

Punjab: The Right to Organize and the Power to Develop

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India as a whole is not closing its development gap with the West. Economic growth in Punjab exceeded that of the rest of India during the period of the Green Revolution. Since then it has dropped to less than the national average. The most direct reason is that increasingly intensive application of the technologies of the Green Revolution has become ecologically and economically unsustainable. The deeper reason is that the governmental mechanisms at the national and state levels that were used in introducing these technologies in 1965 are still in place and prevent the development of alternatives. In the West, particularly the United States, the Constitution and laws support an enormous number of organizations that can engage in activities for the public good and support themselves by taxes or compulsory fees. The Constitution and laws of India restrict this power mainly to the central government and the states. This article describes the features of the Indian political system that do this, how the Punjab government used them effectively to create the Green Revolution, and how they have been perpetuated and have prevented the development of alternative productive strategies since. It concludes with a description of how the Punjab government might empower the people of Punjab to engage in a much wider range of productive activities even without change in the constitutional set-up at the national level, although it would be better to install such changes at the national level as well.

Upon Independence, India adopted an approach to development that strongly subordinated citizens' rights to state power in matters deemed by the state to be in the interest of economic development. The purpose was to close the economic gap between itself and the West. The gap has not been closing. From Independence until about 1992, when Narasimha Rao was Prime Minister, India exhibited what Indian economists called "the Hindu rate of growth" of about two percent per year. The rate has accelerated since then, but still lags behind other major emerging economies as well as many developed countries as measured by GDP per capita. China had about the same growth rate as India until 2000, but since then it has grown more rapidly. Compared to the United States, India's year-to-year GDP per capita has maintained a fairly constant ratio of about 1:40. According to the World Bank, in 1960 the figures were \$83.70: \$3007.12. In 2015 they were \$1581.59: \$55836.79.

Punjab had higher rates of growth than the rest of India in the period of the Green Revolution from 1965 to a peak in about 1978. This continued with the "White Revolution" in milk production that carried into the mid-1980s. But since 1990, while the overall Indian growth rate has improved, Punjab's has declined. It is now below the Indian average (Sidhu, 2002; Singh and Singh,

2002; Satish, 2006: 2761). The result is what Satish neatly encapsulates as “stagnation in agriculture, rising levels of rural unemployment and dissipation of economic and social infrastructure” (p. 2754). Singh and Singh offer more detail and suggest a number of remedies. The most basic is to return to the higher levels of state investment of the Green Revolution period. Areas of investment should be new agricultural biotechnologies, agribusiness, education, and science. They recognize the need for other non-agricultural expansion as well, but argue that it will grow out of increased agricultural productivity. Since state and private investment are related “organically,” the state should lead.

My argument is that while these specific recommendations are sound, this kind of recommendation is superficial. The most basic question is not what action should be taken but how to distribute the power to take it. Development remains limited because the right to organize for collective purposes remains limited, in India as a whole and in Punjab. This has two main aspects, private and public. It is widely recognized that licensing requirements and other laws make it comparatively difficult for Indians to form large-scale businesses. But it is rarely noticