there were only allusions to government grants and

allocated funds to be used for a specified purpose under Section 99. The relatively unspecific treatment of funding, in comparison with the provision made for the Goan Sabhas under the U.P. Panchayat Act of 1947 and the recommendations of the B.R. Mehta Committee is interesting. The clear development focus of the new institutional arrangements and the large number of responsibilities and tasks on both tiers would lead to expectation of a detailed and large provision of funding. On the other hand, the ability to levy taxes and fees were considerable powers, which were devolved to the Zila Parishad.

4.4.3. Assam

In Assam, the advent of the Panchayat Act of 1959¹⁸⁵ implemented a number of institutional changes as well. Following the B.R. Mehta Committee Report's recommendations a third tier was added to the already existing two-tier structure. Furthermore, the terminology was changed in some aspects and physiological changes were made especially at the block level. While the 1948 Act had two tiers, the Primary Panchayat and its Executive Committee at the village level, and the Rural Panchayat at the sub-divisional level, the 1959 Act changed the sub-divisional level to the Mahakuma Parishad. Furthermore the Primary Panchayat was renamed to Gaon Sabha and its Executive Committee was renamed Gaon Panchayat. The Rural Panchayat was effectively devolved to the block level and called Anchalik Panchayat following the implementation of the 1959 Act (GoA 1967: 337).

The morphological changes at the village level were limited. While the terminology changed, the institutions remained largely the same. The Gaon Sabha was still a corporate village assembly that elected the members, President and Vice-President of the Gaon Panchayat. New was the co-option of women, if no female members were elected. Similarly, the Act of 1959 provided for co-option of Scheduled Caste and Scheduled Tribe members, if none was elected regularly and if their proportion of the total population was more than five per cent respectively. The Gaon Panchayat were furthermore authorised to co-opt members from the Field Management Committees and Service Co-operatives into their committees to work on agricultural production. Unlike the recommendation to appoint the Gram Sevak from the

¹⁸⁵ Henceforth the Act of 1959 or the 1959 Act. The original act is not available; this chapter is therefore based on the District Gazetteers of the Sibsagar District. Since this Gazetteer is an official government document by the Government of Assam, I consider it a primary source.

CDP to the Gaon Panchayats as development secretary, the Assam Act authorised the Gaon Panchayats to appoint their own secretaries. Also deviating from the B.R. Mehta Committee Report's suggestion of a term of five years, the term of officers and members of the Gaon Panchayat in Assam was just three years (ibid.: pp. 337; Dutta 1989: pp. 52).

The changes at the block level were more severe. The enforcement of the Act of 1959 was the abolishment of the Rural Panchayat and replacement by the Anshalik Panchayat. Deviating from the committee's recommendation, the members of the Anchalik Panchayat were, like previously the members of the Rural Panchayat, elected directly from the members of the constituting Gaon Sabhas. Additionally, one female, Scheduled Caste and Scheduled Tribe member could be co-opted if none was elected. Another co-opted member was a representative, who was appointed by the Chairmen of Co-operatives within the block. Like in U.P. MPs and MLAs, having their constituencies in the block, were ex-officio members of the Anchalik Panchayat, but had no voting rights, unlike in U.P. Moreover members of the Upper Houses of Union and State were not represented at all. President and Vice-President of the Anchalik Panchayat were elected by its members from amongst its members, whereas the active and passive voting rights were limited to the elected and co-opted members (GoA 1967: p. 338; Dutta 1989: pp. 52).

The Mahakuma Parisad¹⁸⁶ at the sub-divisional level was constituted by the Presidents of the Anshalik Panchayats, all MPs and MLAs, having their constituencies in the relevant district, the Chairmen of Municipalities, Town Committees and School Boards, co-opted one woman, Scheduled Caste and Scheduled Tribe member, if not represented by their function as Presidents, and experts appointed by the State government. This composition was similar to the form of the Zila Parishad in U.P., although members of the Union and State Upper Houses were not represented ex-officio. The Mahakuma Parisad was an entirely new entity, enlarging the previous two-tier system into a three-tier system (GoA 1967: p. 338; Dutta 1989: pp. 52).

Physiologically, the Act of 1959 brought major changes. The Gaon Panchayat was not a purely executive entity, unlike the previous Executive Committee of the Primary Panchayat,

¹⁸⁶ Equals the Zila Parishad in the B.R. Mehta Committee Report.

but was assigned duties and tasks of its own. Their focus was, according to the 1959 Act, rural welfare. This included especially public works and development tasks, tasks similar to what was assigned to Gaon Panchayats in U.P. and which were recommended by the B.R. Mehta Committee Report to be allocated to the village level. Generally, the duties were the maintenance and improvement of rural communications; sanitation and disease prevention; improvement of agriculture and cattle breeding; village industries; formal, social and cultural education; village defence, meaning watch and ward duties; and preservation of forests. Furthermore, the Gaon Panchayat was expected to plan development projects and execute them, with assistance from the Anchalik Panchayat and with coordination between itself, the Field Management Committee and the relevant co-operatives. Especially the improvement and increase of agricultural production was in focus of the development planning at the village level (GoA 1967: pp. 339).

The Anchalik Panchayats, on the other hand, were mainly in charge to distribute development funds to the Gaon Panchayats and provide technical personnel and expertise to them. Otherwise they functioned as the executioners of the Community Development Programmes and National Extension Service in the blocks. Furthermore, they discharged statutory functions, like administrative duties, similar to those prescribed by the committee's recommendations and to those in the U.P. Act of 1961 (ibid.)

The Mahakuma Parisads had purely supervisory and coordinating functions, in line with the recommendations by the B.R. Mehta Committee Report and unlike in U.P (ibid.).

The financial income sources of the Gaon Panchayats and the Anshalik Panchayats were clearly defined. 15% of the land revenue collected in a Gaon Sabha jurisdiction was allocated to the Gaon Panchayat. Additionally, they were authorised to levy taxes on the sale of firewood, the running of slaughterhouses and for the supply of public water and lightning. The Gaon Panchayats also were able to levy fees e.g. for licencing tea-stalls and hotels. Furthermore, they received a share from the receipts of fairs and *hats*¹⁸⁷. Lastly, in order to execute certain development duties, for example to enhance rural communications, the Gaon Panchayats received specified funds from the relevant government departments (ibid.).

¹⁸⁷ Markets.

The Anchalik Panchayats received ten per cent of the land revenue share collected within their area of jurisdiction. Additionally, they received the major share from *hats* and income from ferries and fisheries. Furthermore, they were authorised to collect licence fees on non-motorised vehicles, cinemas, bakeries and certain small-scale industries. Lastly, the block scheme funds of the CDP were allocated to the Anchalik Panchayats' disposal. Since the Mahakuma Parisads had no executive functions, they had no means of income other than the funding received from the State government in order to cover their costs (*ibid.*).

The Act of 1959 caused major variations in the Panchayati Raj structure of Assam. While delegating more responsibilities and duties to the Gaon Panchayats the Act strengthened the village entity. At the same time the integration of the CDP and the NES meant that the Anchalik Panchayats were not disempowered. The claim of democratic decentralisation was much more valid in Assam than in the recommendations of the committee or in the implementation in U.P. The direct elections to the Anchalik Panchayats and the exclusion of ex-officio members from the voting process meant a much stronger representative element in Assamese Panchayati Raj. The main task of providing a system leading to a degree of economic self-sufficiency was given up, except for certain elements like enhancing rural communications, in order to establish the development prerogative. The development focus was clearly a major influence of the B.R. Mehta Committee Report. The arrangement of the Mahakuma Parisad as a supervisory and coordinating level was necessary to ensure the coordination of the development efforts.

4.4.4. Madhya Pradesh

Madhya Pradesh had to pass a new unified Panchayati Raj legislation following its merger with Madhya Bharat, Vindhya Pradesh and Bhopal during the re-organisation of States in 1956. The Pande Committee that was built for that purpose prepared a new bill that incorporated the institutional legacy of Madhya Bharat as well as the recommendations of B.R. Mehta Committee (Mathew 1995: 120). The result was the Madhya Pradesh Panchayats Act of 1962.¹⁸⁸

¹⁸⁸ Henceforth the M.P. Act of 1962 or the Act of 1962. The text of the Act is taken from the compilation of local acts edited by T.C. Shrivastava (1966).

The main morphological change from the M.B. Act of 1949 was the addition of a Gram Sabha, which was specified as a village or group of villages under Section 3. It was not established as a corporate entity, although the assignment of officers, duties and jurisdiction implies a status equal to a corporate village assembly. Like in U.P. or Assam, the Gram Sabha in M.P. was constituted from all adult citizens with suffrage registered within the jurisdiction of the Sabha. Deviating from the examples of U.P. and Assam, the Sarpanch and Up-Sarpanch¹⁸⁹ of the Gram Sabha were not directly elected, but were ex-officio the chairing officers of the Gram Sabha by virtue of being Sarpanch and Up-Sarpanch of the Gram Panchayat. The Sabha was to meet at least to times a year and had a quorum of ten per cent of all members; but if the meeting had to be adjourned due to lack of meeting the quorum, the meeting could be held despite the lack.

The Gram Panchayat experienced a few morphological changes as well. While membership was normally determined by election through the Gram Sabha, provisions for co-option were made under Section 11 (3). These included the co-option of female members if none or less than two were elected and the co-option of chairmen of co-operative societies if none were elected through the normal process. For members of Scheduled Castes and Tribes seats were reserved under clause (5) according to the proportion of the total village population. If not enough candidates filed, the State government or one of their agencies, was authorised to appoint members deemed competent enough. To conduct the elections to the Gram Panchayat the Gram Sabha was divided in smaller constituencies from which candidates were elected. This way more marginal groups were able to ensure their representation by having a majority in a certain ward, although being an overall minority in the village. In the case of the usually fragmented living quarters of Indian villages, this provision was an advantage for marginalised groups, which often lived in separated quarters. On the other hand, it promoted community-based voting and competition in the Gram Sabha and the Gram Panchayat. The Panches, members of the Panchayat, were elected for a five-year term. Additionally, they had to elect from amongst themselves a Sarpanch and Up-Sarpanch, serving as chairs during that term and being ex-officio officers of the Gram Sabha, as mentioned earlier. An interesting addition was the establishment of Village Committees. In

¹⁸⁹ President and Vice-President.

case that a Gram Sabha was constituted from more than one village, the Gram Panchayat was authorised to establish under Section 36 a Village Committee consisting of the Panches from that village and up to four nominated residents with special expertise in regard to agriculture or co-operative work. Furthermore, so-called Functional Committees had to be constituted by the members, having portfolios concerning agriculture, education, social welfare, taxation and finance, communications, co-operation and industries and a general-purpose committee. The Gram Panchayat could also raise a Village Volunteer Force, consisting of male adults between the ages of 18 and 50, to conduct voluntary labour for public purposes, act as an emergency force in for example fires or floods and to conduct watch and ward duties. Like in the case of U.P. and Assam, the Gram Panchayats in M.P. also employed a secretary, servants, and officers. However, in the act no reference is made to the Gram Sevak of the CDP. A unique aspect of the M.P. Panchayat Act of 1962 was certainly the implementation of Adivasi Panchayats under Section 90. These were Panchayats constituted in areas with a majority of Scheduled Tribes. Their constitution was equal to that of the regular Gram Panchayat.

At the block level, the Act established the Janapada Panchayat, under M.B. Act of 1949 known as Kendra Panchayat. The Janapada Panchayat was constituted by members elected from the Panches by the Panches within the block, a representative elected by the councillors of the Municipal Corporations, Councils and Town Area Committees within the block and all MLAs ex-officio with constituencies within the block. Additionally, like in U.P., co-option for women and Scheduled Castes and Scheduled Tribes was provided for in the case that no such member was elected.¹⁹⁰ Furthermore, the Act of 1962 also provided for the co-option of one representative each of the Directors of Central Co-operative Banks and of the Directors of the co-operative Marketing Societies with relevant jurisdiction. The thusly-constituted Janapada Panchayat elected from amongst its members a President and a Vice-President. Both, the Janapada Panchayat and its officers had a term of five years. Unlike the Gram Panchayat, the Janapada Panchayat was not authorised to appoint a secretary of executive. Instead, a Chief Executive Officer was appointed to the block level Panchayat by

¹⁹⁰ An amendment of the same year added the provision of reserved constituencies for Scheduled Castes and Tribes if their proportion in a constituency exceeded 50%.

the State government from amongst the State administrative service. Although no allusion was made whether the Chief Executive Officer was synonymous with the Block Development Officers, replaced him or worked in parallel to him, it is safe to assume that he at least executed part of that function.

The Janapada Panchayat also was authorised to establish Standing Committees on portfolios like agriculture, taxation and finances or co-operation and industries. These consisted of the President of the Panchayat and four elected members, as well as two co-opted experts. In blocks where there were Adivasi Panchayats, a Kshetra Panchayat had to be established under Section 100. Constitution of the Kshetra Panchayat and its offices were the same as in the case of the Janapada Panchayat, although subject to modifications as seen fit by the State government.

At the district level, the Act of 1962 established the Zila Panchayat, formerly termed Mandal Panchayats. These were under Section 167 constituted purely by ex-officio members, namely the Presidents of the Janapada Panchayats in the district, MPs and MLAs having their constituencies in the district and members of the Rajya Sabha residing therein, representatives of the Public Health, Agriculture, Veterinary, Education and Development Departments of the district and one representative each co-opted from The Directors of the Central Co-operative Banks and Co-operative Marketing Societies within the district. Furthermore, the same co-option institutions for women and Schedule Castes and Tribes were in place. These members elected from amongst themselves a Chairman and a Vice-Chairman, with the exception of MPs, MLAs and Rajyar Sabha members who were barred from holding office in the Zila Panchayat. Due to its non-elective nature, the Zila Panchayats had no prescribed term; instead, the term of each individual member was determined by the office-term qualifying him as a member. Like in the case of the Janapada Panchayat, the Zila Panchayat was authorised to establish Standing Committees with specified portfolios. Constitution and portfolios of these committees were equal to those of the Janapada Panchayats. The Panchayat had, like the previous arrangements, an attached officer, in this case the District Panchayat Officer was the ex-officio secretary to the Zila Panchayat.

Physiologically, the Gram Sabhas had only the task to review the activities of the Gram Panchayats and to suggest to them activities that could be carried out. Furthermore, it to place the proposed plans for the following fiscal term before the Gram Sabha for discussion.

The Gram Panchayat had under Sections 38 and 39 a large number of obligatory and discretionary functions to discharge. Although the obligatory functions did not differ from those of the village level entities in U.P. or Assam too much, they were much more specified. The obligatory functions could be categorised as public health and disease prevention, public works, developmental duties concerning agriculture and small-scale industries, administration duties and management duties. Under public health and disease prevention fell for example provision of sanitation, disposal of carcasses and dead bodies, support in vaccination campaigns and provision of dumping grounds for waste and refuse; public works included construction and maintenance of drinking water, village streets and street lighting, roads and bridges within the jurisdiction of a Gram Panchayat and the organisation and management of the Village Volunteer Force; agricultural and small industry development included the organisation of co-operative farming, improvement in cattle-breeding, distribution of improved seeds and improvements in cottage industries; administration and management duties included collection and maintenance of statistics, regulation of markets, management of public land and public buildings, assisting land reform implementation and regulation of construction-sites. All in all, the M.P. Act of 1962 specifies 42 obligatory duties. The 16 discretionary functions included non-essential duties like establishments of playgrounds and parks, promotion of social and moral welfare or construction and maintenance of rest-houses and camping grounds.

The Janpada Panchayats had, under Section 130, 16 groups of functions that were centred on the execution of the CDP, development of agriculture and small-scale industries, public health, education and welfare and public works. Despite executing the CDP schemes the duties of the Janpada Panchayats were numerous; in the area of agriculture they were for example in charge of discharging the procurement and distribution of fertilizers, encouraging fruit and vegetable cultivation, providing credits for procurement of seeds and fertilizers, conservation of soil and the general education and training in improvement agricultural methods; similar provisions were made for the area of animal husbandry and fisheries. In

terms of small-scale industries they provided training for artisans and craftsmen and implemented development schemes of other agencies. In the area of health care the Janapada Panchayats had to establish and maintain for example primary health care centres, ensuring systematic vaccination and supervising government hospitals in their jurisdiction. They had to establish and maintain primary schools and promote adult education. The responsibilities concerning public works included the construction and maintenance of rural roads and Janapada Panchayat buildings. Additionally, they provided social education in terms of information centres and public libraries, and welfare in terms of housing schemes and relief for disabled poor. Their administration duties were limited to the collection of statistics.

The Zila Panchayat had, in contrast to Gram and Janapada Panchayat, only very limited functions. These were under Section 181 mainly of advisory, supervisory and coordinating nature, including the consolidation and coordination of Janapada Panchayat plans, supervising the execution of duties by the subordinate tiers, supplying equipment for construction activities and agricultural enterprises, advising the State government on the allocation of additional duties to Gram and Janapada Panchayats, coordinating the different tiers and areas of jurisdictions and collecting and maintaining statistics from the Gram and Janapada Panchayats.

The income sources of the Gram Panchayats were under Section 81 cess on land revenue from within their jurisdictions, taxes on the cleaning of private latrines, taxes on buildings exceeding a specified value, taxes for the public lightning arrangements and fees on the sale of goods and animals on markets or any other place within the Gram Panchayats jurisdiction. With the authorisation of the relevant Zila Panchayats, the Gram Panchayats could also levy taxes for example on non-motorised vehicles for hire, fees for the use of rest-houses and slaughter houses, taxes on domestic animals, fees for the usage of drainage and fees for the practice of certain specified vocations. Lastly, the Gram Panchayat could receive grants and funds allotted to them by either the State government or on of the higher tiers of the Panchayat system. The Janapada Panchayat received its income either in form of grants and loans from State or central government agencies or from funds allocated to them to execute schemes the CDP. Additionally, it could levy taxes and fees on the use of public bridges and

on theatres, cinemas and other forms of public entertainment. The Zila Panchayats received their income from grants and loans from State or central government agencies, but due to the lack of executive functions, no larger funds were needed.

The M.P. Act of 1962 had clearly a developmental focus, like the Acts in U.P. and Assam. The expansion of duties and income sources of the Gram Panchayat and the addition of a Gram Sabha made the village level much more independent, at least on paper, and gave a clear preference for the Gram Panchayat as a body of local self-government, while the functions of the Janapada Panchayat made it a body with a stronger focus on the execution of development schemes planned, or at least financed, by other agencies.

4.4.5. West Bengal

The West Bengal Panchayat Act of 1957¹⁹¹ is an interesting case, especially combined with the West Bengal Zilla Parishads Act of 1963¹⁹². West Bengal had not passed any Panchayat act after independence and had instead simply amended the existing legislation, which was enacted originally in 1919.

The W.B. Act of 1957 established a two-tier system. The provisions for establishing Gram Sabhas and Gram Panchayats which were very similar to the provisions of the M.P. Act of 1962¹⁹³, including the indirect elections of the chairmen and deputy chairmen, called Adhyaksha and Upadhyaksha respectively. The physiology of the Gram Panchayats was very similar to that of the Gaon Panchayats under the U.P. Panchayat Act of 1947 and to the provisions of the M.P. Panchayat Act of 1962. The interesting part of the W.B. Act of 1957 was the fact that the Gram Panchayats were not authorised to levy any fees and taxes, nor was there any provision for them to keep shares of the land revenue from their jurisdictions.

The second tier was deviating from all other State legislations on Panchayati Raj. It was called Anchal Panchayat and was in many aspects a duplicate of the Union Boards from the West Bengal Village Self-Government Act of 1919. The exact position of the Union Boards within

¹⁹¹ Henceforth the W.B. Act of 1957. Original text retrieved from the Laws of India project.

¹⁹² Henceforth the W.B. Act of 1963. Original text retrieved from the Laws of India Project.

¹⁹³ The West Bengal institutional arrangement provisions were of course first, but for reasons of brevity, I will not recount the individual institutions constituting the Gram Sabha and Gram Panchayat.

the Panchayat system or their relation to the other Panchayati Raj institutional arrangements was not mentioned in the W.B. Act of 1957. It comprised a specified number of Gram Sabhas and was constituted by all Adhyakshas of the Gram Panchayats in its jurisdiction, as well as from representatives of the constituting Gram Sabhas elected by the members of the relevant Gram Panchayats. They elected from amongst themselves a Pradhan and Uppradhan as chair, respectively deputy-chair. The mode of constitution alone was an interesting. The functions of the Anchal Panchayats under Section 46 were very limited: They levied fees and taxes from their jurisdiction, administered the fund and allocated the money to the Gram Panchayats within their jurisdiction. Additionally, they controlled and administered the Chowdikars¹⁹⁴ and the Nyaya Panchayats. The taxes and fees it levied were on land and buildings, a de-facto income tax on certain professions, fees on vehicle registration and rates for the provision of domestic water supplies.

With the W.B. Act of 1963, two additional tiers were introduced. The Anchalik Parishad was established at the block level and the Zilla Parishad was established at the district level. Interestingly, the district level, unlike in any other Panchayat act, is treated before the block level.

The Anchalik Parishad was constituted by the Pradhans of the Anchal Panchayats in the relevant jurisdiction and by the Presidents of the Union Boards. Additionally, one Adhyaksha was to be elected as a representative from the Adhyakshas in the Anchalik Parishad jurisdiction. Furthermore, all MPs and MLAs having their constituencies in the relevant block, as well as all members of the Upper Houses residing in the area were ex-officio members. Lastly, two women, two members of Scheduled Castes and Tribes and to citizens with expert knowledge were co-opted. The BDO of the relevant CDB or NES block was an associate member. The members of the Anchalik Panchayat also elected from amongst themselves a President and a Vice-President. This constitution was similar to that of the U.P. Act of 1961 or the M.P. Act of 1962. Like in the case of M.P. standing committees with administrative and development oriented portfolios were also set up.

¹⁹⁴ Village watch and ward.

The Zilla Parishad, established at the district level, was constituted in a very similar manner as in M.P. for example, but with the exception of elected Adhyakshas from every two constituencies. Like in all other cases, a Chairman and a Vice-Chairman were elected from amongst the members of the Parishad. The Zilla Parishad had also officers and standing committees in a similar manner as described in the M.P. Act of 1962.

The Physiology of the Anchalik Parishad was also very similar as in the cases of U.P. and M.P., with a clear development focus and integration into the CDP and the NES. The Zilla Parishad, however, had a large number of functions that were more than just advisory, supervisory or coordinating. It executed for example State government schemes and maintained village markets. Furthermore, it allocated funds and grants for development purposes.

Aside from receiving grants, loans and development funds from State and central agencies, the Anchalik Panchayats could levy tolls on public roads, bridges and ferries, fees from licensing markets and received rates for the provision of water for irrigation. The Zilla Parishads had the same sources of income, if no other authority, for example the Anchalik Parishad, did not already levied taxes and fees in a specified area.

The West Bengal case is interesting, because it deviates in its morphology from the three-tier system established in the other States. The two-tier system was a compromise between the willingness to implement self-government with many functions at the village level while keeping the Union Board level with its seasoned institutional legacy. The compromise of having the Gram Panchayats discharging the actual functions of a local self-government unit and having the Anchal Panchayats guarantee the funding is interesting. The fact that the mixed election mode of the Anchal Panchayat guaranteed some level of accountability and made possible a system where under representatives' supervision funds could be allocated according to immediate needs. The addition of the Anchalik Parishad and the Zilla Parishad by the W.B. Act of 1963 mirror the recommendations made by the B.R. Mehta Committee. That these arrangements were only added by act, instead of the creation of a completely new legislation, is understandable in light of the then recent creation of the W.B. Act of 1957. Nevertheless, West Bengal's four-tier system stands out from the morphological 'landscape' of Panchayats in India at the period between 1959 and 1964.

4.4.6. Conclusion

By 1964, all States¹⁹⁵ had enacted legislation to establish a three-tier system (DoCD 1964: pp.1), except for Kerala¹⁹⁶ and West Bengal. In most cases the morphological and physiological changes were caused by the recommendations of the B.R. Mehta Committee that were, in variations, adopted into State acts. In the case of Madras the establishment of a three-tier system was caused by recommendations of a State committee on the reform of local government (Legislative Assembly Department [LAD] 1962: 44). The Madras Panchayats Act of 1958 and the Madras District Development Councils Act of 1958, together constituting the three-tier system, were also motivated by the integration of the Community Development Programme into the local self-government structure. Two interdependent factors favoured the establishment of the new acts, respectively why the States' legislative assemblies selected variations. The first was the existence of the Community Development Programme and the National Extension Service, which was supposed to provide large development funds for rural areas and therefore brought village development into the limelight of lawmakers. The second, strongly connected factor was the recommendation by the B.R. Mehta Committee to integrate the CDP into a system local government and to discharge all development tasks from an institutional arrangement established within a local government system. The committee gave two main reasons for that: the citizens should be represented in the CDP and have some control over it in order to be enticed to participate in the various development schemes; and the parallel structures that was established by discharging various development functions through various agencies should be integrated into just one institutional arrangement. The idea to establish a Panchayat at the block level, the level on which the erstwhile development agencies acted, was deemed appropriate as close enough to the village level to effectively include the village population and large enough to effectively devise and execute development schemes. Since supervision of village and block level entities was placed at the district level, the idea of Zilla Parishads as supervisory bodies integrated in the, more or less, democratic structure followed the inherent logic of development with democratic representation and accountability. The

¹⁹⁵ Except for the Union Territories at that time, which were not equal to the States.

¹⁹⁶ A bill was introduced but not passed; the absence of comprehensive legislation was due to political instability and regular imposition of the President's Rule.

Community Development Programme provided the resources and the B.R. Mehta Committee, and in the case of Madras the white paper "On Reform of Local Administration in the State of Madras"¹⁹⁷, provided the ideas that provided the variations of institutions in the Panchayat systems. But the right ecological factors were necessary as well. These ecological influences were the fact that Nehru was Prime Minister of the Indian Union, chairman of the Planning Commission and leader INC and the, connected, fact that the INC ruled supreme at the centre and in most States. Nehru, a moderniser and proponent of large development schemes, had recognised that the CDP and other developments works should be channelled. He also accepted the concepts of democratic decentralisation and representation at the village level and above of which S.K. Dey, the then Minister for Community Development, was a proponent. With the support of the Ministry of Community Development, the personal backing and authority of Nehru and the promise of resources an excellent environment was provided for the selection of the institutional variations leading to the Panchayat systems as recommended by the B.R. Mehta Committee. The INC ruled States were compelled to enact legislation based on those recommendations by the sheer authority Nehru had, both as INC-leader and as Prime Minister and chairman of the Planning Commission. As State legislative assemblies there were also certainly compelled by the additional resources channelled through a State supervised Panchayat system.

All exemplary States implemented the recommendations of the B.R. Mehta Committee Report within a period of five years. U.P., Assam and M.P. responded very directly to the ideas proposed by the report and implemented, or in the case of M.P. adapted, three-tier Panchayati Raj systems. U.P. differed from the morphological recommendations in aspects of constitution of councils, but remained true to physiological recommendations of the report. In Assam, the morphological response was clearly there, by adding a third tier, but many aspects, like constitution of membership deviated from the B.R. Mehta Committee Report's recommendations. Especially, the element of direct elections was kept from the previous act. Physiologically, major changes were introduced, but not corresponding to the report's recommendations. These changes included a large devolution of functions to the village

¹⁹⁷ This white paper was developed at roughly the same time as the B.R. Mehta Committee Report. It cannot be determined in how far the committee on the white paper and the B.R. Mehta Committee exchanged ideas.

level, although the developmental aspect replaced the economic aspect of the system. In M.P., the morphological changes were minor and included aspects not consistent with the recommendations of the report, like the addition of a Gram Sabha and the organisational division of villages into wards. Like in U.P., many suggestions concerning the physiology of the village block and district level bodies were translated into State legislation. The above-mentioned ecological situation, especially the ideas from the B.R. Mehta Committee Report, had a strong impact on the States' legislation. The variations within the individual acts can be related to those ideas in many instances. The fact that the political system at the national level was favourable towards Panchayati Raj, in the sense that political leaders occupying strategic positions in the government favoured local governments, made the selection of variations, for example the ideas of the report, more likely. An additional factor that was expedient towards institutional variation was the fact that all three States were ruled by the INC, the party that was also in power at the national level. The party-connection of the political establishments in the States with the national establishment that commissioned the B.R. Mehta Committee Report was certainly an important one. West Bengal, however, was case, which did not follow the same mode as the other States. The State passed its first Panchayati Raj legislation in 1957 and only six years later, it topped that act with additional legislation to include recommendations of the B.R. Mehta Committee Report. The 1957 Act led to a two-tier system that divided executive and financial responsibilities. The first was allocated to the village level, the second to an entity that was not at the block level, but comprised several villages. The 1963 Act simply added the block and district level entities on top, resulting in a four-tier system. To major factors came together in this case; first in 1957 the necessity to pass legislation on local governments, according to Article 40 of the Indian Constitution. Secondly, in 1963 the ecological pressures of from the Congress-system, West Bengal was ruled by the INC then, to incorporate the ideas of the B.R. Mehta Committee Report. This short time frame was even intermitted by President's Rule in 1962, so that a combination of the 1957 Act with complementary legislation for block and district level in 1963 was the less expensive way of adapting the recommendations of the report.

The general tendency of this period was a convergence of Panchayat systems towards a three-tier system, although deviations like West Bengal emerged. The major factors for that

were the integration of the CDP with the Panchayats and the prospect of an increased resource base for the States Panchayat systems. Although, the convergence on the three-tier system was eminent, the States' legislations were far from being unified. However, the B.R. Mehta Committee Report and the efforts around it marked the first nationally initiated and coordinated plan for Panchayati Raj.

4.5. Decline

The period of 1964 to 1977 was marked by an increasing disinterest into decentralisation efforts in terms of Panchayati Raj. Several important events shook the political and ecological landscape of India in this period. Starting with the death of Nehru in May 1964, the Indo-Pakistani War of 1965 and the great droughts 1965 to 1967, major shifts in priorities of Indian politics made Panchayati Raj a neglected enterprise. With the new administrations under Prime Minister Shastri and later Indira Gandhi, new foci became more important and resources were redirected. An indicator for that shift of foci was the merger of the Ministry of Community Development and Cooperation with the Ministry for Food and Agriculture in 1966.¹⁹⁸ The phase of stagnation and decline was characterised by three major factors: the end of the convergent evolution of Panchayat systems that had resulted in the three-tier system as the dominant variety; the hesitant to non-existing implementation of Panchayat acts; and the increasing centralisation tendencies, which were echoed by the increasing number of centrally planned schemes. The developments in the period between 1964 and 1977 also included the widespread implementation of the Green Revolution, the fall of the Congress System, the Indo-Pakistani War of 1971 and culminated in the Emergency of 1975 to 1977.

The death of Nehru led to the end of a unified, all-encompassing leadership in Indian politics. The authority of the Nehru's personality and his position as party leader, Prime Minister and chairman of the Planning Commission meant that his backing of Panchayati Raj had a strong impact on the willingness of State legislative assemblies and State governments to pass Panchayat acts following the recommendations of the B.R. Mehta Committee Report. His

¹⁹⁸ <http://agricoop.nic.in/orghist.htm>, accessed on 17 November 2014.

support, both, by personally favouring decentralisation efforts and by institutionally backing these efforts through the establishment of the Ministry of Community Development and Cooperation, also ensured that resources were directed to the decentralisation efforts and that the political environment was favourable for the variation of morphology and physiology of Panchayats. His successor, Lal Bahadur Shastri, was politically much weaker (Rothermund 1993: 138) and was personally critical towards the concept of powerful Panchayats (Dey 1969: 116). That, however, was of secondary importance, for much more urgent factors necessitated a clear change of focus: The Sino-Indian War of 1962 had shown the lack of capability by the Indian military to defend India. Subsequently, resources were diverted to augment the defence budget. With the Indo-Pakistani War of 1965, the defence budget was further increased, diverting more resources away from other enterprises. While the estimations for the whole third Five-Year-Plan increased from 2,082,560,000Rps to 3,847,310,000Rps in the fourth Five-Year-Plan, the combined expenditure estimates for community development just increased from 236,530,000Rps to 279,720,000Rps.¹⁹⁹ A growth of just about 18% compared to the growth of ca. 90% in the whole plan estimates. What hit India the most during the first part of this period was the drought of 1965 to 1967. The production of food grain dropped under 150g per head in this period and in 1966, the Five-Year-Plan had to be suspended, meaning that no money was spent of planned projects, such as community development (Rothermund 1993: pp. 138). Shastri died in 1966, just a day after he signed the ceasefire with Pakistan in Tashkent and Nehru's daughter Indira Gandhi became Prime Minister of India. Facing two bad harvests in succession caused by the drought, the central and the State administrations diverted their focus on food security and agricultural production. At the same time the Congress System, which had guaranteed some degree of cohesiveness between the central government and the State governments under the leadership of the INC, began to fall. By 1967 the INC had lost power to other, mainly regional, parties in eight large States and received the worst result in the Lok Sabha elections up until then. Bad election results, agricultural challenges and an ever-growing population vis-à-vis a marginal economic growth led to the focus a food security and also led to populist policies by Gandhi's government to improve her statue for the general elections in 1971. The

¹⁹⁹ <http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html>, accessed on 17 November 2014.

growing emphasis on other projects was visible with the High Yielding Varieties Programme (HYVP), which started in 1964 and the Intensive Agricultural Area Programme (IAAP), starting the same year. Both projects were implemented outside the CDP and the Panchayat structures (see Brown 1971: pp.13); trends that held during the period from 1964 to 1977 (see Mathew 1995: 7). The growing Green Revolution and populist measures, as well as the victorious Indo-Pakistani War of 1971 made Gandhi's government very popular and lead to the landslide victory in the 1971 general elections. The 1975-1977 Emergency cemented a centralist authoritarianism in which Panchayati Raj played no important role. Without interest in decentralisation, the lack of a strong leadership and cohesiveness between centre and States that only the Congress system could provide; and with the absence of resources enticing the States to further Panchayati Raj, the evolution of Panchayati Raj became stagnant in many States. The usual development was a lack of serious implementation of the Panchayat Acts, which were passed during the period of 1958 to 1964. Three States, however, reverted back to a two-tier system, Assam by passing a completely new act in 1972 and Haryana Orissa by simply abolishing the Zilla Parishads in 1973 and 1968 respectively (Mathew 1995: 76, 163). Interestingly, the deviant State of the preceding period, West Bengal, passed an act adopting a three-tier system substituting the former four-tier system, although the act was not enforced until 1978.

4.5.1. Assam

The case of Assam is special in so far, as it reverted to its former system in many aspects, introducing a two-tier system again for example. Unlike Haryana the third tier, in Assam's case the block level, was not simply abolished; following recommendations by the Estimate Committee of the Government of Assam a new act, the Assam Panchayati Raj Act of 1972, was passed (see Dutta 1989: 55).²⁰⁰

The great morphological changes were the re-establishment of two-tiers, the village level, called Gaon Panchayat, and the sub-divisional level, called Mohkuma Parishad²⁰¹. The Act

²⁰⁰ Henceforth the Assam Act of 1972 or the 1972 Act. The text of the Act is taken from the compilation of local acts edited V.K. Dewan (1978).

²⁰¹ Mohkuma is simply a deviating transliteration from the Assamese term and equals Mahakuma as discussed in the subchapter on Assam in the previous chapter.

also effectively abolished the Gaon Sabhas established under the preceding Act of 1959. The Gaon Panchayat was constituted under Section 9 by direct elections through and amongst the adult voting population of a village on a one-representative-per-constituency basis. Additionally, the State government was to nominate a representative of the chairs of the co-operative societies active within the Gaon Panchayats jurisdiction; furthermore the State government could appoint officers of the State to the Panchayat if deemed necessary. At last, the Councillor to the Mohkuma Parishad elected from that Panchayat was ex-officio member of the Gaon Panchayat. In contrast to the Act of 1959, the 1972 Act did not provide for inclusion of more than one representative of co-operative societies. The President of a Gaon Panchayat was elected directly by the same voters, while the Vice-President was elected by the members of the Gaon Panchayat only. The term of office for President and Panchayat was four years. The 1972 Act provided elaborate institutions for reservation of seats under Section 6; two constituencies were reserved for female candidates, the selection of those constituencies was made by lot and was rotated each successive election; if the population of Scheduled Castes and/ or Tribes exceeded five per cent of the whole population, the constituencies with the highest proportion of either was reserved for a Scheduled Caste/ Tribes candidate. Additionally to the President, a Gaon Panchayat could, under Section 14 employ a secretary, which, however, was appointed to its post by the Executive Committee of the relevant Mohkuma Parishad. Further servants could be employed by the Gaon Panchayat directly with prior sanction. Although the block level integration of Panchayati Raj into the CDP was effectively abolished by the 1972 Act, the BDO still had supervision over the secretaries of the Gaon Panchayats, if they were situated within a Community Development Block. Under Section 18, the Gaon Panchayats were authorised to set up sub-committees on certain issues

The Mohkuma Parishad was constituted under Section 20 by direct elections, whereby the Gaon Panchayat areas served as constituencies. For each Gaon Panchayat there was one Councillor. Additionally, a number of ex-officio members were appointed; one each from the Municipality and Town Committees, the Regional Board of Elementary Education and the Central Co-operative Bank within the jurisdiction of the Mohkuma Parishad. As in the case of the Gaon Panchayat, the State government could appoint members if deemed necessary. An

interesting morphological change was that MPs and MLAs were explicitly barred from membership, either ex-officio or through virtue of being elected, under Section 20 (b), in contrast to being ex-officio members by virtue of being MPs or MLAs in the Act of 1959. Like in the Goan Panchayat elections, reserved constituencies for women, Scheduled Castes and Scheduled Tribes were provided under Section 6; with the exception that only one seat was reserved for a female candidate. The members of the thusly constituted Mohkuma Parishad had to elect from amongst themselves a Chairman, a Chief Executive Councillor and a Deputy Chief Executive Councillor. The institution of Chief Executive Councillor was an interesting aspect, since executive officers in other States were usually State cadre officers appointed by the State government of, at block level, were often the BDOs. Under Section 23, a secretary was appointed to the Mohkuma Parishad by the State government. Under Section 28 Standing Committees were to be set up with Presidents elected by their members and secretaries appointed by the State government. Additionally, an Executive Committee served as an overall institution including the Chairman, Chief and Deputy Chief Councillors and Presidents of the Standing Committees To this Committee all executive functions of the Parishad were delegated. The term of office for the officers and members was four years.

Although the block level was abolished as part of the Panchayat system of Assam by the 1972 Act, the Development Block under the CDP was still connected to the Panchayats. Under section 33, the Presidents from the Gaon Panchayats and the Councillors of the Mohkuma Parishad from constituencies falling into the jurisdiction of the block were to form a Block Advisory Committee to assist in the implementation of development programmes like the CDP. Furthermore, the Chairmen and Chief Executive Councillors of the Mohkuma Parishads were integrated into a Planning and Review Board that consisted also of MPs and MLAs from the relevant subdivision and the officers in charge of development departments²⁰². This Committee had also some supervisory and advisory functions towards the Panchayats.

Physiologically, the institutions of the Gaon Panchayat did not change significantly. The main areas of function under Section 35 were still in the categories of public health, including disease prevention and; public works, including construction and maintenance of roads,

²⁰² Either the Deputy Commissioner or the Sub divisional Head.

drains and bridges as well as slaughterhouses; education and culture, including adult education, promotion cultural events and sports; village defence²⁰³, administration, including establishment of fairs and markets and maintenance of certain statistics; social welfare, including relief efforts in situations of distress; and agriculture and small-scale industries, including the promotion of improved cultivation methods and promotion of cottage industries. All in all 50 duties were allocated to the Gaon Panchayats. One major change can be identified however: the developmental aspect was partly repealed; the Gaon Panchayats provided only development plans for their jurisdictions and had no specified executive functions in this regard anymore. Another, minor, aspect that was added was that the Gaon Panchayats, under Section 35 Part V (5), were put in charge of the preparation and implementation of production plans for their jurisdiction. That gave the Panchayat an important economic responsibility.

Major physiological changes were made in regard to the Mohkuma Parishad. This entity was a purely supervisory and advisory institutional arrangement under the Act of 1959. The 1972 Act, however, allocated a large number of functions to the Parishad: under Section 36 ten categories, including 65 functions were specified. These categories were public health, including the establishment and maintenance of primary health care centres and support for charitable hospitals; public works, including the establishment of facilities providing employment and the establishment of warehouses and workshops servicing agricultural machines; education and culture, including the establishment of schools up to the secondary education level and establishment and maintenance of theatres; administration, including the administration of personnel of Gaon Panchayats and the Mohkuma Parishads themselves and the execution of development works; welfare, including promotion of programmes favouring backwards classes and castes; agriculture, including executing minor irrigation projects, distributing agricultural implements and seeds and even establishment of farms; animal husbandry, including veterinary services and cattle and poultry farms; small-scale industries, including the establishment of production units based on local raw-materials and promoting the products through marketing; co-operatives, including the organisation of co-

²⁰³ That included watch and ward duties and the establishment of a volunteer force, and civil defence duties, a remnant from the Sino-Indian War of 1962.

operative farming; revenue and forest, including propagation of land reforms and afforestation. This expansion of functions was partly due to the abolishment of the Anchalik Panchayats at the block level and subsequent necessity to transfer some of their functions. But many functions are clearly economic in nature, like the establishment of small-scale industries based on local raw-materials or the establishment of facilities, like farms, which would provide employment for rural citizens.

The physiologies of both, the Gaon Panchayats and the Mohkuma Panchayats changed. The Mohkuma Parishads' functions changed more significantly than those of the Gaon Panchayats did, but the both institutional arrangements shifted in focus. While keeping some development aspects, the economic aspect became much more important. The focus on the establishment of facilities of agricultural and small industrial production and the inclusion of provision of employment showed an agenda aimed at establishing some economic self-sufficiency.

The income sources for Gaon Panchayats were, aside from grants and allocated funds from the State government of the Mohkuma Parishad, a number of fees and taxes. These for example were: taxes raised on private markets, supply of potable water, lightning and slaughter houses, on the running of shops, pharmacies, hair dressers, tailors, laundries and workshops; fees on registration of cattle sells and fishing in public fisheries; licence fees on running tea stalls, hotels and restaurant, non-motorised vehicles and the establishment of commercial fisheries.

The Mohkuma Parishad had, besides grants and allocated funds by the State government, the following sources of income: a Panchayat tax imposed on every household, taxes on vocations, manufactures and production and licence fees for the running of cinemas, depots and small-scale industries including saw, oil and rice mills.

The focus of the morphological and physiological changes clearly shifted from a developmental orientation to an economic orientation. The institutions of the 1972 Act aimed at a stable and planned production of goods, by providing the means for production, for example establishing farms and small-scale industrial facilities and providing services like workshops for agricultural implements. Furthermore, these institutions were aimed at some

level of economic self-sufficiency, by establishing local employment opportunities and the encouragement of locally based production. This shift was to be backed by providing a substantial financial foundation for the Gaon Panchayats and Mohkuma Parishads. The expansion of taxation, especially the introduction of the Panchayat tax for every household, showed a clear intention to provide a firm basis for financial self-sufficiency for the local self-government units.

These evolutionary changes of the Panchayat system in Assam were certainly in part due to geographical factors. Situated at the fringe of India, being geographically separated from mainland India²⁰⁴, establishing some degree of local economic self-sufficiency made sense to decrease dependence from the main part of the Indian Union. But also simple financial considerations played a role. Abolishing a complete tier reduced of course the costs of personnel and infrastructure (see Dutta 1989: 55). An interesting minor fact was the introduction of secret ballot voting by the 1972 Act.

4.5.2. West Bengal

An interesting development was the West Bengal Panchayat Act of 1973.²⁰⁵ While in most States no legislation was passed and even the implementation of the acts passed in the spirit of the B.R. Mehta Committee Report before 1964 stagnated, a comprehensive three-tier system was enacted in West Bengal. The reasons for its deviation from the rule until 1973 lay in the political instability of the State in addition to the consequences of the drought years. Within the period of 1962 to 1972 the President's Rule was declared three times and power changed between three different parties in rapid succession.²⁰⁶ The W.B. Act of 1973 can be considered as a late 'bloomer' within the legacy of the B.R. Mehta Committee Report. Subsequently most recommendations of the committee were incorporated into the 1973 Act.

²⁰⁴ With the exception of a small corridor between Bangladesh and Bhutan.

²⁰⁵ Henceforth W.B. Act of 1973 or 1973 Act. Original text retrieved from the Laws of India Project.

²⁰⁶ http://www.worldstatesmen.org/India_states.html#West-Bengal, accessed on 20 November 2014.

The Act provided for the, by then, common three-tier structure with the Gram Panchayat at village level, the Panchayat Samiti at block level and the Zilla Parishad at district level. The Anchal Panchayats, the curious deviation of the preceding legislation, were abolished.

The 1973 Act did not provide for a corporate village assembly. The village level entity, under Section 4, was the Gram Panchayat. Its members were elected from amongst and by the registered population of the Gram area based on universal adult suffrage. A big difference to the morphological pattern in other States, where the lowest tier was located at the original revenue village level and expanded from there, the W.B. Act of 1973 established the lowest tier at a level similar to the former Anchal Panchayat (Mathew 1995: 219). Unlike most acts established prior in other States, the 1973 Act did not provide for any reservation of seats for women or Scheduled Castes or Tribes. Also no co-option of such members is provided for, which is interesting considering both, the constitutional provision for the reservation of seats and the institutional-legislative practice amongst other States. The officers of the Gram Panchayat were, under Section 9, a Pradhan and an Upa-Pradhan, elected by the Panches from amongst the Panches. As in the case of other States, like Assam or U.P., a secretary was appointed to the Gram Panchayat by the State government under Section 35. Under Section 36, the Gram Panchayat was authorised to employ servants as deemed necessary. Furthermore, the Gram Panchayats had to, under direction of the State government, establish a small watch and ward force, which was not based on a volunteer force, like in other States.

In contrast to the legislation of other States, like M.P., U.P. or Assam, standing or committees were not provided for by the Act of 1973, but under Section 30 different Gram Panchayats were authorised to form joint committees. These were purpose-oriented committees for schemes, which were in the interest of more than one Panchayat.

The Panchayat Samiti was, under Section 94, constituted by all Pradhans from Gram Panchayats within the Samiti's jurisdiction and up to three directly elected representatives from each of the constituting Gram Panchayat areas. Again, reservation of seats was not provided for. Although only inserted by way of an amendment in 1978, but retroactively in force, Section 94 (2 iii) provided for ex-officio membership of all MPs and MLAs having their

constituencies in the block and all Members of the Rajya Sabha registered in the block area; interestingly members of the West Bengal Upper House were not mentioned. The members had to elected under Section 98 from amongst themselves a chair and a deputy chair, called Sabhapati and Sahakari Sabhapati. The BDO of the relevant block was ex-officio the Executive Officer of the Panchayat under Section 199; although the Panchayat Samiti could, by majority vote, pass a resolution to recall the BDO. Additional officers could be appointed to the Panchayat Samitis by the State government. Similar to other acts, standing committees, called Sthayee Samitis, with portfolios had to be set up by the Panchayat Samitis under Section 124; the Sabhapati and up to five elected members constituted these committees. Additionally, the State government could appoint expert officers to these committees as deemed necessary. .

Under Section 140, the Zilla Parishad was established at the district level. Its membership was constituted by all Sabhapatis from within the district, up to two elected representatives each from block constituencies within the district and MPs, MLAs and members of the Rajya Sabha having their constituencies within, respectively are registered within the district. The chair and deputy chair, called Sabhadhipati and Sahakari Sabhadhipati, were to be elected from amongst the members by the members of the Zilla Parishad. Like at the other tiers there was no reservation of seats was provided for. The State government had to appoint an Executive Officer to the Zilla Parishad under Section 166, and could appoint additional officers as deemed necessary under Section 167. In the same matter as in the case of the Panchayati Samitis, Sthayee Samitis had to be set up under Section 171, following the same mode of constitution.

The physiological provisions for the Gram Panchayats under Section 19 were close to the recommendations of B.R. Mehta Committee Report. There were 15 obligatory functions in the fields of public health, including disease prevention and vaccination; public works, including provision of drinking water and construction and maintenance of roads and administration, including watch and ward. Interestingly, no provisions for functions in the fields of agriculture and small-scale industries were made under the basic obligatory functions. The State government could also assign under Section 20 up to 17 additional obligatory functions. These included the fields of public health, including health care centres

and maternity welfare centres; the management of public ferries; administration, including the provision of primary and vocational education; agriculture, including the promotion of cooperative land and resources-management, as well as improvement of cattle breeding; additionally, the Gram Panchayat could serve as the executive agent of State government enterprises. Furthermore, up to 22 discretionary functions could be performed by the Gram Panchayats. These were in the fields of public works, including street-lighting and the digging of wells; administration, including the maintenance of records and statistics; agriculture, including establishment and promotion of co-operative farming; commerce, small-scale industries, including the promotion of cottage industries; commerce, including promotion of co-operative stores, establishment and maintenance of markets and marketing of local produce; and social welfare, including establishment of recreation and sports areas.

The Panchayat Samitis had under Section 109, the duties to provide financial assistance to schemes, including the fields of agriculture, public health, public works, small-scale industries, education and welfare; execute State government schemes and manage State government organisations, as assigned to them; and the coordination of development schemes between Gram Panchayats. Section 109 (2) expressly limited the Panchayat Samitis executive function, giving precedence to the Gram Panchayats in their jurisdictions. The State government could assign management duties of State roads, bridges and buildings to the Panchayat Samitis under Section 110. The Panchayat Samitis had surprisingly few functions and were a major deviation in physiology compared to the provisions of other acts following the recommendations of the B.R. Mehta Committee Report. The focus concerning duties and responsibilities clearly lay on the Gram Panchayat rather than the Panchayat Samiti.

The Zilla Parishads had, under Section 153, a similar physiology like the Panchayat Samitis. That means the Zilla Parishads had mainly, advisory and supervising functions in addition to the provision of financial assistance to public organisations, Gram Panchayats and schemes benefitting for the public good. Otherwise, they were to execute schemes assigned to them by the State government.

The income base for the Gram Panchayats consisted under Sections 45 to 48, apart from grants and funds allocated to them by higher authorities, of taxes and fees. The Panchayats were authorised to levy taxes on land and buildings at a prescribed percentage of their value. Additionally, they could raise rates and fees for the registration of vehicles; on the provision of sanitary arrangements at fairs and markets, as well as provision of drinking water; rates on the provision of street lightning; in addition, on the cleaning of private sanitary installations.

The Panchayat Samitis under Section 133 could raise fees and tolls on roads, bridges and ferries, fees on licenses for establishing markets and, if they carried out such duties, on sanitary arrangements and street lightning. Otherwise, funds and grants were allocated to them as in the case of the Gram Panchayats.

The Zilla Parishads were under Section 179 entrusted with funds and grants by the State government and other agencies. They also had the authority to raise fees, tolls and levies under Section 181 on the same subjects as the Panchayat Samitis, as far as those functions were under management of the Zilla Parishad.

Although the W.B. Act of 1973 was not implemented before 1978, for the political reasons I described earlier, it provided an interesting variation from the B.R. Mehta Committee template. Instead of the block level as the institutional focal point, most duties were assigned to the Gram Panchayats, bringing the focus to the basic level. Considering that the Gram Panchayat was not, unlike under many other acts, located at the village level, but at the former Anchalik level, including several villages, the Gram Panchayat as the main executive institutional arrangement is not so surprising. Considering further the decreasing attention on the Community Development Programme and the implicated integration of Panchayati Raj and Community Development at the block level, the focus away from the Panchayat Samitis towards the Gram Panchayats can make sense; with the Panchayati Raj centred around the Gram Panchayat the system came closer to the individual citizens.

4.5.3. Conclusion

The period between 1964 and 1977 was marked by two major developments: stagnation in the implementation of Panchayati Raj legislation and an increasing centralisation. While many States had passed legislation to establish a three-tier Panchayat system following the B.R. Mehta Committee Report's recommendations in the earlier period between 1959 and 1964, the implementation of these acts stagnated; elections for Panchayats for example were not held (see Mathew 1995). Development schemes, like the HYVP and the IAAP, were increasingly executed through parallel structures and agencies closer to central government control. Ecological factors, like the drought years of 1965 to 1967 and the wars with Pakistan 1965 and 1971 brought the focus of the central government and the State governments away from decentralisation efforts. Additionally, the change of personalities at the top and the dissolving of the Congress System had negative implications, too. The death of Nehru severely undermined the backing of Panchayati Raj at the central level and the loss of power in many States after 1967 broke the streamlined implementation chain, which existed in the zenith of the Congress System. Without the strong leader Nehru, occupying key offices at the central government level, and the INC being in power at the centre and in most States, the centrally devised development through decentralisation paradigm was not viable anymore. Without an increasing resource base provided by CDP and the pressure from the INC and state leadership, the State governments lost the incentive to implement and support their Panchayat systems. The Emergency of 1975 to 1977 into which the centralist and increasingly populist measures of the Indira Gandhi administration culminated, was certainly the end of the development through decentralisation idea and an important historical landmark, not only in for the evolution of the Indian nation in general, but also for the evolution of Panchayati Raj in particular.

In terms of the four cases, it can be said that U.P. and M.P. remained institutionally stable during this period. Between 1964 and 1977, no new legislation on Panchayati Raj was passed in these two States. Assam and West Bengal, however, did pass new legislations. Assam's new act deviated strongly from the previous 1959 Act and included many morphological and physiological variations. The re-introduction of a two-tier system was the most visible change. Physiologically the allocation of a large number of duties to the sub-divisional level,

vis-à-vis its previous supervisory functions, was a major accumulation of institutional variations. Considering the geographical fringe position of Assam, it is not surprising that it reverted to a variation of the two-tier system from the Assam Act of 1948. West Bengal's new legislation can be seen as a streamlining process. The W.B. Act established a three-tier system and located the financial functions of the former sub-block level to the block level. The Panchayati Samiti, block level, had, however mostly coordinator and advisory functions. That constituted a major deviation from the strong position of the Panchayati Samiti in the previous act. Political instability may explain the late passing of the W.B. Act of 1973, the decrease of interest in the CDP at the centre, however, is reflected in the focus on the Gram Panchayats rather than Panchayat Samitis. The major factors behind this streamlining were certainly the necessity to unify the two legislations of 1957 and 1963 respectively and financial considerations. More tiers need more funding is the simple logic here.

Generally, the period between 1964 and 1977 was a period of stagnation in that sense, that there were simply no major institutional variations in the Panchayati Raj systems in the States. West Bengal can be considered a 'late-comer' to the convergence trend of the previous period between 1957 and 1964. Larger institutional variations were limited to Assam, where the ecological niche included strong geographical and geo-physical factors, which facilitated change. The ecology of the other States and of India in general provided no expedient factors for institutional variations in Panchayati Raj systems; adaptation was simply not necessary, and if adaptation is not necessary, because of a lack of ecological pressures or ideas, evolution stagnates.

4.6. Reforms

The period from 1977 to 1992 was probably one of the most active times domestically. The Emergency from 1975 to 1977 has brought the greatest challenge to the Indian democratic system so far; that threat has been resolved within the constitutional confines of the democratic system, an achievement that was not the rule in postcolonial countries. The year of 1977 also demarcated the end of the INC rule at the central government. Through the authoritarian measures during the Emergency, Indira Gandhi had inadvertently consolidated a unified opposition on the Union level that brought upon the INC a crushing defeat in the 1977 general elections. After these general elections, an alliance of parties, the Janata Party (JP), had come to power in the centre and in some States. In the States the diversification of the political landscape went on after 1977, bringing smaller parties, besides the two major national parties INC and JP, to power. In Tamil Nadu power alternated between the regional parties DMK and AIDMK, in Punjab the SAD, a Sikh party, came to power, in West Bengal the CPI-M started their more than three decades long rule and Kerala the INC and CPI governed alternatively. The first major development in the field of Panchayati Raj was certainly the publication of the in December 1977 commissioned Committee on Panchayati Raj Institutions Report or Asoka Mehta Committee Report of 1978.²⁰⁷ It was commissioned by the newly formed JP government to investigate the situation of Panchayats in India, and can be seen as an assessment in light of the centralist agenda of the preceding INC government. There was also an attempt to unify Panchayati Raj legislation at the Union level through a constitutional amendment; the 43rd Amendment Bill in 1977 introduced by a group of MPs including S.K. Dey and L.M. Singhvi. At the Union stage the rather unstable JP government dissolved in 1980, causing general elections that were won by Indira Gandhi's INC, starting an intermission in the evolution of Panchayati Raj. The death of Indira Gandhi in 1984 at the hands of Sikh nationalists brought her son Rajiv Gandhi into the office of Prime Minister. His personal interest in decentralisation and major changes in the Indian society, for example the beginning liberalisation and the emergence of social movements, triggered the re-emergence of interest in Panchayati Raj. This was evident in the various committee reports on the issue, like the Rao Committee Report in 1985, the Singhvi Committee Report in 1986 and finally the

²⁰⁷ Henceforth the A. Mehta Committee Report

Sarkaria Commission Report in 1988. Rajiv Gandhi's efforts towards a major reform of Panchayati Raj culminated in the 64th Amendment Bill in 1989. This bill was defeated on the floor of the Rajya Sabha, in which the opposition parties had a majority at that time. Following the general elections in 1989, which brought the National Front to power another attempt, the introduction of the 74th Amendment Bill, was made. In 1991, following the breakdown of the National Front government, the INC introduced the 72nd Amendment Bill. This bill was successful and became the 73rd Amendment to the Constitution of India.

The A. Mehta Committee Report and the 43rd Amendment Bill had no immediate impact on the evolution of Panchayati Raj in India. Only two new acts were legislated between 1977 and 1981, the Kerala District Administration Bill of 1979 and the Madhya Pradesh Panchayat Act of 1981. The W.B. Act of 1973 was amended in 1978 and 1979 in a substantive manner, but more importantly, it was implemented with substantive efforts by the State government. Otherwise, no new legislation was passed in the aftermath of the committee report and the constitutional amendment bill.

That was different in the years of Rajiv Gandhi's rule. Within the period of 1985 to 1991 seven new acts were passed, in addition to a large number of amendment acts, three government sanctioned reports on the issue of decentralisation were published and four constitutional amendment bills introduced, one being successful.

The period of 1977 to 1992 also brought the open politicisation of Panchayats by introducing party mobilisation in Panchayats, like in the case of West Bengal from 1978. Despite previous attempts to keep political parties out of the village sphere (see B.R. Mehta Committee Report), political parties played a role before that, as evident in the case of Andhra Pradesh, where party contestation happened as early as 1953 (PEO 1960: 127). But the role of the CPI-M in West Bengal in the mobilisation at the local level was unprecedented.

The new dynamics of the Indian political landscape, the rise of a multi-party system at the centre and regular regime changes at the State level, the new challenges of liberalisation and unstable political alliances, were major factors contributing to the necessity of a constitutional reform to unify Panchayati Raj legislations in India. The absence of a highly centralised power system, like during the times of the Congress System under the leadership

of Nehru, made the principle of directed voluntary reform obsolete. Panchayati Raj could no longer be reformed through virtue of nearly unopposed power, but only with the force of constitutional law. That meant institutional change had to happen through the legislative process and by legal force, possibly against unwilling State governments, opposition in the Lok Sabha and Rajya Sabha and even within the ruling coalition. Consensus had to be found outside a tightly organised party establishment, as the INC had during the Congress-system.

The evolution of Panchayati Raj between 1977 and 1992 started with two major developments: the widely known and discussed A. Mehta Committee Report, published in 1978, and the lesser-known introduction of the 43rd Amendment Bill in 1977²⁰⁸. The Bill of 1977 was introduced by, amongst other, S.K. Dey, former Minister for Community Development, and L.M. Singhvi, later head of the Singhvi Committee. It proposed to insert Panchayati Raj as Part IX of the Constitution of India and included under Section 243 eight subsections, which defined the form and functions of the Panchayat systems. The draft bill was not very detailed and would have left a lot of freedom in implementing the constitutional provisions into State laws. Subsection 243-B, for example, prescribed a two-tier system, a Panchayat at the village level and a district level entity, but enabled the States to add a third tier at a regional²⁰⁹ level. Additionally, the bill provided, under the following subsection, for elections to the entities at all tiers, but only prescribed the length of term, four years, and left the exact number of members²¹⁰ and electoral rules and procedures to eventual State legislation. The provisions for powers and functions of the Panchayats under Subsection 243-D were also very broad. It prescribed that the State governments should confer the functions of promotion of social and economic development and implementation of central and State plans in regard to those to the Panchayats. Subsection 243-D (2) simply added that greater powers and more functions should be devolved later. Subsection 243-E, which included the provisions for the financial foundation of the Panchayat system, just prescribed broadly that the State governments should confer to the Panchayats the power to levy taxes and fees and allocate funds and grants to them. No further specification of income sources was made. The last two Subsections, 243-G and 243-E, provided that Nyaya

²⁰⁸ Henceforth the Bill of 1977.

²⁰⁹ Regional is not defined, but is likely to refer to the block level.

²¹⁰ Either absolute numbers or proportion of representatives per population unit.

Panchayats should be established and administer justice in petty cases and provided further that Panchayats could be dissolved by the State governor if deemed necessary by him. The Bill of 1977 was certainly not revolutionary and had no impact on legislation. The provisions made were too broad and expressed only that there should be a system of elected Panchayats with at least two tiers. Nothing in the bill was new or would have enhanced the status of Panchayati Raj significantly. Since Panchayati Raj act was in force in all States at that time, the draft bill only proposed the cementation of the status quo, since it left too much freedom for the States and did not provide any incentives to change active legislations.

4.6.1. The Asoka Mehta Committee Report

The A. Mehta Committee Report's recommendations were much more far-reaching. In the bullet-point like presentation of analyses and recommendations, point two and three refer to the problems of the earlier systems: the dissociation of Panchayati Raj with the development programmes and the associated failure to channel such programmes through the Panchayats; and the lack of significant functions assigned to the Panchayats and various tiers. Both problems were evident in the implementation of parallel structures of development²¹¹ and physiology of the Panchayat systems, especially in the small number of administration duties and development functions and the sometimes-identical functions on different tiers²¹² (Department of Rural Development [DRD] 1978: §§2 and 3). On the lack of financial resources, however, the report did not say anything, except for the necessity of financial decentralisation. This is interesting in so far, as financial reasons were among the most pressing issues as evident in the postponement of elections in many States (see Mathew 1995: 121) and enlargement of village Panchayat areas (see Dutta 1989: 55). The A. Mehta Committee Report was one of the first major government reports to stress the importance of representation of weaker sections of society, a social justice aspect, and to acknowledge the role of political parties and party contestation at the local level. This was a major turn, regarding the recommendations of various committees where parties were either absent (CPP 1958) or recommended to be kept out and contestation to be prevented (see Ministry of Community Development and Cooperation [MoCDC]: 1963). The idea of the committee

²¹¹ Discussed in the previous chapter.

²¹² See for example W.B. Panchayat Act of 1973.

was that political participation and contestation on all levels would provide for constructive competition (DRD 1978: §5). Furthermore, and this was a central point for future considerations of the status of Panchayati Raj, the committee recognised for the first time the necessity for a more specific constitutional provision (ibid.: §6). The first morphological recommendation of the report is that the, in many States already established, district entities should be taken as a starting point for meaningful decentralisation, and Zilla Parishads should therefore be established at this level (ibid.: §11). It is reasoned that the required technical expertise for the demands of the contemporary development programmes can be best accessed at such a level. The tier below should be, according to the committee's recommendations, large enough to meet the technical, administrative and financial demands of the development programmes of the time, but also small enough to be connected to the affected people and to guarantee representation and accountability in a practical way. The A. Mehta Committee Report therefore recommended grouping several villages, which would together have a population of 15,000 to 20,000. These would be called Mandal Panchayats (DRD 1978: §12). This recommendation actually corresponded with enacted legislation, for example, the Assam Panchayati Raj Act of 1972 and the West Bengal Panchayati Raj Act of 1973, where grouping of villages was already established practice. The committee found this to be an adequate consensus between economic viability and democratic supervision. The major morphological change was certainly the recommendation to abolish the block level entities (ibid.: §13). The Panchayat Samitis hailed as a major progression in Panchayati Raj in the aftermath of the B.R. Mehta Committee Report and introduced in most States in India, were the central integration hub of development, especially in regards to the CDP. The realisation that development programmes and Panchayats have been increasingly dissociated in the period between 1964 and 1977 was probably a major factor in recommending their abolishment. The other factor was the already mentioned grouping of villages and desired transfer of functions from the Panchayat Samits to the Mandal Panchayats. The abolishment certainly implicated also financial considerations, since less institutional arrangements usually meant less costs. §13 of the A. Mehta Committee Report acknowledged, however, the necessity to keep block level entities as transitional units until the committee's recommendations could be implemented to the

their full extend. Although the committee recommended the establishment of a Panchayati Raj related constitutional provision, it made clear that its recommendations are guidelines, with some exceptions, and the specific morphologies of the institutional arrangements should be specified only by State legislation (ibid.: §14). The only explicit demands to State acts were an element of direct elections to the Panchayats at all tiers and an element of representation for Scheduled Castes and Tribes based on their proportion in the relevant populations; the committee also recommended that the chairmen of the Zilla Parishads should be elected indirectly, while the chairs of the Mandal Panchayats' mode of election was to be decided by the State legislations individually. Furthermore, the term of office should be four years and elections to all levels and in all constituencies should be held simultaneously (ibid.).

The committee made the following recommendations for the constitution of Zilla Parishads: They should consist of six different types of members, including the directly elected members, the Presidents of the Panchayat Samitis, where they existed, nominated representatives of municipalities and district-level co-operative organisations within the districts, two women, one co-opted university teacher and one co-opted person with special interests in rural development; the Chairman of the Zilla Parishad would be elected by and from amongst the elected and ex-officio members (DRD 1978: §16). The practices of ex-officio membership and co-option certainly limited the democratic element at the district level. The development aspect was still influential in the proposed constitution of the Zilla Parishads. Interesting was the exclusion of MPs and MLAs from ex-officio membership. As already established in most State acts, the Zilla Parishad should constitute committees with portfolios in agriculture, small-scale industries, public works, finance and education. Additionally, a standing committee of the chairmen of the portfolio-committee was to oversee their work. A new addition, indicating the tendency of Panchayati Raj evolution over the following decades, was the committee on social justice. The Zilla Parishads should also be invested in planning activities and should to that effect set up committees that included also the MPs, MLAs and Members of the Upper Houses. At last the committee recommended that a committee on education staff postings should be constituted with the inclusion of the District Education Officer and a State government representative (ibid.: §17). To avoid

parallel structures, the committee recommended bringing district officers with development portfolios under supervision of the Zilla Parishads. These should have a Chief Executive Officer and the head district officers of the various development functions should be secretaries of the relevant Zilla Parishad Committees (ibid.: §§59-63). District officers with pure administrative and revenue functions should remain under State government supervision (ibid.: §§65 and 66).

The Panchayat Samitis, where they existed and continued to do so, should be constituted on ex-officio basis by the Presidents of the Mandal Panchayats, the elected Zilla Parishad members with constituencies in the relevant blocks, nominated representatives of municipalities and block-level cooperative societies and one co-opted person with special interests in rural development. The President would be elected, as in the case of the Zilla Parishads, by and from amongst the elected and ex-officio members (ibid.: §18).

The Mandal Panchayat, according to the committee's recommendations, should be constituted by 15 directly elected members, an unspecified number of representatives of Farmers' Services Societies and at least two women. The President of the Mandal Panchayat should be elected by the directly elected members only. Additionally, the committee recommended the establishment of an all women committee, consisting of all female members of the Panchayat (ibid.: §19). The institutionalisation of an all women-members committee showed, again, the increasing social justice aspect in the Panchayati Raj evolution. Moreover, the reservation of seats for Scheduled Castes and Tribes was recommended again in this paragraph. To execute their functions, the Mandal Panchayats should be able to employ a full time Executive Officer and staff of development agencies and departments active at the Mandal level should be brought under the Mandal Panchayat supervision (§67).

As a kind of substitution for the former Gram Panchayats, the committee recommended the establishment of Village Committees. These comprised one constituency of the relevant Mandal Panchayat and the Zilla Parishad respectively. These Committees consisted of the member of the Mandal Panchayat and the member of the Zilla Parishad from the constituencies in the village and representatives of small and marginal farmers from the relevant village. The President was ex-officio the Mandal Panchayat member from the

relevant constituency (DRD 1978: §20). Furthermore, the A. Mehta Committee recommended that the Village Committees should organise Gram Sabha meetings at least twice a year in the villages constituting a Mandal Panchayat. The proposed Gram Sabha was, however, no corporate body and had no specific functions other than to provide a forum for suggestions and grievances (ibid.: §21).

In a short paragraph, the committee also recommended to keep the Nyaya Panchayats as separate bodies, and showed concern about their ineffective working (ibid.: §22).

The following three paragraphs were of special importance: The recommendation of holding elections according to schedule and the repeated acknowledgement of the importance of political parties in local elections (ibid.: §§23-25). With these paragraphs, the A. Mehta Committee indicated a change in outlook towards Panchayati Raj. The explicit mention of a positive impact political parties could have in Panchayat elections was a major turn towards recognition of Panchayats as separate and equal political units. It was therefore a change away from the view of Panchayat as devolved agents of development programmes and the former paternalistic attitude towards the system as not able to cope with party contestation.

In terms of physiology, the A. Mehta Committee Report recommendations remained broad but unspecific. The report stated that each State would have differing problems and should therefore assign functions as needed locally (ibid.: §26). For Zilla Parishads the committee recommended to place all development schemes and activities within a district under their jurisdiction, but admits that larger and supra-district projects should still remain with the State governments (ibid.: 28). Furthermore, the authority to make plans was also recommended to be placed under Zilla Parishad jurisdiction (ibid.: §31). Although representatives of cooperative societies were to be present in the Panchayats and Parishads, supervision of these was not considered as a function of the Zilla Parishads. That put the whole sphere cooperative societies outside the Panchayat systems (DRD 1978: §30).

The functions of the Mandal Panchayats, as envisaged by the report, were even more broadly formulated. Apart from the functions they already had under the various State acts, they were meant to be the implementing agency for plans of the Zilla Parishads (ibid.: §32). Furthermore, it was recommended to have increasing municipal and welfare functions

assigned to the Mandal Panchayats (ibid.: §33). What follows in the report were broad suggestions of what could be and how Mandal Panchayats should become centres for growth and participation. The A. Mehta Committee Report delivered only a broad vision of the role of Mandal Panchayats, rather than practical suggestions.

An important point the committee made was the direction of efforts towards Scheduled Castes and Tribes, amongst others, to provide social welfare and development (ibid.: §52). This is, again, an admission that previous efforts were either ineffective or not aimed at these groups. The recognition of Scheduled Castes and Tribes as the most vulnerable sections of society and the acknowledgement that Panchayat systems were so far inadequate to address the problems of these groups, was a major step in making Panchayati Raj more comprehensive. Together with the establishment of women committees, it was an elevation of the aspect of social justice towards marginalised groups. The A. Mehta Committee therefore suggested various measures that could be carried out by Panchayats, such as providing job opportunities for these sections (ibid.: §55).

Another important recommendation made by the committee was the establishment of a Panchayati Raj ministry at the State level, thus elevating the status of Panchayats considerably (DRD 1978: §69).

A point that was problematic in the implementation of previous legislations, and problem that remained for decades after was the lack of education and training of elected representatives and, to some extent, the officials. Without proper education and training Panchayats were inhibited in their functions, simply due to the lack of knowledge how to execute these functions in an effective way. That problem was addressed by the committee with the recommendation of enhanced training programmes for elected representatives and officials under the supervision of the National Institute of Rural Development (ibid.: §§102-106). Additionally, adult education programmes should be directed at increasing awareness of civic duties and rights among the rural population to further interest and participation at the local level (ibid.: §107). Moreover, through special programmes marginalised groups, such as women and Scheduled Castes and Tribes, should be encouraged to participate in the political and public arena (ibid.: §§108-119).

In terms of financial resources, the A. Mehta Committee Report deviated not much from previous reports and legislations. The central recommendation was that Panchayats should have compulsory taxation powers, unlike the powers delegated from the State government that included house taxes, profession taxes, entertainment taxes and land and building taxes. Furthermore, it was suggested that the land revenue share for Mandal Panchayats should be increased (ibid.: §§75 and 79). The routine costs, like administrative expenditures and staff salaries, should be financed through State government grants, allocated to the relevant tiers (ibid.: §87). Other recommendations were also in line with existing legislation, for example the suggestion to raise fees for the provision of certain public services (ibid.: §78).

All in all the recommendations by the A. Mehta Committee Report can be seen as two-sided: On the one hand, many recommendations remained too broad and too much freedom of decision-making in regard to Panchayati Raj legislations was left to the States. The proposed constitutional provision was certainly a step in the direction of legal unification, but did not go as far as specifying form and functions in a comprehensive manner. Additionally, many recommendations simply took over provisions already in place in existing legislations, at best changing their status from assigned and discretionary to compulsory.

On the other hand, the report made recommendations, which were strongly deviating from preceding reports and legislations. The morphological changes had major implications, like recommendation to replace the three-tier system by a two-tier system. The long-term goal of abolishing of the block entities and establishing the basic tier above the village level would have been a major change in the morphological structure; especially when compared to the focus on the block level in the B.R. Mehta Committee Report. The other major implications from the A. Mehta Committee Report was the shift of focus, away from Panchayats as executors of development programmes within a modernisation paradigm to Panchayats as political units, where parties could play a constructive role. Even more, the acknowledgement of Panchayati Raj in empowering weaker sections of society to a various set of measures, from enhanced representation to target-programmes in education and employment, showed a significant change in the role that was envisaged for Panchayats by the committee.

The content of the report mirrors the changed ecological circumstances of Panchayati Raj in India. The modernisation paradigm, wherein development was largely limited to food production, the extension of industrialisation and expansion of life expectancy, had gone in disuse. It was dependent on the strong central leadership of Nehru and his authority within the government structures and the structures of the INC during the time of the Congress system. Economic and political crises had changed the political landscape of India. The problems that went hand in hand with the drought years of 1965-1967 and the financial calamities of India in 1974 following the oil-crisis, showed the vulnerability of the development paradigm and of Panchayats being too dependent on development programmes. Expanding the income base by expanding the size of Panchayats and reducing costs by abolishing one level were certainly reactions to those problems. The rise of regional parties and the success of the JP in the general elections of 1977 had highlighted to some degree the positive role of political competition, even at the local level. The emergence of social movements of Scheduled Castes, like the Dalit Panthers in the late 1960s and the 1970s brought the situation of marginalised sections of the society to the agenda (see Shah 2004). Both factors were reflected in the A. Mehta Committee Report, and the reflection of the ecological changes of the time, the serious consideration on how to adapt Panchayati Raj to those new challenges, made the ideas of the report appealing.

4.6.2. Madhya Pradesh I

Madhya Pradesh was one of the few States to enact legislation in the aftermath of the A. Mehta Committee Report. The Madhya Pradesh Panchayat Adhiniyam of 1981²¹³ was, however, not a complete change, but an act that aimed at consolidating and amending the existing legislation. Nevertheless, the provisions made by the 1981 Act introduced some significant changes, which reflect to some extent the recommendations of the A. Mehta Committee.

Morphologically, only one major change was made: the Gram Sabha was not mentioned within the M.P. Act of 1981, although the 1981 Act did not explicitly repeal the 1962 Act. The

²¹³ Henceforth the M.P. Act of 1981 or the 1981 Act. The text of the Act is taken from the compilation of local acts edited by T.C. Shrivastava (1982).

exact status of Gram Sabhas must remain uncertain. Otherwise, the three-tier system of the previous legislation remained in place, changing only the official designation of Village Committees to Gram Samitis under Section 39. While the composition of members of Gram Panchayats did not change, a provision mandating co-opted members to only represent one special constituency was inserted under Section 11 (2). Since the Gram Sabha was not mentioned in the act, the dual-function of Sarpanch and Up-Sarpanch as officers of the former and officers of the Gram Panchayat was of course not given anymore. While the 1962 Act provided for a more specified Section about Functional Committees, the 1981 Act simply stated, under Section 40, that Standing Committees could be established and could be authorised to discharge administrative functions. The designation of officers and servants did not change.

The composition of the Janapada Panchayat changed only in one aspect: a representative of the market committee²¹⁴ active in the block area was added as a member under Section 19 (7). In addition, the assignment of officers and servants, as well as the form of the Standing Committees remained the same.

The composition of the Zila Panchayat under Section 26 was more significantly changes as the representatives of the Public Health, Agriculture, Veterinary, Education and Development Departments of the district were no longer included ex-officio. Otherwise, the constitution of the Panchayat remained the same. Also the designation of officers and servants, as well as the form of the Standing Committees remained the same.

Physiologically the M.P. Act of 1981 introduced great changes. The Gram Panchayat was entrusted with 29 specific duties, much less than the 58 obligatory and discretionary duties in the previous act. The greatest changes were the omission of agricultural duties and of industrialisation duties. Under Section 43 the act defined only functions in the areas of public health, including disease prevention and assistance in vaccination programmes; administration, including registration births, marriages and death and the management of markets; social welfare, including the prevention of discriminatory practices and family

²¹⁴ Established under the Madhya Pradesh Krishi Upaj Mandi Adhiniyam 1972 to regulate the purchase and sale of certain agricultural products. It provided for constitution of committees consisting of agricultural producers.

planning; and public works, including construction and maintenance of roads, bridges, supply of drinking water and lightning of village streets. Additionally, the Gram Panchayat had to serve as the implementing agency of State government orders and functions entrusted by higher levels. The development-orientated functions of the 1962 Act were dropped entirely.

The Janapada Panchayat was entrusted under Section 44 with all development functions, from integrated rural development, via agriculture, animal husbandry, public health care, education, public works, cooperation, small-scale industries and social welfare programmes. But unlike in the previous act the functions in these regards were not specified. An interesting addition was the function of social welfare for backwards classes. Moreover, the Janapada Panchayat could be entrusted with executive functions by the State government in regard to State government functions or devolved central government functions under Section 45.

Under Section 46 the Zila Panchayat had the functions of supervision and coordination of Gram Panchayats and Janapada Panchayats, also in terms of plans in regard to the latter; forward financial demands of Janapada Panchayats to the State government; secure execution of joint plans in two or more blocks; and execute those duties entrusted to the Zila Panchayats by the State government. Functions, like provision of material for lower level development activities and collection of statistics, were dropped.

The provision of income sources were consolidated under the 1981 Act in one major aspect: the levy of certain taxes was made obligatory. Under Section 67 the Gram Panchayats had to levy cess on land held by government tenure holders and lessees. Furthermore, Schedule I of Section 67 defined six more obligatory taxes: a property tax on land and buildings; a fee for the cleaning of private latrines by public workers; a tax for the provision of lighting; a tax on the exercise of professions and arts; fees on the sale of goods on public markets or public buildings; and a fee for the registration of cattle to be sold at such markets. For the execution of certain programmes the State government under Section 59, programme-bound funds could be allocated to the Gram Panchayats. Under Schedule II there were 14 additional optional taxes, including taxes on animals, like dogs and pigs; on non-motorised vehicles for hire; taxes for the provision of a drainage system; and fees for the erection of temporary

structures on public grounds. The Janapada Panchayats had to impose taxes on public entertainment under Section 67. Furthermore, they had the option to grant licenses for the use of public property managed by them. Since the Zila Panchayats only had administrative and supervisory functions, no additional funds for the execution of function were needed, except for the salary of personal and material costs of said administrative duties, which were paid by the State government. The imposition of small, but obligatory number of taxes as sources of income reflects one of the major points of the A. Mehta Committee Report.

The changes introduced by the M.P. Act of 1981 reflected the recommendations of the A. Mehta Committee Report in some aspects: Strengthening the village level by providing compulsory income sources, consolidating and limiting the scope of functions of Gram Panchayats and including social welfare towards women and Scheduled Castes and Tribes. Especially the limitation of functions in connection with the consolidation of income sources was important. With a limitation of duties, the Gram Panchayats could be able to utilise their time, resources and personnel more efficiently. Connected with the introduction of obligatory taxes, income sources to perform the limited tasks could be secured, at least in theory. Moreover, the limitation on sanitation and disease prevention, public works and administrative and minor management duties made sense as far as these functions could be executed in a reasonable fashion at the village level. The burden of executing development functions, as specified in the previous act, was dropped in light of lack of expertise, financial means and other resources at the Gram Panchayat tier. Other recommendations of the committee were not implemented, like the reduction to a two-tier system. The omission of the Gram Sabha within the 1981 Act makes the exact status of it unclear, since it neither was a corporate entity under the previous act, nor was the previous act, and therefore the existence of Gram Sabhas, explicitly repealed.

4.6.3. The G.V. Rao Committee Report

The Planning Commission appointed the Committee on Administrative Arrangements for Rural Development and Poverty Alleviation Programmes²¹⁵ under the Chairmanship of G.V. Rao to look into the matter of rural development. The committee published its report in

²¹⁵ Henceforth the Rao Committee, respective the Rao Committee Report.

1985. Although the major focus was on the reform of various development and poverty alleviation programmes, the report provided a number of recommendations concerning Panchayati Raj. However, only five of the forty recommendations made by the Rao Committee were in direct regard to Panchayats. The first point was a broadly formulated suggestion to activate the Panchayats and provide them with support to enable them to handle local problems and to hold elections regularly (DRD 1985: §4). The following points simply reiterated the importance of the Zilla Parishads as entry points of decentralisation, the necessity to integrate them in the implementation of development programmes and the suggestion that Panchayats at all levels should be able plan and execute programmes for economic and social development (ibid.: §§5-8).

While the Rao Committee Report did not make any new recommendations on Panchayati Raj, it certainly re-confirmed the recommendations of the A. Mehta Committee to put the focus of decentralisation on the district level, as the starting point from which functions could be decentralised. It further confirmed the tendency of the A. Mehta Committee Report that Panchayats should play an important role in rural development and should be powerful enough to plan and execute programmes. The Rao Committee Report had some impact, not immediately on State legislation, but on the powerful seventh Five-Year-Plan:

“Poverty alleviation programmes would be formulated and implemented [...] with the participation of people at the grassroots level through village pan-chayats, panchayat samities, zilla parishads, etc. Such an approach will contribute to the selection of project [sic!] suited to local conditions, and to the integration of poverty alleviation programmes with area development.”²¹⁶ (§2.12).

The explicit reference to poverty alleviation also reiterated the shift of focus from agricultural and industrial development to a social development and social justice approach, in line with the recommendation from the A. Mehta Committee Report to include stronger representation of women, Scheduled Castes and Scheduled Tribes.

²¹⁶ <http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html>, accessed on 28 November 2014.

4.6.4. The L.M. Singhvi Committee Report

The L.M. Singhvi Committee Report, published in 1986, was devoted in its entirety to the matter of Panchayati Raj. After providing details to why Panchayati Raj was in decline, finding problems with lack concerning conceptual clarity, insufficient resource, lack of political will to implement legislations and a lack of national commitment, the report provides recommendations on how Panchayati Raj could be revived and made working. The committee reiterated the necessity to activate participation in Panchayats and planning. Moreover, it affirmed the concept of Panchayats as entities of local self-government, with decentralisation from the grassroots rather than devolution of powers from above (p. 8). The acknowledgement of Panchayats as political units, not administrative and executive extensions of State governments, was a confirmation of the recommendations of the A. Mehta Committee; the expression of the L.M. Singhvi Committee Report were even more firm on that issue. Furthermore, in the paragraph following the recommendation above, the committee expressed the desire that Panchayats should direct their efforts to social mobilisation, social justice and poverty alleviation. Again, these two points showed clearly the turn towards recognition of Panchayats as political units and towards social justice.

The L.M. Singhvi Committee expressed its desire for the introduction and strengthening of Gram Sabhas, corporate village assemblies, as the foundation of democratic self-government (p. 7). However, it made no further recommendations on that topic.

One of the major suggestions of the committee was the introduction of a constitutional provision for Panchayati Raj.²¹⁷ The most important expression of the report may be: “[...] Panchayati Raj institutions should be constitutionally proclaimed as the third tier of Government.” (ibid.). This concept of Panchayats as a constitutionally sanctioned third tier was something entirely new and pointed at future developments. Although the L.M. Singhvi Committee made no specific recommendations on the text of a constitutional provision, it suggested that such a provision would help enforcing elections at the local level. Additionally, by including a list of compulsory taxes and a provision for the channelling of poverty

²¹⁷ L.M. Singhvi was chairman of a committee that drafted a constitutional amendment bill, the 43rd Amendment Bill that was introduced and rejected in 1977.

alleviation programmes through Panchayats, a constitutional sanction could help to alleviate the dire situations of the Panchayats, according to the committee report (p.9).

Affirming the recognition of Panchayats as political units, the L.M. Singhvi Report acknowledged, in line with the A. Mehta Committee Report, the role of political parties (pp. 9). It therefore recommended that there should be no prohibition of party politics and party competition in Panchayat elections by law. Nevertheless, the committee did not take a stand for or against the role of political parties. Rather it suggested that political parties and the government should negotiate the position of party politics in Panchayats among themselves.

In regards to structure, the L.M. Singhvi Committee recommended to integrate the administrative and technical officers and cadres of special departments at district level into the organisational structure of the Zilla Parishads. Moreover, the District Development Commissioner should be included as the Zilla Parishad's Chief Executive Officer (p.10). It is not entirely clear if the integration would have meant a decentralisation of staff to the Zilla Parishad or simply an allocation of State government personnel to it.

At last the committee recommended that the constitutional provision should also make training for officials and volunteers in Panchayats compulsory and that training centres and research and evolution institutes should be set up to provide training for and evaluation of Panchayati Raj officials and representatives (p. 11).

Overall, the L.M. Singhvi Committee Report did not concern itself with major morphological and physiological recommendations for State legislations, except the recommendation for the establishment of Gram Sabhas in all States. Rather it called for an amendment to the Constitution of India to empower the Panchayats with constitutional backing. It also confirmed the tendencies of the A. Mehta Committee Report towards issues, like social justice, enforcement of elections and acknowledgement of Panchayats as political. Moreover, it confirmed the Zilla Parishad as the focal institutional arrangement concerning decentralisation. It was definitely part of the evolutionary direction towards political self-government and social justice Panchayati Raj should take according to previous reports.

4.6.5. Assam

The same year as the L.M. Singhvi Report was published the Assam Panchayati Raj Act of 1986²¹⁸ was passed. The interesting thing with this particular act was that it reverted morphologically back to the three-tier system, despite the fact that the Act of 1972 already provided many institutions that were recommended by the A. Mehta Committee Report. While the 1972 Act had a two-tier system with the lower level just above the level of the individual village and a level above the block, the 1986 Act re-introduced the block level.

The lowest tier entity was the Gaon Panchayat, which had been reduced in population size, subsequently increasing the number of Gaon Panchayats. The Anchalik Panchayats were re-introduced at the block level. At the sub-divisional level, the Mohkuma Parishads remained in place (Mathew 1994: 41). The Goan Panchayats consisted of only ten elected members and the President was directly elected. The Anchalik Panchayats were constituted by all Presidents of the relevant Gaon Panchayats and all MPs and MLAs having constituencies in the block area were ex-officio members. The Mohkuma Parishads consisted of all Anchalik Panchayat Presidents from the jurisdiction, all MPs and MLAs, the Sub-divisional Officer, the Deputy Commissioner and district department heads nominated by the State government (Chakraborty 2014: 56). The morphological changes at the sub-divisional level were obvious. While the 1972 Act provided for an at least partially elected entity, the 1986 Act removed that aspect. The new Mohkuma Parishad consisted only of indirectly elected Presidents of lower tier entities, ex-officio members and State government appointees.

A major change was the abolishment of the different entities authority to elect and employ their staff directly. Under the 1972 Act the Gaon Panchayats could employ secretaries, with prior sanction by the relevant Mohkuma Parishad and the Mohkuma Parishad elected their Chief Executive Councillor and a deputy as their executing officers. Following the 1986 Act, these positions were filled by allocation and appointment through the State government (Mathew 1994: 41).

²¹⁸ For reasons unknown the actual text of the Act of 1986 is not available. Neither extensive internet research nor professional library research revealed primary sources on the legislation. Therefore I rely on secondary sources only. I will provide, deviating from the previous *modus operandi*, only a brief description of the morphology of the 1986 Act and will completely omit the physiological aspect.

Without primary or official sources it is not possible to provide any meaningful analysis of institutional change in form and function. Furthermore, any explanation to what factors might have led to the changes is doomed to fail without being able to identify the individual institutions that changed.

A possible ecological factor might have been the change in government in Assam. In 1985, a regional party, the Asom Gana Parishad (AGP), came to power.²¹⁹ The new government might have had centralist tendencies and therefore felt that democratic elements, like direct elections to the Mohkuma Parishad, should be abolished and officers should be allocated by the State government to ensure stronger direct control. This is obviously just an assumption. A more detailed analysis based on primary and official sources might have provided for different explanations.

4.6.6. The R.S. Sarkaria Commission Report

In 1988, the Ministry of Home Affairs set up a commission on Union-State and inter-State relations under the chair of R.S. Sarkaria. The Sarkaria Commission²²⁰ were to examine the legal and administrative arrangements between the centre and the States vis-à-vis the changing economic circumstances. In chapter XXI, Section 2 the commission report also commented on decentralisation and provided some recommendations on the topic. The comments were, like in previous reports, emphasising the importance of Panchayati Raj and expressed dissatisfaction with the working of Panchayats in the past. Especially the reluctance of the States to decentralise greater powers and the lack of regular elections to Panchayats were points of dissatisfaction (§§1-8).

Unlike the preceding L.M. Singhvi Committee however, the Sarkaria Commission did not recommend the introduction of a constitutional provision that would enhance the status of Panchayati Raj as a first preference. The commission rather saw the power to enact any legislation on Panchayati Raj firmly vested with the States. To improve the situation of Panchayats nevertheless, and to provide uniformity in regard to elections, it recommended, in order of preference, three alternative approaches: first, the introduction of a model bill to

²¹⁹ http://www.worldstatesmen.org/India_states.html#Assam, accessed on 1 December 2014.

²²⁰ http://interstatecouncil.nic.in/Sarkaria_Commission.html, accessed on 2 December 2014.

be enacted by all legislative assemblies on the basis of consensus in the Inter-State Council (§9(i)). Secondly, the passing of a parliamentary law, applicable in all States after deliberation and approval by all State legislative assemblies (§9(ii)). And lastly, a constitutional provision similar to Articles 172 and 174 of the Constitution of India, which determine the duration of local entities and their dissolution (§9(iii)).

The recommendations of the Sarkaria Commission Report were simple and did not aim at giving specific recommendations towards the morphology or physiology of the Panchayat systems in the State. It also was not concerned with financial matters or the integration of development programmes. Nevertheless, the recommendations clearly urged the Union and the States to establish uniformity at least in regard to elections. Unlike the A. Mehta Committee Report or the L.M. Singhvi Committee Report, the Sarkaria Commission Report included a constitutional amendment as the least favourite measure to enforce uniformity.

4.6.7. The 64th Amendment Bill²²¹

The INC under the leadership of Rajiv Gandhi, Prime Minister since 1984, was in also favour of Panchayati Raj reforms. Gandhi, who expressed personal interest in decentralisation, especially as a part of poverty alleviation, promoted the idea of reform (see Lal 1994). Following the various reports on Panchayati Raj and especially the recommendations of the A. Mehta Committee, the L.M. Singhvi Committee to enact a constitutional amendment, a draft bill was first presented to the All India Congress Committee in 1989²²², was formulated. This was introduced to the Lok Sabha as the 64th Amendment Bill to the Constitution of India the same year.

The bill proposed the insertion of a Part IX, Article 243 into the constitution that defined the status of Panchayats and forced the States to enact basic uniform legislation on the issue. It further provided a list of obligatory functions of Panchayats in the Eleventh Schedule. The 64th Amendment Bill was much more comprehensive than the earlier attempt of the 43rd Amendment Bill of 1977.

²²¹ From Anirban 1989: Appendix A, pp. 121.

²²² The main decision making body of the INC.

Morphologically, the most important aspect was Article 243 A, where the three-tier system was made compulsory for all States with a population exceeding 2 million inhabitants. These tiers were specified as village, intermediate and district level entities. In Article 243 B it was prescribed that the members of the Panchayats at all levels have to be directly elected and that the proportion between seats in a Panchayat and the population should be equal throughout a State.

Additionally, State legislations should provide for representation of the chairpersons of the lower level in the Panchayat of the next higher level. Moreover, all MPs and MLAs of a constituency within a block or a district should be represented in the Panchayats at the respective levels. Furthermore, the bill provide under Article 243 B (4&5) that only directly elected members of a Panchayat should have voting rights and that the chairpersons should be elected by a procedure to be determined by the State for chairpersons at the village level, and through elections by and from amongst the members of the relevant entities at the block and district levels.

Under Article 243 C (1) the reservation of seats for Scheduled Castes and Tribes was specified to be proportional to their share in the population. However, at least one seat had to be reserved in the case, if there were just small minorities that otherwise would not have justified proportional reservation. Interestingly, under (2) of the same article 30% of reserved seats were to be reserved for female Scheduled Castes or Tribes members. Under (5) 30% of all elected seats were to be reserved for women in general. The mode of reservation was proposed via reserved constituencies, by lot in case of female members, by allocation in the constituency with the highest proportion of the minority in question.

Article 243 D defined the term of all Panchayat levels to be five years.

Physiologically the 64th Amendment Bill did not introduce any greater changes compared to existing legislations. The functions were to prepare economic and social justice development plans, in line of what the A. Mehta Committee Report and the L.M. Singhvi Committee Report recommended. In the Eleventh Schedule, the bill also specified 29 duties and functions to be executed by the different tiers of Panchayati Raj. These functions were in the categories of agricultural and industrial development, including soil conservation, animal

husbandry, village industries and minor irrigation; public works, including construction and maintenance of roads and bridges, electrification and provision of drinking water; public health care, including sanitation and primary health care centres; education, including primary and secondary schools, vocational training, adult education, libraries and cultural activities; and social justice, including the local management of the public distribution system, family welfare and welfare for Scheduled Castes and Tribes. Interestingly there was no mention of administrative duties of any kind.

Under Article 243 F the bill prescribed the authorisation of Panchayats to levy taxes, fees, duties and tolls, and appropriate the collected money. Further, the article provided prescription of assignment of certain taxes and fees collected by a State government to the Panchayats for their purposes; additionally, the State governments should provide grants-in-aid for larger Panchayat projects.

Article 243 G ordered the State governors to establish through appointment finance commissions to determine which taxes, fees, duties and tolls could be assigned to the Panchayats; how income from taxes, etc. were distributed between the State and the Panchayats and how funds were to be distributed between the different tiers; and the distribution of grants-in aid. This commission was proposed to review the financial situation of Panchayats every five years. The accounts should be audited under supervision of the Auditor and Comptroller General of India, under Article 243 H.

Article 243 I prescribed the supervision and direction of Panchayat elections through the central Election Commission.

Under Article 243 K the States of Nagaland, Meghalaya and Mizoram²²³, as well as the Scheduled Areas and the Hill Areas²²⁴ of Manipur, West Bengal were exempted from the application of the bill.

While the 64th Amendment Bill was passed by the Lok Sabha in August 1989, it was rejected by the Rajya Sabha in December of the same year.

²²³ These States had so called traditional Panchayats consisting of community elders.

²²⁴ These areas had councils of local government specified under the relevant State acts.

The bill showed a clear intention for uniform legislation on Panchayati Raj throughout India. It took up several recommendations made by earlier central committee reports, like the A. Mehta Committee Report or the L.M. Singhvi Committee Report. Especially Articles 243 B to D were important provisions. These introduced a uniform pattern of elections, uniform mode of seat reservation for women, Scheduled Castes and Tribes and a uniform term of office for all levels. The provision would have forced the States to conduct elections on a regular basis, fulfilling one of the main recommendations of the various committee reports. Article 243 A provided for a three-tier system, something already demanded by the B.R. Mehta Committee Report in 1958. While the A. Mehta Committee Report suggested a two-tier system to be more appropriate and more effective in terms of administration and financing, the introduction of a three-tier system could have been the simple acknowledgement of the situation of that time: 14 States already had legislation in place providing for three-tier systems, only two larger States, Kerala and Jammu & Kashmir, had a one-tier system and four States had a two tier system²²⁵ (DRD 1990: 1). Introducing a bill that would have allowed most States to simply amend existing acts to meet the criteria of a possible constitutional amendment was more practical than to force the State governments to create completely new institutional arrangements. Interestingly, the bill made no provision for, not even a mention of, the introduction of Gram Sabhas, corporate village assemblies; both major committee reports on the issue of Panchayati Raj, the A. Mehta Committee Report and the L.M. Singhvi Committee Report, explicitly mentioned Gram Sabhas and the L..M Singhvi Committee Report even recommended the establishment of Gram Sabhas as part of the official structure.

The bill was defeated on the floor of the Rajya Sabha due to the Lok Sabha opposition parties having the majority in the Council of States.

²²⁵ Haryana and Orissa had simply abolished a third tier previously; Assam had already passed legislation to establish a three-tier system.

4.6.8. The 74th Amendment Bill

After the defeat of the 64th Amendment Bill and the defeat of the INC in the general elections of 1989, the National Front (NF), a party coalition led by the JP, introduced the 74th Amendment Bill on Panchayat Raj.²²⁶ The bill sought to insert as Part IX, Article 243, a constitutional provision for Panchayats.

The main morphological feature was the introduction of compulsory establishment of Gram Sabhas under Article 243 A. These were meant to be the legislative assemblies of the village. Under Articles 243 B and C Panchayats were only compulsory at the village level and the establishment of additional tiers was left to the discretion of the States. The article provided, however, for direct elections to all seats at the village level and made it obligatory to have half of all seats at higher levels available to direct elections. Furthermore, it provided for representation of the lower-level chairmen at the next higher tier, if such a tier existed.

Under Article 243 G the bill provided for reservation of seats, proportional reservation for Scheduled Castes and Tribes and one-third of reserved seats for women. The reserved seats for women were based on rotating reservation of constituencies. The article also authorised the States to introduce reservation for other backward classes.

The term of office was fixed at five years, according to Article 243 I.

The bill also, similar to the 64th Amendment Bill, provided under Article 243 J for the establishment of a Finance Commission to review the income of Panchayats and to make recommendations on income sources and distribution of financial means. Unlike the 64th Amendment Bill, the 1990 bill did not provide for an auditing process and specification of such a process.

The 74th Amendment Bill was not even considered for legislation, because the NF government, a minority government, broke down and subsequently lost power in the 1991 general elections.

²²⁶ The original document of the bill was not available, all information was taken from Mishra and Singh (1993: pp. 22). This version is abridged.

The bill included some of the recommendations of the various committees on Panchayati Raj, such as the demand by the A. Mehta Committee Report and the L.M. Singhvi Committee Report to introduce compulsory Gram Sabhas and to fix the terms of office. But unlike the 64th Amendment Bill, the bill of 1990 did not provide any provisions for a uniform morphology, nor did it provide any physiological specifications. It simply made the Gram Panchayat compulsory, but left the rest to the States. The A. Mehta Committee went much further, by recommending a two-tier structure with a possible intermediate tier. On the other hand the bill would have not impacted severely on State legislation, for the States could have left the existing structures in place and would have had simply to add the necessary institutions, like Gram Sabhas, regular elections and specified reservations of seats Finance Commissions, via amendments to the legislations in place. The 74th Amendment Bill would have led to a constitutional safeguard for the Panchayats in terms of the previously mentioned institutions, rather than a uniform Panchayati Raj system, like the 64th Amendment Bill intended.

4.6.9. Madhya Pradesh II

In 1990, Madhya Pradesh passed new legislation on Panchayati Raj. The Madhya Pradesh Panchayati Raj Adhiniyam of 1990²²⁷ seemed to have taken up some recommendations of the various committee reports.

The most important morphological change was the addition of a Gram Sabha under Chapter II. This part re-introduced the provisions from the 1962 Act. A specification of Gram Sabhas as corporate entities was not made.

Under Section 10, the act provided not only for the usual establishment of Gram Panchayats at the village level, but added the Nagar Panchayat as an institutional arrangement. These were Gram Panchayats with a population of more than 5,000 under their jurisdictions. Like in the previous acts, the Gram Panchayats were divided in wards, which served also as constituencies for Panchayat elections. The members of the Gram Panchayat were to be elected, under Section 13, based on universal adult suffrage. Additionally, Section 13 (2)

²²⁷ Henceforth the M.P. Act of 1990 or the 1990 Act. Abridged text based on the original act in Mishra and Singh 1993: pp. 22.

prescribed that 20% of the seat, but at least two, should be reserved for women based on reserved constituencies. Reservation of seats for Scheduled Castes and Tribes was made based on proportion in the population under Section 13 (3). The section also provided for co-option of members under (4) and (5), which probably refer to same clauses under Section 11 of the 1981 Act.²²⁸ The Sarpanch, the chair of a Gram Sabha, was to be elected directly, and an Up-Sarpanch was to be elected, too.²²⁹ Under Section 40 Gram Panchayats could set up a maximum of three Standing Committees to discharge certain functions assigned to them. A secretary was appointed to the Gram Panchayat by the State government under section 67 and under Section 68, the Gram Panchayat was authorised with sanction of a higher level to employ officers and servants as deemed necessary.

The constitution of the Janapada Panchayat under Section 21 did not change. The number of Standing Committees seemed to have been reduced from seven to five under Section 41. The Taxation and Finance Committee and the Social Welfare Committee not part of the 1990 Act.²³⁰

The Zilla Parishads underwent the same institutional change as the Janapada Panchayats under Section 41. Otherwise, the provisions of the 1981 Act did not vary.

It is safe to assume that the physiological changes of the Gram Panchayats were minor at most, although the available document only specifies five duties under Section 43 in contrast to 29 under the same Section of the 1981 Act.²³¹ The same is valid for the functions of the Janapada Panchayats and the Zilla Parishads.

The sources of income that were described under Chapter X, Sections 72-75 with reference to Schedules I and II did not change.²³²

Apart from the re-introduction of the Gram Sabah, the main institutional change in the M.P. Act of 1990 was the introduction of Section 36, which regulated the allotment of symbols to

²²⁸ The only available text of the act does not specify the target groups of co-option. Other sources were, like in the case of Assam, not traceable, either by internet research or by professional library research. The available document in Mishra and Singh (1993) seems to be heavily abridged.

²²⁹ The mode of election for the Up-Sarpanch is not specified in the available text of the act.

²³⁰ That may be also a problem with the available document; see footnote 217.

²³¹ See footnote 217.

²³² See footnote 217.

political parties. This was the first acknowledgement of political parties in any of the rural local self-government acts of Madhya Pradesh and its predecessor States. Political party competition was reported as early as 1953 in Hyderabad State (PEO 1960: 127), although the then valid Hyderabad Village Panchayat Act of 1951 did not made any provision for allotment of symbols, nor did it mention political parties at all.

The M.P. Act of 1990 did not introduce major morphological and no physiological²³³ changes, except for the introduction of a Gram Sabha. Nevertheless, with the addition of the Gram Sabha in the Panchayat structure of the State, the 1990 Act followed the recommendations of the A. Mehta Committee Report and the L.M. Singhvi Committee Report. Furthermore, by expressively providing rules for the contestation of political parties, the act was in line with the acknowledgement of the role political parties in both reports, and the encouragement of party competition in the A. Mehta Committee Report.

4.6.10. The 73rd Amendment Act of 1992

In 1991 the INC tried to introduce a uniform legislation on Panchayati Raj the second time. This was the 72nd Amendment Bill. This try succeed and the Constitution of India was amended by the 73rd Amendment Act²³⁴ of 1992, inserting Part XI, article 243. This act provided for the first time a uniform foundation for State legislation on Panchayati Raj and therefore a basic uniform structure of institutions. It also integrated most of the provisions of the 64th Amendment Bill, deviating only in few aspects.

Article 243 A provided, in line with recommendations of various reports and the 74th Amendment Bill, for the establishment of Gram Sabhas at the village level. The specific form and functions were left to State legislation.

Under Article 243 B the act provided for a uniform three-tier structure, placing Panchayats at the village, intermediate (block) and district levels. Clause two of this article exempted States with a population of less than two million from the three-tier structure, making entities at the village and district levels sufficient.

²³³ As far as attestable. See footnote 217.

²³⁴ <http://indiacode.nic.in/coiweb/amend/amend73.htm>, accessed on 4 December 2014.

Article 243 C specified the manner of elections and representation. Under (1) it determined that the ratio between population and Panchayat seats at any level should be as equal as practical in throughout a State; the same was specified for the establishment of constituencies. Under (2) it was determined that all seats were to be filled by direct elections, but (3) provided for ex-officio representation of all chairpersons of a Panchayat at the next higher level; the representation of MPs and MLAs with constituencies in the relevant Panchayats at intermediate and district levels; and the representation of Members of Union and State Upper Houses registered in the relevant areas at the intermediate and district levels. Each of these representatives had the right to vote in their respective Panchayats under (4). This is admittedly confusing, but should be interpreted with a distinction of seat and member; seat meaning membership through election or co-option, the latter abolished by Article 243 C and member meaning any representative, either elected or ex-officio. Under (5) the mode of election for the chairperson of the village level Panchayat was left to State law, while at the intermediate and district levels the chairpersons were elected by and from amongst the members of the respective Panchayat.

The provisions for reservation of seats under Article 243 D were very similar to those of the 64th Amendment Bill and the 74th Amendment Bill. Scheduled Castes and Tribes were given reserved seats according to their proportion in the population under (1), with the additional specification that one-third of these seats had to be reserved for women under (2). Under (3) one-third of the seats had to be reserved for women based on rotation of reserved constituencies. Additionally, provisions were made under (4) to reserve the offices of chairperson at all levels for Scheduled Castes and Tribes according to their share in the population and at least one-third for women. The modus was a rotation of reserved Panchayats similar to the modus for reservation of seats. Moreover, the States were authorised under (6) to reserve further seats for other backward classes.

Under Article 243 E the term of office was fixed at five years. It was also determined under (3a) and (3b) that elections for Panchayats have to be completed before the term of office expires or, in case a Panchayat had to be dissolved by State law, within six month after the dissolution of the respective Panchayat. A newly elected Panchayat, following the dissolution

of its predecessor, could, under (4), only remain in office until the term of the previous Panchayat was completed.

Article 243 F left the disqualifications of membership on the basis to State laws in place.

Article 243 G defined the powers and functions of the Panchayats. The provisions (a) and (b) were equal to the text of the 64th Amendment Bill and included the preparation of plans regarding economic development and social justice and the implementation of schemes regarding the items of the Eleventh Schedule, especially: agricultural and industrial development, including soil conservation, animal husbandry, village industries and minor irrigation; public works, including construction and maintenance of roads and bridges, electrification and provision of drinking water; public health care, including sanitation and primary health care centres; education, including primary and secondary schools, vocational training, adult education, libraries and cultural activities; and social justice, including the local management of the public distribution system, family welfare and welfare for Scheduled Castes and Tribes. Furthermore, the States were authorised to decentralise further powers and functions by State legislation.

Under Article 243 H the amendment provided for the authorisation of Panchayats to levy and collect taxes, fees and tolls and to appropriate that income as seen necessary. Additionally, the State governments were to assign certain taxes, fees and tolls to the Panchayats and to make grants-in-aid to them.

Equal to the respective clause of the 64th Amendment Bill, Article 243 I determined the establishment of Finance Commissions by the State Governors, which had to review the financial status of the Panchayats and to make recommendations towards allocation of funds, determination of taxes and distribution of financial means between State and Panchayats and the allocation of grants-in-aid. Under (4) the Governors were to place all recommendations of the Finance Commissions before the relevant State legislatures.

Article 243 J provided that the States had to pass laws to enable auditing of the Panchayat finances. This was in contrast to the 64th Amendment Bill, which determined the Auditor and Comptroller General of India as the main auditing authority.

Also deviating from the 64th Amendment Bill, the supervision and control of elections were, under Article 243 K, left to a State Election Commissioner, who was appointed by the relevant State Governor, rather than the central Election Commission.

Under Article 243 L the provisions of the 73rd Amendment Act were extended to the Union Territories by adaption of terminology.

Article 243 M exempted the Scheduled Areas and tribal areas and States of Nagaland, Meghalaya and Mizoram, as well as the Hill Areas of Manipur and the Darjeeling District of West Bengal. The reasons were the same as in the 64th Amendment Bill. Under (4) the State Legislative Assemblies of the exempted States were authorised to extend the 73rd Amendment Act to their States, except to tribal and Scheduled Areas. Furthermore, the Lok Sabha was authorised to extend the act with certain modifications to the Scheduled Areas and the tribal areas under (4b).

The 73rd Amendment Act was the end of the separate evolution of Panchayat systems in the various States. The introduction of a uniform three-tier system with a compulsory Gram Sabha made future institutional evolution only possible in minor details. The act took up many recommendations of the various committee reports, from the A. Mehta Committee Report to the Sarkaria Commission Report, but it incorporated aspects of the 74th Amendment Bill. Especially the addition of a Gram Sabha, a fixed tenure and financial review and audit by an independent body were demands met by the 73rd Amendment Act. What was missing from the act was a provision for an independent cadre for Panchayat officers, like recommended by the A. Mehta Committee Report. Also, there was no provision for the role of political parties, leaving their statues unclear. All in all, the act was a compromise between a uniform federal system and the prerogatives of the States to make law concerning decentralisation. The federal act provided a morphological structure and a basic physiology, which makes it possible to make the statement that Panchayati Raj has culminated in one species, whereas there were several species of the genus 'Panchayat Raj' before.

4.6.11. Conclusion

The period of 1977 to 1992 has been a period of large changes, not so much at the level of State acts, but at the level of central committee reports²³⁵. Not only their number was considerable, but also their recommendations as such. The engagement with Panchayati Raj at the committee level had led to four different constitutional amendment bills. Although the impact of the A. Mehta Committee Report on State legislations was limited, its recommendations made the idea of a stronger constitutional provision on Panchayati Raj acceptable. Even before the committee report was published, the idea of a constitutional amendment was brought forward through the 43rd Amendment Bill. The years 1977 to 1981, the M.P. Act of 1981 can be considered as influenced by the A. Mehta Committee Report, were certainly a reflection of the events before 1977, especially the Emergency. The years 1980 to 1984 brought back some of the centralist tendencies of her first and second terms in office. Furthermore, the inner conflicts in India, like Sikh separatism in Punjab and the Assam agitation, brought other topics into focus. The ascension to the office of Prime Minister by Rajiv Gandhi in 1984, however, triggered a new interest in Panchayati Raj and its reform, spawning recommendations from three committee reports, the G.V. Rao Committee Report, the L.M. Singhvi Committee Report and the Sarkaria Commission Report, as well as three constitutional amendment bills in two years. The ecological factors of the time also favoured a shift in the focus Panchayati Raj should have. The fragmentation of the political landscape and the rise of new political parties made an acknowledgement of their roles in local elections necessary. The emergence of social movements, especially of interest movements of socially marginalised groups, brought the idea of social justice as an aspect of Panchayati Raj to prominence. This emergence changed the constituting elements of the social factors within the ecology of India, inserting new social standards. The pure development paradigm had to give way to a broader range of aspects, including social advancement, political representation of rural citizens and poverty alleviation. Also, the death of the Congress system made a 'guided' way of Panchayati Raj reforms impossible. Unlike in the high time of the INC-rule under Nehru, recommendations for reformation could not be implemented through the determination of the national leader and the all-encompassing party at Union

²³⁵ For a visualisation, see figure 7, p. 237.

and States level. To ensure a certain minimum of uniform standards and structures a constitutional provision was unavoidable. That all relevant political parties at the Union level shared this view was shown that both, the INC government as well as the NF government, brought forward amendment bills in 1989 and 1990. These major developments at the Union level had doubtlessly an impact on legislation in Madhya Pradesh, which passed two acts, one in 1981 and one in 1990, incorporating recommendations of various committee reports. Noticeable is, however, the absence of reforms in other States. Assam reverted to the three-tier system in 1986²³⁶, maybe, and that is so far only speculative, because of a regime change in the State's government. Due to the unavailability of any primary source, it is not possible to identify the variations in institutions, aside from major morphological changes, and to assess in how far the previous committee reports had an impact on the 1986 act. The fact that only few States enacted legislation on Panchayati Raj during the period between 1977 and 1992 could be attributed to the fragmentation of the political landscape and the frequent regime changes at the State levels: the political parties had no interest to strengthen additional institutional arrangements where they would have to compete for votes. The State governments may also have feared a loss of power through greater decentralisation. One of the more likely reasons, however, was the additional financial burden from paying for the conduct of regular elections and from sustaining hundreds of additional institutional arrangements with personnel and material needs. The parallel working of centrally sponsored programmes for rural development may have inhibited serious consideration of Panchayati Raj reforms.

It is of course a moot point to discuss factors that lead to the non-enacting of laws. Much more important are factors that favoured change. These factors were in regard to the constitutional amendment acts from 1989 to 1992: the personal interest of Prime Minister Rajiv Gandhi that helped the consideration of reform; the political will of the national political elite for reform, although with different scopes; the recommendations of influential committee reports; the emergence of social movements that often were tied to grass-roots politics, especially in the case of Scheduled Castes and women; the need for new political

²³⁶ Although implementation did not begin before 1990.

arenas in a fragmented political landscape for parties to compete and win votes; and to some extent as a balance to the beginning liberalisation of the Indian economy.

In terms of the four cases, only institutional changes in two States could be observed. M.P. responded to ideas from the A. Mehta Committee Report in 1981, most visible by varying institutions on social welfare and inclusion of Scheduled Castes and Tribes. The fact that M.P. had an emergent social movement context and a beginning organisation of Scheduled Tribes (Behar 2002: pp. vii; Shah 2004: p. 29 and 49) was certainly favourable for institutional variation, influenced by ideas from the committee report. The legislation of 1990 must be seen in the context of the constitutional amendment bills, which were devised from 1989 onwards. The INC ruled State of M.P. might have acted in anticipatory obedience to the constitutional changes that were discussed by the national INC leadership and were already brought to the floor in 1989 without success. The case of the Assam Act of 1986 remains a bit of a mystery, due to the lack of sources. Although, the change of government in 1985 might have had an impact, as already discussed, the unsatisfying source material cannot entirely support that. Assam, as the institutionally most volatile State, was more susceptible to change. A relation to one of the committee reports during the period between 1977 and 1992 seems unlikely, since the A. Mehta Committee Report was already in existence for nine years and preferred for a two-tier system and the Rao and Singhvi Reports did not provide morphological ideas that could be related to the changes of the 1986 Act. However, a relation cannot be excluded without more satisfying sources.

The general trend of the period was a serious engagement, especially through government committees, with which form and functions Panchayati Raj should have. This engagement did not only affect legislative processes, it also constituted an ideational evolution in which successive reports amended the conceptualisation of Panchayati Raj. Towards the end of the period, this trend also effected constitutional debate in which both, ruling coalitions and opposition parties, were in favour of a constitutional reform, but debated the exact form and functions of future constitutionally sanctioned Panchayats.

5. Conclusion

Panchayati Raj in India today carries a legacy of an institutional evolution over six decades that included political competition, democratisation efforts and institutional experiments. It is the largest democratic local government system in the world, if measured by population. It is also probably one of the largest social engineering projects in a democratic country in history, affecting roughly three quarters of the Indian population. As interesting as the current system, which came into being in 1992 through the 73rd Amendment to the Indian Constitution, is the genesis of Panchayati Raj in independent India. Although clearly a legacy of the British colonial era, the system of local self-government in the villages underwent a series of changes that, for better or worse, shaped the institutional landscape of rural India.

In this thesis, I discussed the evolution of Panchayati Raj in India between 1947 and 1992 with the intention to find evolutionary processes that connect Panchayati Raj in 1947 with Panchayati Raj in 1992.

While research about the 1992 reforms and their effects is abundant, research about the evolution before 1992 is either contemporary to that time or just a foreword in the literature that is more current. My work aims to provide a comprehensive analysis of the genesis of Panchayati Raj in the years before the advent of the 73rd Amendment. Although many contemporary researchers contemplate the developments before 1992, they do it in a very brief and not very analytical way. Today's research focus is clearly the effects of the new Panchayati Raj System. Those who treat the time before 1992 often start with the year 1957, the year the B.R. Mehta Committee Report was submitted, and treat the time before in a few sentences. In my opinion, the 73rd Amendment cannot be understood without a comprehensive understanding of the institutional evolution between 1947 and 1992. That is why I chose to investigate that period.

My theoretical approach is Evolutionary Institutionalism, an approach that has its sources in biological evolutionary theory and the idea of Universal Darwinism. The basic proposition is that the research on institutions can be done by applying the tenets of biological evolution to political institutions. In a way analogous to genes, institutions undergo the phases of variation, selection and retention. In this analogy, ideas can be seen as mutations and the

political system, the society, the economy, but also the natural environment serve as the ecological system in which institutions evolve. The main statement is that the evolution of institutions is unpredictable. Of course, there are limits to the analogy. Because human beings can act consciously and strategically, they can actively vary or abandon institutions, unlike in biological evolution where the process is generally random. Nevertheless, the strategic adaption of institutions does not provide any security about their future evolution.

Since Panchayati Raj underwent several changes in its institutional outlook(s) over a period of 45 years, Evolutionary Institutionalism (EI) is in my view the most appropriate approach to analyse the institutions and their variations. EI provides, as an already established theory, a number of time-proven instruments to understand how Panchayat Raj institutions varied, were selected and retained, and why changes did or did not happen.

I applied and adapted originally biological concepts like morphology and physiology (form and function) and ecology (environment). By designing a method that uses the application of morphology and physiology and ecology as the three parameters and adds ideas as a sub-parameter of ecology, I could show how Panchayati Raj institutions varied in their form and function over time. My approach was to divide the 45 years between 1947 and 1992 into four periods and analyse the States Panchayati Raj Acts during these periods for their individual institutions and compare them for the variations in terms of form and functions that may occur over time. Additionally, I analysed committee reports and evaluations of contemporary legislation, by using official documents and contemporary research, to find the mutations (ideas) that influenced the institutional evolution of Panchayati Raj. Furthermore, I analysed institutions against their environmental setting, which meant social and economic contexts, the contemporary political system and the influence of politicians in strategic positions. Thusly, I was able to account for the ecology of the Panchayati Raj systems.

5.1. An Analogy to Biological Evolution

I want to continue my conclusion with an analogy: Until about 40,000 years ago two species of humans lived on Earth. They co-existed for thousands of years, occupying the same geographical space. Both belonged to the genus of Homo, but were separate species. These were Homo neanderthalensis and Homo sapiens. Both species evolved in parallel²³⁷, but only one survived. Morphological and physiological differences led to the survival of Homo sapiens and the extinction of homo neanderthalensis. Of course, these differences in form and function between the two species were only meaningful in their relation to the ecological system. Research on the extinction of the Neanderthal assumes that their higher energy consumption during a very cold period about 40,000 years ago was a factor for their extinction (Churchill 2009: pp. 116). Several ecological changes during that period made it impossible for Neanderthals to meet their energy demands, while Homo sapiens needed to consume less energy and could therefore make do with the available resources (ibid.). If we go back even further in time, to about 400,000 years ago, we would see the parallel existence of three different species²³⁸ of the genus Homo: Homo erectus, Homo heidelbergensis and Homo neanderthalensis (Zrzavy 2009: 151). All went extinct, although Homo heidelbergensis was the pre-stage form of Homo sapiens. All three developed different morphological traits and even exhibited differences in physiology, like Homo sapiens and Homo neanderthalensis were different in some physiological aspects. All three species were subject to their ecological systems. Homo heidelbergensis was replaced by its successor, the modern man about 130,000 years ago. Homo neanderthalensis could not meet the ecological demands towards the end of its existence and went extinct. The same is valid for Homo erectus, who went extinct about 200,000 years ago, and is attributed by some scientists to the disappearance of large prey.²³⁹ The reason that we know so much about the evolution of the Hominini is that we can analyse the fossils they left and that we can, via geological techniques, make evidence-based assumptions about the ecological systems these species lived in. The

²³⁷ More recent studies suggest an interbreeding between the two species, although that was only outside Africa (<http://www.nature.com/nature/journal/v514/n7523/full/nature13810.html>, accessed on 5 December 2014).

²³⁸ Recent research identified even more species, like the Denisovans. The number I use is for the sake of illustration.

²³⁹ <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0028689>, accessed on 5 December 2014.

fossils are especially important to trace the evolution of Homini until the appearance of modern man, because they provide evidence for the changes in the morphologies of the species. From the morphology, we even can infer physiological traits. Putting the puzzles of fossils together, we can conclude how a species evolved over the ages. Putting the morphological and physiological traits in relation to the ecological events we have evidence for, we can explain to a certain degree the advantages or disadvantages of these traits. Moreover, with the progresses in molecular and ecological genetics we are able, to a certain degree to identify specific genes and gene-combinations²⁴⁰, which control the development of form and function of an organism, with enough genetic material we even might be able to investigate such genetic developments in now extinct species (see Storch 2007: pp. 211). Variations in the genetic code would then be able to explain changes in the morphology of species. What we will receive at the end of such efforts is a comprehensive picture of the evolution of the genus Homini and to some extent and explanation of why they went extinct through the consideration of ecological factors.

What does this analogy have to do with the topic of this thesis? As I already elaborated in the chapter on Evolutionary Institutionalism²⁴¹, the Theory of Evolution can be applied to institutions as well. Many developments in the evolution of institutions are similar to developments in biological evolution. Political institutional arrangements evolve, to a certain degree²⁴², like organisms. They exhibit specific morphological and physiological traits that can change over time. They exist in a relation to their ecological system, which are much more than political arenas, since they include for example natural factors.

5.2. The Advantages of Evolutionary Institutionalism

I used the analogy of the Homo genus, because it reflects the evolution of Panchayati Raj in India between 1947 and 1992. We have a genus called 'Panchayati Raj' after India became independent in 1947, but over the course of 45 years, many species of Panchayats evolved. The various Panchayat species differed in morphology and physiology and can be distinguished by their form and functions. They existed all in relationship to an ecological

²⁴⁰ Their equivalents in political science would be institutions and institutional arrangements.

²⁴¹ Chapter 2.6., pp. 58.

²⁴² See footnote above.

system that consisted of the political system at the time, the socio-economic system and the natural environment; it included also ecological factors like important personalities and powerful ideas. Although unlike in biological evolution the origin of a new Panchayat species was not a random event, but an intended consequence, the ecological factors determined the on-going evolution of the Panchayats. We can identify Panchayati Raj species for example by their structure: the number tiers are a good morphological clue for categorising different species.

Consequently, we can distinguish between three species during the period of 1947 to 1992, the single-tier Panchayat system, the two-tier system and the three-tier system. Additionally, a deviant species with four tiers existed. Starting with the post-independence period between 1947 and 1950 representatives of the three species can be identified. These are Uttar Pradesh, a single-tier species, Assam, a two-tier species, and Madhya Bharat, the three tier species. West Bengal represents the deviating four-tier structure in the decade from 1963 to 1973.

While I have considered ecological influences, like the political system, socio-economic developments and geographical challenges, I gave the greatest importance to the major reports that were made by committees commissioned by the central government. These reports, and the recommendations and remarks they provided, can be considered as ideas in the conceptual sense of Evolutionary Institutionalism.²⁴³ These ideas were of course influenced by other ecological factors when they originated, but more importantly were a considerable influence on the evolution of Panchayati Raj itself.

To follow the evolutionary changes of the species I evaluated the institutional variations within the individual species' State legislations. For each of the four example States I analysed major institutional aspects in terms of morphology, physiology and resources. The scope was on the most visible aspects that defined the form and functions: the number of tiers and institutions that ruled constitution, membership, staff and electoral base and mode; the institutions that determined the duties and privileges of the arrangements and their allocation to individual tiers. To identify the resources of institutional arrangements I looked

²⁴³ See chapter 2.6.3., pp. 72.

into the institutions that identified sources of income of the arrangements. From the chronological comparison of each species' morphology and physiology, I am able to follow the evolutionary developments from 1947 to 1992. Through this method, I also can compare the different species over space and time. Ultimately I can not only make statements of each species' representatives' evolution, but I can also make statements about the relationships between those species and the relationship of those species to the post 73rd Amendment Act of 1992 species. I can create a genealogical tree of the genus Panchayati Raj in independent India.²⁴⁴

Since in institutional evolutions, unlike in biological evolution, conscious decisions play an important role and ideas influence conscious decisions, I also traced the evolution of the ideas on Panchayati Raj. The most visible ideas were formulated by recommendations of central government committees. These ideas had strong influences on the conceptual discussion about Panchayati Raj, but they also were reflected in the variations in the institutional evolution of the Panchayati Raj species. These ideas were, of course, also subject to influences from their specific ecological systems. I take also into account constitutional amendment bills. These were not ideas as such, since they were already part of the institutional evolution, but they cannot be considered successful variations in case they were not passed; they therefore constitute unsuccessful mutations. In order to analyse the possible institutional changes that would be the result of the ideational mutations I used the same categories of morphology, physiology and resources as in the evaluation of State acts on Panchayati Raj.

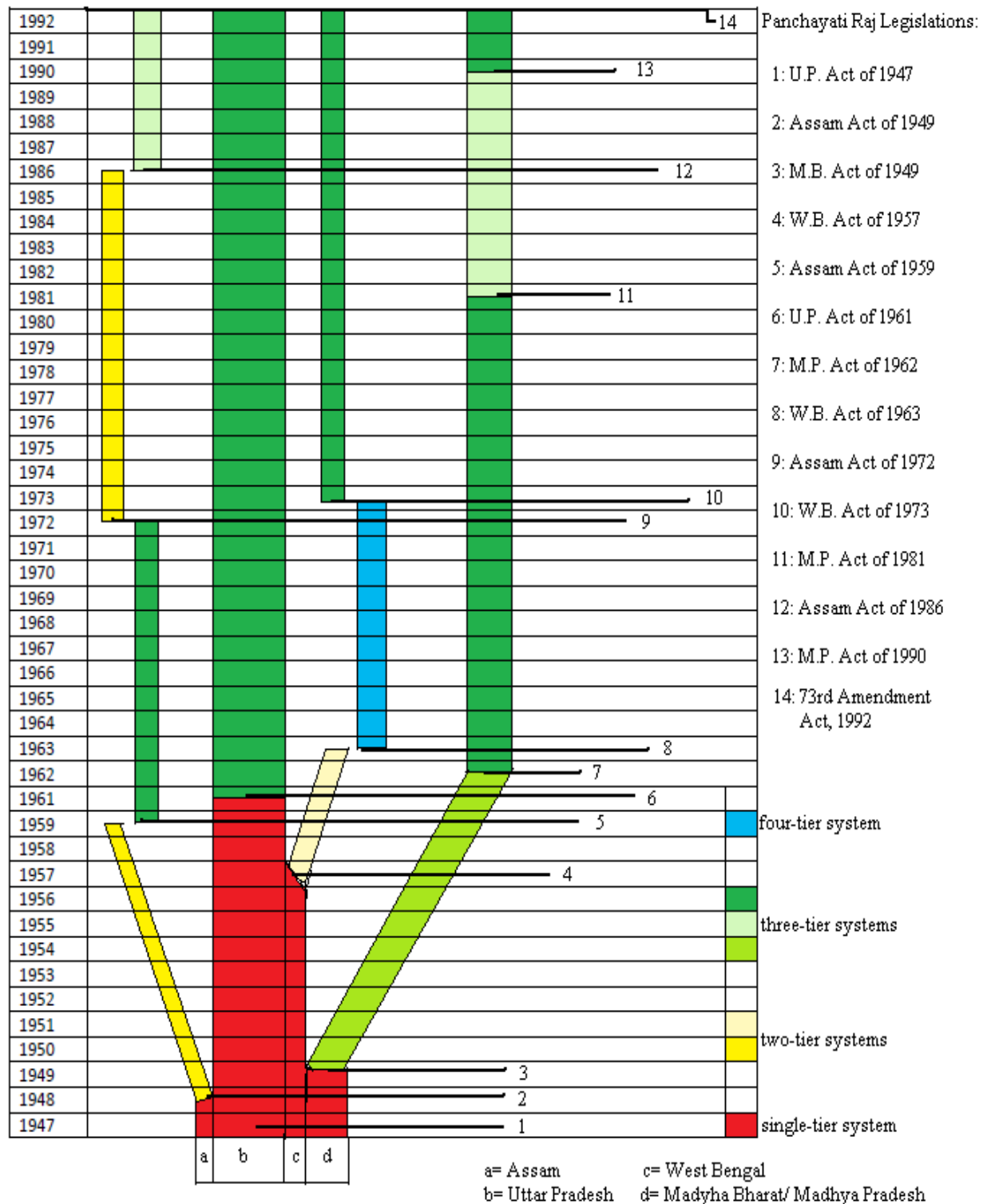
The results of the study of both, the evolution of Panchayati Raj species and of Panchayati Raj ideas, describe an evolutionary process, which has at its end the 73rd Amendment Act as its outcome. Moreover, the results describe very different evolutionary paths for the four exemplary States, which nevertheless are convergent towards the end of the time-period under investigation. The outcome of the evolution, the new Panchayati Raj system that forms the only surviving species after 1992, is the result of this convergent evolution, which is influenced by the ideas of committee reports and the mutations of amendment bills.

²⁴⁴ See figure 6, p. 222

It is a significant result of the evaluation of the evolutionary processes that these were neither intentionally directed towards convergence, nor were they a straight line that inescapably led to the 73rd Amendment Act. On the contrary, the outcome of the amendment act is the result of the complex evolutions of State acts and ideas about Panchayati Raj. The evolutions of State acts were very different. Some were characterised by increasing complexity and regular variation, some by long phases of stagnation; some varied often and oscillated between species, some deviated far from the general evolutionary processes, at least for some time. Equally, the evolution of Panchayati Raj ideas was not straightforward. Ideas about morphology and physiology changed over time and different scopes became important. Nevertheless, the ideas of each successive report would relate to preceding committee report recommendations. In some cases, these ideas were reflected by variations within State acts, thusly having a mutating effect on them.

Before making my analysing comments on the specific cases I want to summarise the evolution of the genus Panchayati Raj by following the evolutions of the four different States through short descriptions of the varying morphologies and physiologies over time. I do this in order to provide an overview of the institutional evolution in a continuous flow and to have a direct connection between the institutional evolutions as such and the relation setting into the ecological system in the following chapter.

Figure 6: A Genealogical Tree of Panchayati Raj Legislations



5.3. A Brief Recapitulation of Institutional Evolution

Uttar Pradesh, until 1957 the United Provinces, was one of the first States to enact legislation on Panchayati Raj. The U.P. Act of 1947 was the continuation of the British institutional legacy with two major morphological changes: a universal suffrage based electoral system and a corporate village assembly, the Goan Sabha. Otherwise, the U.P. Act of 1947 was a representative of the one-tier species, where membership and office were determined by direct elections. The physiological institutions ruled the execution of limited administrative duties, public works, limited health care and agricultural and industrial support. These functions were suited to be executed at the local level, because they were low profile tasks that did not require much professional personnel. Especially functions, like construction and maintenance of public roads, keeping of birth and death registers or the management of common grazing grounds, were suited for institutional arrangements at the village level. The Kshettra Samitis and Zila Parishad Adhiniyam of 1961, a reaction to the recommendations of the B.R. Mehta Committee Report from 1958, was a major evolutionary step. The one-tier species became a three-tier species. The Panchayat system was expanded to cover not only the village level, but also the block and district levels. The Kshettra Samiti, the block level institutional arrangement, and the Zila Parishad, the district level entity, added not only new tiers, but also added new institutions on membership and constitution. Membership at the two new tiers was expanded to include ex-officio and co-opted members. Physiologically significant were the addition of development-oriented functions to the Panchayat system, which were focussed on the Kshettra Samiti level, with mostly supervisory functions at the Zila Parishad level. With the Kshettra Samitis and Zila Parishad Adhiniyam of 1961 the evolution of Panchayati Raj went into a stasis that would last until 1994 when State legislation was passed following the 73rd Amendment Act to the Indian Constitution. This stagnation did not mean that there were no variations; small institutional variations occurred throughout the stasis²⁴⁵ phase, for example by amendment acts in 1968, 1969, 1970 and 1971, which extended the maximum State declared term of office of a Gaon Panchayat from eight to 12 years. These variations, however, did not accumulate to a point where morphology or physiology of the Panchayat system in Uttar Pradesh was significantly changed. Nevertheless,

²⁴⁵ Chapter 2.6.4., pp. 74.

such institutional variations are good examples for small changes that occur through imperfect replication²⁴⁶: changes that are not part of larger strategic choices or caused by external shocks; rather they happen by routinely re-interpretation of institutions. Institutions that may seem inadequate in their formulation vary without changing the overall species. Sometimes variations can cause visible change, like the insertion of institutions of co-option for women and Scheduled Castes and Tribes via amendment in 1978. This variation had an impact on the morphology of the species by slightly altering the constitution of membership, but it did change the morphology enough to cause an evolutionary change into a new species.

Assam enacted post-independence legislation on Panchayati Raj first in 1948. The Assam Rural Panchayat Act established, deviating from the usual one-tier systems, a two-tier system and was the first representative of this species. The act was a completely different institutional arrangement than in Uttar Pradesh and many other States in morphological and physiological regards. The focus was on the Rural Panchayat, an arrangement located at the sub-divisional level. At the village level the Primary Panchayat was located, which was the electoral base for the Rural Panchayat. The Primary Panchayat also had an elected Executive Committee, which acted as the executive agent of the Rural Panchayat. The constitution of Executives Committee and Primary Panchayat was determined by direct elections. The physiological institutions were numerous and included, besides normal administrative, public works and health measures, many economic development aspects, like the opening of co-operative societies and trading organisations. In 1959, the Assam Panchayat Act, reflecting many recommendations of the B.R. Mehta Committee Report, caused a complete mutation of the Panchayat system. A three-tier system was introduced that introduced a block level entity. The Executive Committee of the Primary Panchayat was replaced by a Gaon Panchayat and the Primary Panchayat became the Gaon Sabha. At the newly introduced block level, the Anchalik Panchayat was located and the sub-divisional Rural Panchayat was replaced by the Mahakuma Parishad, although physiologically it was effectively replaced by the block entity. Other morphological changes included the co-option of women and Scheduled Castes and Tribes and representatives of developmental and economic co-

²⁴⁶ Chapter 2.6.3., pp. 72.

operations at the village level. At the higher levels MPs and MLAs were made ex-officio members. The Mahakuma Parishad even included representatives of other local authorities. Physiological variations assigned to the village entity more duties and tasks, ending their purely executive existence; the newly introduced Anchalik Panchayats became supervisory bodies and agents of national and State development programmes; the Mahakuma Parishads were only supervisor in nature. The Assam Panchayati Raj Act of 1972 reverted all these morphological changes; the Assam Panchayat system became once more two-tier species. The 1972 act abolished not only the Anchalik Panchayat at the block level, but also the Gaon Sabha as a corporate body. The act also changed the constitution of the institutional arrangements; the representative of a Mohkuma Parishad became ex-officio member of the Gaon Panchayat under which jurisdiction his constituency was. Furthermore, MPs and MLAs were excluded from membership in the Mohkuma Parishad. The physiological aspects of the former Anchalik Panchayat were located with the Mohkuma Parishad, while the functions of the Gaon Panchayat remained largely the same. In 1986 the system changed again, from the 1972 two-tier species to three-tier species. The Assam Panchayati Raj Act of 1986 re-introduced the Anchalik Panchayat at the block level. It further changed the constitution of the Mohkuma Parishad again, removing the component of direct elections and included MPs and MLAs again. Unlike under the 1972 Act, the Panchayats were no longer allowed to employ their own staffs, which were appointed by the State government under the new act. Assam was a volatile State in terms of Panchayati Raj legislation. Oscillating between two evolutionary stages, the two-tier species and the three-tier species, Assam experienced four major morphological changes between 1948 and 1986. Additionally, smaller institutional variations changed aspects like the filling of vacancies in a Mohkuma Parishad; these had no significant morphological or physiological impact.

Madhya Bharat, a predecessor State of Madhya Pradesh, enacted a Panchayat Act in 1949. This act was the first one to provide for a three-tier system and was therefore the first representative of this species. Morphologically it was composed by a Gram Panchayat at the village level, a Kendra Panchayat at the block level and a Mandal Panchayat at the district level. Members to the Gram Panchayat were directly elected, while members to the two other entities were indirectly elected. Physiologically, the Madhya Bharat Panchayat Act of

1949 was similar to the Uttar Pradesh Panchayat Act of 1947. The Gram Panchayat executed similar functions, while the Kendra Panchayat and the Mandal Panchayat had advisory, coordinating and supervisory functions and executed mostly tasks that included more than one Gram Panchayat. By 1956 Madhya Bharat was integrated into the new State of Madhya Pradesh. Following the integration and the recommendations of the B.R. Mehta Committee Report a new legislation was passed, the Madhya Pradesh Panchayats Act of 1962. This act led to some important morphological variations. A Gram Sabha was introduced and Village Committees were provided for in case a Gram Panchayat consisted of more than one village. Furthermore, co-option of and reservation of seats for women and Scheduled Castes and Tribes were introduced. A major addition was also the provision for Adivasi Panchayats that were constituted in areas with a majority of Scheduled Tribes. At the block level, the Kendra Panchayat was replaced by the Janapada Panchayat. Membership was expanded to include MPs and MLAs ex-officio and co-opted representatives of developmental and co-operative agencies. Kshetra Panchayats were constituted analogous to Janapada Panchayats by a group of Adivasi Panchayats. At the district level the Zila Panchayat replaced the Mandal Panchayat. This entity was constituted in a similar manner like the Janapada Panchayat with the addition of State government officers with portfolios. There was not much change physiologically at the Gram Panchayat level, the Janapada Panchayat however got a large number of functions, many of them development oriented, ranging from distribution of improved seeds via training for artisans and craftsmen to the establishment and maintenance of primary healthcare centres. The Zila Panchayat had, similar to Uttar Pradesh, only supervisory, advisory and coordinating functions. The Madhya Pradesh Panchayat Adhiniyam of 1981 changed the morphology only by dropping the provisions about the Gram Sabha. Otherwise, the only variations were the addition of a market committee representative to the Janapada Panchayat and the removal of State government officers from the Zila Panchayats in this act. Physiologically, the changes were far more significant; the functions of the Gram Panchayat were severely reduced and all agricultural and industrial functions were dropped. The Janapada Panchayat was entrusted with all developmental duties, which included integrated rural development, agricultural and industrial development, education and social justice. The Zila Panchayat's functions remained with coordination of the subordinate levels, supervision

and being the link between block level and State government. The Madhya Pradesh Panchayati Raj Adhiniyam of 1990 re-introduced the Gram Sabha and provided much more comprehensive provisions on reservation of seats for women and Scheduled Castes and Tribes. It added also the arrangement of a Nagar Panchayat, which was a Gram Panchayat with a population larger than 5,000. At the block and district level no important morphological changes took place. An important addition to the electoral institutions was the allotment of party symbols for Panchayat elections that openly acknowledged and sanctioned political party competition. Physiologically no important variations occurred. Madhya Pradesh had a stable evolution as a three-tier species. Nevertheless, its evolution was much more responsive to ecological influences than for example in the case of Uttar Pradesh. Recommendations of government committee reports, especially of the B.R. Mehta Committee, the A. Mehta Committee and the L.M. Singhvi Committee, were strongly reflected in the various acts.

West Bengal enacted its first post-independence act only in 1957. This act established a two-tier system like in Assam, but constituted a different sub-species, since the location of the second tier was different from in Assam. The West Bengal Panchayat Act of 1957 established a Gram Panchayat at the village level and an Anchal Panchayat at the level between village and block, co-terminus with the former Union Board level. While the Gram Panchayat was morphologically, more or less, identical with its counterpart in Uttar Pradesh, the Anchal Panchayat was a singular institutional arrangement. It was constituted by the chairs of the Gram Panchayats in its jurisdiction and included elected representatives from the Gram Sabha, which were however elected by the Gram Panchayat members. Physiologically, the Gram Panchayats were also largely identical to the Gaon Panchayats of Uttar Pradesh, but lacked the power to levy taxes and fees. That was the major function of the Anchal Panchayat; it levied, collected and administered taxes and fees and allocated the funds to the Gram Panchayats according to their financial requirements. They also administered the watch and ward services, the Chowdikars. West Bengal Zilla Parishads Act of 1963 changed the Panchayat system in the State from a two-tier species to a four-tier species, the only such species throughout the whole evolution of Panchayati Raj in India. It introduced two new institutional arrangements; the Anchalik Parishad at block level and the Zilla Parishad at

district level. The constitution of membership of the Anchalik Parishad was similar to block level entities in Uttar Pradesh or Madhya Pradesh, but included expressly the Block Development Officers in their jurisdictions. The Zilla Parishads were also constituted in manner largely identical to their counterparts in Uttar Pradesh or Madhya Pradesh. Physiologically the 1963 Act added a strong focus on development on the Anchalik Parishad level with function very similar to the Janapada Panchayat in Madhya Pradesh or the Kshetra Samiti in Uttar Pradesh. The Zilla Parishad, however, was assigned with more substantial duties than in the two other States. It was, besides its supervisory and coordinating functions, for example in charge of executing larger development schemes of the central or State government and maintained village markets. The West Bengal Panchayat Act of 1973 caused again major morphological changes. The four-tier system was changed to a three tier system and the Anchal Panchayat was abolished. The Gram Sabha was abolished and the block level entity was renamed Panchayat Samiti. The new Gram Panchayat was a compromise between the village-based Gram Panchayat and the larger Anchal Panchayat in size. Physiologically the new act focussed execution of tasks, including developmental tasks, on the Gram Panchayats, while the Panchayati Samitis were in charge of distribution of finances and providing assistance to Gram Panchayats. The Zilla Parishads had the same functions as before. From 1973 onwards, the evolution of Panchayati Raj legislation remained largely in stasis. Smaller variations of institutions, like the extension of the term of office of Pradhan by amendment act in 1982, happened, but had no major impact on the general morphology or physiology. West Bengal remains a special case primarily because of the existence of a unique four-tier system between 1963 and 1973.²⁴⁷ Moreover, the short period in which the evolutionary developments happened is interesting in the 16 years between 1957 and 1973 West Bengal went through the stages of being a single-tier species, a two-tier species, a four-tier species and finally a three-tier species.

The four cases present four widely different evolutionary paths (see also figure 6). Uttar Pradesh had long phases of stasis interrupted by a major mutating event in 1961. Madhya Pradesh is a case of a continuous evolution with several variation events, yet these variations remained within the three-tier species. Assam is the case with the most volatile evolution;

²⁴⁷ Although the 1973 Act was implemented in 1978.

four mutating events changed the morphology in major aspects and had severe impacts on the physiology. Between 1948 and 1986, Assam oscillated between a two-tier system and three-tier system in pretty regular intervals.²⁴⁸ The case of West Bengal, with its unique four-tier system phase, is characterised by a comparatively long phase of activity and long phases of stasis. Between 1957 and 1973, three different acts were passed changing the morphology strongly; in just 16 years West Bengal changed its morphology three times into three different species. Before and after this phase, however, the State remained in stasis.

The evaluation of Panchayati Raj legislations does, of course, not provides any insight about the processes around them, but it does provide a larger picture about the institutional variations over time and the topical change of focus of the institutions. It shows for example the evolution of Panchayat systems in Assam from an institutional focus on economic self-sufficiency in rural areas to strong development-oriented focus and then to a mixture of a development focus with strong elements towards economic self-sufficiency and democratic accountability through the element of direct elections. In Madhya Pradesh, on the other hand, one can identify an institutional evolution from a limited all-purpose arrangement to a rural development agency with democratic elements to a political unit with elements of social, rural and economic development orientations and the acknowledgement of open political party competition.

5.4. Evolution within the ecological systems

The different evolutionary paths reflect adaption to different ecological systems. Uttar Pradesh, the largest and most populous State, for example, was characterised by an increasingly fractured political party system after the assembly elections of 1967.²⁴⁹ Except for a phase between 1980 and 1989, when the INC ruled two consecutive terms with a relative strong majority, the situation was either that of strong opposition parties represented in the Legislative Assembly or consecutive regime changes. Furthermore, Uttar Pradesh is not only the most populous State, but also the most densely settled area in India. Larger morphological changes through new legislation would have meant implementation in

²⁴⁸ 11 years between 1948 and 1959, 13 years between 1959 and 1972 and 14 years between 1972 and 1986.

²⁴⁹ <http://www.elections.in/uttar-pradesh/assembly-constituencies/>, accessed on 11 December 2014.

very large number of units. By 1990 Uttar Pradesh had 73,927 Gaon Panchayats, 895 Kshetra Samitis and 56 Zilla Praishads (DRD 1990: 12), by far the largest number of Panchayats; morphological and even physiological mutations would have had to be implemented in ca. 75,000 units, which would have meant an enormous bureaucratic, organisational and financial effort. In a certain way the concept of dilution of mutations or variations in a large population²⁵⁰ can be applied here; possible mutations, for example through government committee report recommendations, were simply not effected by the sheer size of the Panchayat population in Uttar Pradesh. The exception was of course the mutation leading to the establishment of a three-tier system following the recommendations of the B.R. Mehta Committee Report. In that particular situation, many factors favouring the mutation came together: the Congress system was still in place, with the INC in power at the centre and in most States; in Uttar Pradesh the INC had a clear absolute majority in the Legislative Assembly. With S.K. Dey an open proponent of Panchayati Raj headed the Ministry of Community Development, a ministry dedicated to rural development and decentralisation; and with Jawaharlal Nehru a powerful and authoritative personality, who occupied the most powerful offices, the Prime Ministership and the chair of the Planning Commission, was backing implementation of the committee's recommendations. The stasis in the following decade may also have been in a greater degree due to the increasing centralist tendencies during the rule of Indira Gandhi between 1966 to 1977 and again 1980 to 1984. Increase in central government schemes for rural development and its position in the Hindi-heartland of India may have discouraged the INC governments to pass new Panchayati Raj acts during these periods, while the three years of Janata Party rule from 1977 to 1980 may have been too short and too politically unstable, despite a large majority in the Legislative Assembly, to react for example to the recommendations of the A. Mehta Committee Report.

Assam, in contrast, has a much smaller population and covered, at the biggest extend during the period of the three-tier system, just 2,570 Gaon Panchayats (DoCD: 1966: 4); this number went down following the 1972 Act to just Gaon 714 Panchayats (DRD 1990: 12). The State is not only geographically distant from mainland India, but also geographically extreme. Assam is embedded in a mountainous terrain, being connected, like the other North-East States, to

²⁵⁰ Chapter 2.5.2., p. 46.

the rest of India only by a small strip of land between Nepal and Bangladesh. Such ecological factors were of course strong influences on Panchayati Raj legislation and the aim of economic self-sufficiency must be regarded in relation to the geographic distance and the difficult terrain. The same factors that led to the establishment of a three-tier system in Uttar Pradesh were at work in Assam as well. The combination of an INC government at the centre and in the State and the backing and authority of influential personalities led to the implementation of recommendations made by the B.R. Mehta Committee. Because of its smaller size, different needs and to some extent its geographical distance, changing to a two-tier system again cost less effort than morphological changes in Uttar Pradesh would have cost. Introducing elected officers certainly strengthened the self-sufficiency element by extending it to the administrative aspect. Reducing the number of Panchayats by abolishing the intermediate level and increasing the areal size of village Panchayats served to reduce costs, enlarged the income base of individual Gaon Panchayats and made the Panchayat system of Assam more compact. Additionally, the separation of Arunchal Pradesh and Mizoram in 1972 probably presented a good opportunity for such a change, since it made reorganizational measures necessary. Furthermore, the 1972 Act may have been a reaction to the centralist tendencies of the Indira Gandhi government. The geographic distance to the centre and therefore to the agencies that planned the increasing number of central development schemes, may have encouraged the government of Assam to change the focus back to self-sufficiency. The change back to a three-tier system in 1986 presents a puzzle, however. Since the original document of the 1986 Panchayati Raj Act is unavailable, the exact nature and focus of institutional variations cannot be assessed. Furthermore, it is not possible, partly due to the missing original text of the legislation, to identify the influencing ecological factors for this change. A possible influence could have been the coming to power of the AGP in 1985 and, deducing from the morphological changes described by secondary sources, the will of the AGP to establish tighter State government control over Panchayats by removing the element of direct elections. This reason is of course speculation and further research becomes possible only when the original text of the 1986 Act becomes available.

Inheriting a three-tier system from one of its predecessor States, Madhya Bharat, Madhya Pradesh started its evolution of Panchayati Raj with a basic morphological structure that

would vary only within the three-tier system. Having to consolidate the Panchayati Raj legislations of the constituting States after its merger with Madhya Bharat, Vindhya Pradesh and Bhopal in 1956, Madhya Pradesh can be considered to have been especially receptive to the B.R. Mehta Committee Report's recommendations. Having to enact new legislation in any case the threshold to include the committee report's recommendations was low in addition to the factors eminent in the cases of Uttar Pradesh and Assam. The 1962 Act reflected the special situation of Madhya Pradesh and its high proportion of Scheduled Tribes; a special provision established Adivasi Panchayats reserved for villages with large Scheduled Tribe populations and Kshetra Samitis as entities to equal to Janapada Panchayats for groups of Adivasi Panchayats. The Act of 1981 was influenced by recommendations made by the A. Mehta Committee. While agricultural and industrial functions were removed from the physiology of the Gram Panchayats, a social justice focus towards Scheduled Castes and Tribes was established. That not only reflected the recommendations of the A. Mehta Committee, but also the social reality in Madhya Pradesh with its high proportion of Scheduled Castes and Tribes. Furthermore, it was influenced by the committee report in regard to securing the income base of Panchayats by establishing a list of taxes and fees that was compulsory to be levied by the Gram Panchayats. Just 9 years later the Madhya Pradesh Panchayati Raj Act of 1990 was passed and this act, again, reflected recommendations of a central government committee, as well as some provisions a constitutional amendment bill. Following the recommendations of the L.M. Singhvi Committee Report and the corresponding provision of the 74th Amendment Bill, the 1990 Act re-established the Gram Sabhas and made extensive provisions for reservation of seats for women, Scheduled Castes and Tribes. The reasons why Madhya Pradesh was ostensibly so much more responsive to mutating influences were on the one hand the size of the Panchayat system, where changes could be reasonably implemented; Madhya Pradesh had 18,801 Gram Panchayats, 459 Janapada Panchayats and 45 Zila Panchayats by 1990 (DRD 1990: 12), with less than 20,000 units just little more than a third of number of units in Uttar Pradesh. Furthermore Madhya Pradesh had large majorities for government parties and relatively weak oppositions, as well as a long period of regime stability of the INC, interrupted only from 1977 to 1980 by the JP rule, ending in 1990. The 1990 Act, passed by the BJP majority was largely influenced by the

BJPs participation in preparing the 74th Amendment Bill. Additionally, Madhya Pradesh's low position in human development rankings may have induced a greater willingness to pass adaptive legislations.

West Bengal took seven years to pass legislation on Panchayati Raj after Article 40 came into force along with the rest of the Constitution of India. Before that the Bengal Village Self-Government Act of 1919 remained in force only amended in 1950 to allow for women suffrage. A reason for the late enacted was the influx of refugees from former East Bengal, today's Bangladesh, after the partition 1947 to 1948. The integration of the refugees and the impact on the West Bengal economy were much more severe problems for the State government than Panchayati Raj legislation. The 1957 Act was largely a compromise of the continuation of the institutional legacy from the 1919 Act and the morphologies and physiologies of single-tier systems like in Uttar Pradesh; especially the establishments of a Gram Sabha and a Gram Panchayat were influences from such acts. Presumably occupied to implement the 1957 Act during the next six years, interrupted by President's Rule in 1962, the recommendations of the B.R. Mehta Committee Report had no immediate impact in West Bengal. Nevertheless, in 1963 West Bengal passed legislation to implement the recommendations of the B.R. Mehta Committee, but instead of changing the entire system, the new act was simply added to the 1957 Act. The most reasonable explanation of not abolishing the Anchal Panchayats, which existed between the village and the block level, was probably their long institutional legacy. The Anchal Panchayat level was the successor level to the Union Board, which had been established in 1919; it had been in charge of levying taxes and rates since then. Legislation that consolidated the West Bengal Panchayat Act of 1957 and the West Bengal Zilla Parishads Act of 1963 into one act and established a three-tier system was finally passed in 1973, although political instability would delay implementation until 1978. The main reason for the consolidation was certainly the financial, organisational and administrative expenses a four-tier system caused. The costs were even more depressing in light of the drought years between 1965 and 1967 and the workload added to the institutional arrangements caused by the alleviation measures. Furthermore, political pressure from left parties that succeeded to gain power twice between 1967 and 1971 and tried to reform the Panchayat system in the State may have influenced the decision of the

INC government to align legislation with the dominant species of three-tier systems. After the passing of the 1973 Act the evolution of Panchayati Raj fell into stasis. When the new Left Front government started to implement the act in 1978 it also politicised the system by occupying it with party cadres and mass organisations, establishing parallel-structures. The overwhelming dominance of the Left Front in the State Legislative Assembly, the State government and the Panchayats removed many functions from the official system to the party organisations (Bhattacharyya 2003: 95). The Left Front dominated State simply did not perceive any necessity to change legislation, especially regarding to the successes they were able to achieve in certain areas, like with registration of tenure of cultivated land (Fürstenberg 2010: 2). Additionally, the fact that the Left Front was aligned neither with the INC or the JP prevented internal party pressure from having any impact in West Bengal.

Although these widely different evolutionary paths were subject to different ecological systems, they also had to things in common: they all were affected by what I would describe as the 'Nehruvian Explosion'²⁵¹ between 1958 and 1964. All four exemplary cases experienced major morphological and physiological changes during that time and in all four cases the main influencing factors were the ideas forwarded by the B.R. Mehta Committee Report and the, connected, integration of the paradigm of modernising development into the concept of Panchayati Raj. Following 1964, the evolutionary paths of the four States diverged until they converged again into a three-tier system towards the critical period between 1989 and 1991, when three constitutional bills on Panchayati Raj were devised. By 1990, the three-tier system had become the dominant Panchayat species in India.

5.5. Ideational Evolution - The Government Committee Reports

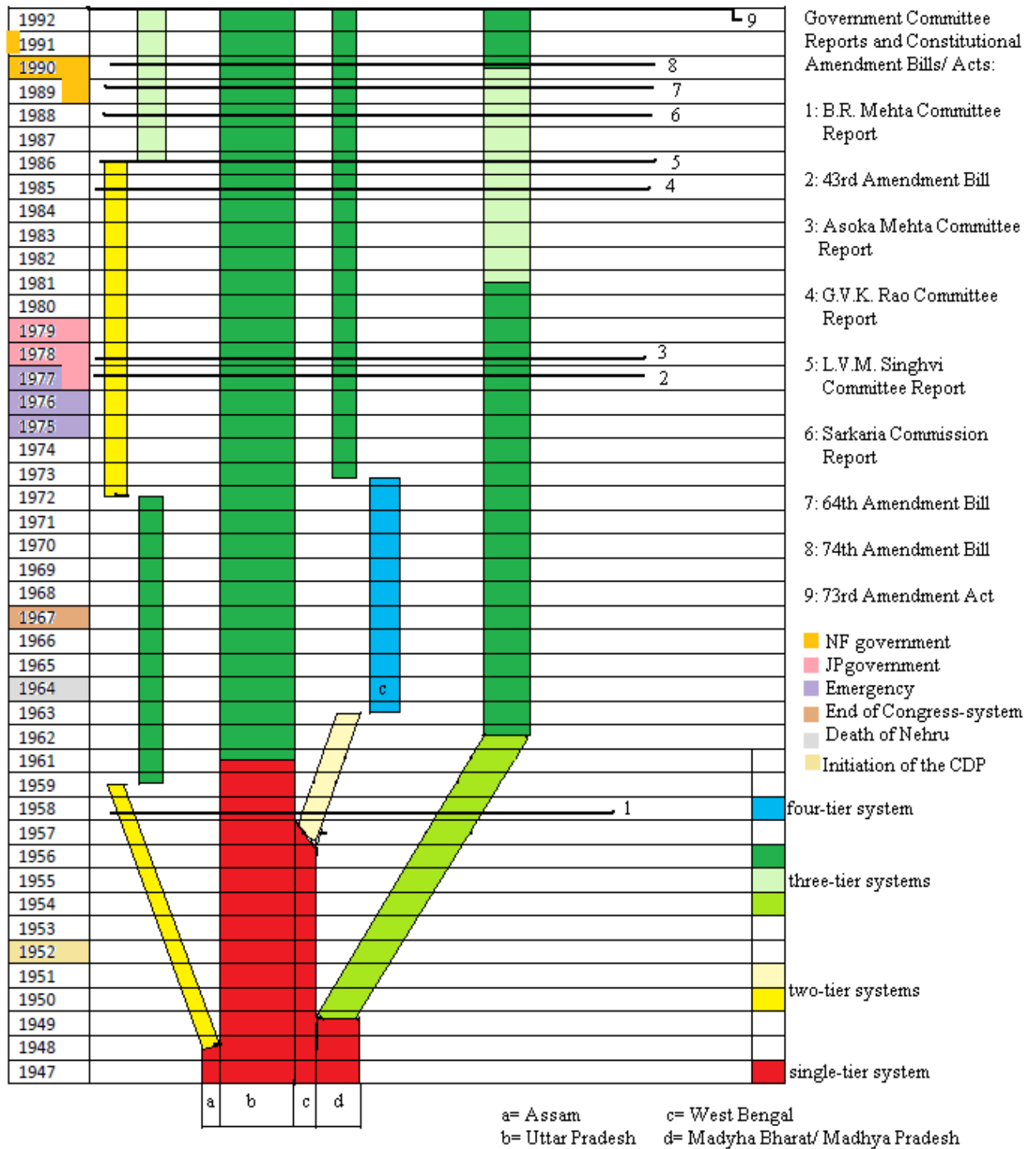
Before coming to the conclusion, I will summarise and evaluate the evolution of the concept of Panchayati Raj in government reports. The first big, and most influential, report was submitted by the B.R. Mehta Committee in 1958. This report and its recommendations were deeply embedded in the modernising development paradigm of the Nehru-era. Its foremost concern was the integration of the Community Development Programme and the National

²⁵¹ Analogous to the concept of the Cambrian Explosion in biological evolution; the term Nehruvian derives from the person of Jawaharlal Nehru who can be considered the most influential person during that period.

Extension Service into a decentralised structure. The biggest impact had the recommendations of establishing three-tier systems and channelling and integrating all development activities through the block level entity. This report caused a large number of mutations in the individual State legislations on Panchayati Raj and initiated therefore the 'Nehruvian Explosion'. The next influential report was made by the A. Mehta Committee Report in 1977. The setup of this committee was certainly a reaction to the Emergency of 1975 to 1977 and an assessment of Panchayati Raj after the end of the Congress era. Although the recommendation for two-tier systems had no impact, the overall focus of the report reflected a changed environment. While recommending a constitutional provision to ensure regular elections and a firm financial foundation, the committee wanted to leave most specifications of form and function to the States, probably in reaction to the centralist tendencies of the preceding years. Important aspects in this report were a shift of focus away from modernising development in agrarian and industrial aspects to the aspects of social welfare towards marginalised groups, like women, Scheduled Castes and Tribes. Also an important point was the acknowledgement of the positive role political party competition would have in Panchayat elections. Considering the emergence of social movements during the time of the report and the consolidation of a multi-party system at the centre and in the States, such recommendations were up to date then. Furthermore, the suggestion to introduce compulsory Gram Sabhas proved to be influential for succeeding government reports. The G.V. Rao Committee Report reiterated many recommendations of the A. Mehta Committee Report and gave attention to the possible role of Panchayats in poverty alleviation programmes, strengthening the focus on social welfare. The L.M. Singhvi Committee repeated the necessity for a constitutional provision and the compulsory Gram Sabhas. The Sakaria Commission Report also reiterated the demand for legal uniformity concerning Panchayati Raj in India, although a constitutional provision was suggested as a least favoured option. These last three reports fell all into the Prime Ministership of Rajiv Gandhi, who had expressed a strong interest in decentralisation from 1987. Both, the recognition that Panchayati Raj needed reforms and that these reforms could not be implemented into State legislation by guidance, like during the 'Nehruvian Explosion', due to the multi-party system now dominant in India, caused the acknowledgment that a

constitutional provision would be necessary. Two attempts, one by the INC in 1989, the 64th Amendment Bill, and one by the National Front in 1990, the 74th Amendment Bill, failed. A compromise bill, the 71st Amendment Bill, became the 73rd Amendment Act in 1992, establishing a uniform three-tier system throughout India. This act incorporated many recommendations of the previous committee reports and of both preceding bills. While leaving specifications of many provisions to States legislations, it determined the introduction of Gram Sabhas, three-tier systems, with village, block and district entities, the membership of each arrangement, reservation of seats and regularity of elections. It also specified a number of basic functions, but left the option to expand the provided list. With the 73rd Amendment Act all evolutionary paths were unified and the three-tier species re-enforced its position as the dominant species.

Figure 7: Genealogy with Government Committee Reports and Constitutional Amendment Bills



5.6. Final Remarks

The purpose of this thesis was not to proof a hypothesis about Panchayati Raj. I did not intend to find 'the' cause for the outcome of the 1992 reform. This thesis was written to provide, by means of the evaluation of legislation in Uttar Pradesh, Assam, Madhya Pradesh and West Bengal, and through the evaluation of government committee reports, a genealogy of Panchayati Raj. In this regard, I consider it a contribution to the discourse on Panchayati Raj pre-1992. The contribution I made is an unbiased and ideology-free evaluation of the evolution of Panchayati Raj from 1947 to 1992.²⁵² This thesis does not take position on problems with implementation, issues regarding political preference towards Panchayats or any other dimension that is outside the account of institutional change. This thesis is only concerned with the evaluation of primary sources, which are the State acts and government committee reports, from an evolutionary point of view, commenting on them only by setting them in relation to their socio-economic, political and geographic environments.

Evolutionary Institutionalism enabled me to provide a comprehensive description of the evolution of Panchayati Raj. The EI approach allows understanding the development of Panchayati Raj institutional arrangements as a long-term process that is always embedded into a time-specific ecological system. The description of State legislations was intended to provide understanding of institutional changes, with the help of Evolutionary Theory, categorised into morphological changes and physiological changes. Furthermore, the account of institutions and institutional variations was intended to show how institutions could be analysed, as they were the genes of an organism and how institutional variations affect form and function of institutional arrangements like genetic variations affecting form and function of organisms. With the evaluation of government committee reports, I could analyse how ideas as ecological factors influence institutions and institutional change. Moreover, by setting the cases in relation to their socio-economic, political and geographic environments, in short to their ecological systems, I can describe how different factors influence change or

²⁵² Unbiased in the sense, that I do have an agenda in connection with individual legislations and am not interested to push for changes in legislations in any way. Ideology-free in the sense that I have no interest to, positively or negatively, judge the content of any Panchayati Raj legislation from any ideology-based position. Many other works are either activist, aiming at intervening into legislative processes with their own agenda, or are written from an ideological position, for example based on political partisan convictions, or both.

stability. Through EI the explanation of change is made in terms of ecological factors and ideas rather than solely by rational efficiency, even perceived one, or external shocks. Both perceived or planned rational efficiency and external shocks can play a role, but EI offers also explanations like adaption to special environments. The Assam Panchayati Raj Act of 1972 is good example for change caused by adaptation. The 1972 Act was not caused by any external shock, and while efficiency may have played a role in the considerations, adaption to the specific geographical and economic circumstances of the State of Assam provides an explanation for the institutional changes. While the explanations of Rational Choice Institutionalism²⁵³ and Historical Institutionalism²⁵⁴ have value in many cases, they are unable to account for change caused by evolutionary processes like adaption or through imperfect replication.²⁵⁵ EI does not only incorporate aspects of RCI and HI, it goes beyond them by adding aspects from Darwinian Evolution.

The value-added of EI is the seamlessly inclusion of factors like nature and nurture. The serious consideration of geographic and geophysical factors along with more traditional factors like political systems and socio-economic contexts constituting an ecological system is one of the most important contributions of EI and the aspect that gives it an advantage over other approaches, like RCI and HI. EI provides a unified theoretical framework that allows comprehensive analyses of institutional change without eclecticism.

I consider it my contribution to the field of EI that I applied this approach to one of the most interesting institutional systems in the realm of political science. I further believe that by applying EI on this case, in my opinion quite effectively, I can add argumentative power to my conjecture:

The development of Panchayati Raj can be analysed as an evolution in the Darwinian sense. Evolutionary Institutionalism is the appropriate tool to do this.

²⁵³ Chapter 2.1., pp. 17.

²⁵⁴ Chapter 2.2., pp. 23.

²⁵⁵ Imperfect replication occurs generally within the daily business and routines of bureaucratic practice. These adjustments are made to certain minor institution and translation errors in amendment acts, etc. These endogenous variations can be best investigated by analysing amendments and handbooks to State legislations. In my thesis, such investigations were not possible, since I confined my research to larger evolutionary processes and the investigation of imperfect replication would have gone beyond the scope of this thesis.

I also consider the way I applied EI a contribution; the categorisation of institutions into morphological and physiological may be a help to trace institutional evolution more exactly and to understand the effects of institutional variations and mutations. The methods I used may be useful as a basic methodological model for research on institutional evolution.

I wrote about the evolution of Panchayati Raj from a Darwinian perspective, so I have to write about the phylogenetic²⁵⁶ aspect, the evolutionary relationship between the outcome and the preceding species. From the evaluation of institutions of the various State acts and from the evaluation of the institutions of the 73rd Amendment Act genetic relationships can be deduced. From the four cases presented in this thesis, the Madhya Pradesh case is the species institutionally most closely related to the 73rd Amendment Act. Their relationship could be compared to the genetic relationship between the Cro-Magnon form and the modern Homo sapiens sapiens. In fact, many State acts were morphologically and physiologically related in some degree or the other to the amendment act, for example the acts in Uttar Pradesh and Karnataka. The institutional relationships between the amendment act and these State legislations can be compared to the genetic relationship between late forms Homo heidelbergensis and Homo sapiens.

In the end, not much is left to be said, except to answer the questions asked in the introduction:

1. Would I arrive at the outcome of the 73rd Amendment Act if I would trace the institutional and ideational developments from 1947 to 1992?

I would answer with a 'yes'. From following the institutional evolution and ideational changes between 1947 and 1991, and with a hypothetical ignorance of the outcome, I would arrive with a reasonable certainty at the conclusion that a constitutional amendment was imminent around 1992. The reasons for this answer lie in the developments between 1989 and 1991, which in turn are the outcome of the ideational evolution of Panchayati Raj in government committees between 1977 and 1988. This ideational evolution is of course connected to the evolution of State legislations since 1947 and the developments between 1958 and 1964

²⁵⁶ Phylogenetics is the study of genetic, or in the case of EI institutional, relations between different species.

following the B.R. Mehta Committee Report. In the short period of 1989 and 1991, there was a consensus between both major political forces at the national level. The INC coalition as well as the National Front, being in power successively in this period, drafted constitutional amendment bills on the issue of Panchayati Raj. While differing in details, the general tendency of both party coalitions was to amend the constitution to provide a foundation for unified legislation. The simple arithmetic behind my answer above is that if both major political players consent on the end, then they would also find consensus on the means.

2. Was the 73rd Amendment Act the inevitable outcome of Panchayati Raj evolution?

The answer is a clear 'no'. The 73rd Amendment Act was not the inevitable outcome of the evolution of Panchayati Raj, as much as Homo sapiens was not the inevitable outcome of the evolution of the genus Homo. This thesis shows no evolutionary path that was directed at the known outcome. Panchayati Raj evolved according to a number of ecological influences and changes happened according to choices influenced by these factors. It was not foreseeable that a constitutional amendment would be successfully enacted. However, like the evolution of the Hominini with the outcome Homo sapiens, the evolution of Panchayati Raj with the outcome of the 73rd Amendment Act was consequent. Several government committee reports had provided important recommendations, which could not be ignored. Could not be ignored, because these committee reports were commissioned by the Union government and were therefore seen favourably by government and ruling party. The dominance of the three-tier system and the physiological similarities between many State acts in the period of 1989 to 1992 were major influences on form and functions determined by the act. The 73rd Amendment Act was the consequent unification of the dominant State acts and the consequent implementation of committee report recommendations. Following the points I made in the answer on the first question concerning the imminence of a constitutional amendment in 1991, the 1992 reform was evolutionary rather than revolutionary.

5.6.1. Prospects for Future Research

This thesis could not include, for reasons of space and timing, many interesting aspects of research on institutional evolution. Concepts like imperfect replication and closer investigation of endogenous change through daily routine variations are certainly worth future research efforts. Such research could best be done by limiting the scope on the legislation of only one State and by using not only State acts, but also amendments to those acts, manuals and other State-issued codices on Panchayati Raj laws.

Another rewarding research effort would be the investigation of institutional evolution of Panchayati Raj in areas of increasing climatic events, like floods or changes in natural environments, for example close to large dam projects or in areas of increasing deforestation.

In the above-mentioned fields of interest, an application of the methods used in this thesis might be profitable. These are prospects that certainly deserve closer consideration in future research in Evolutionary Institutionalism.

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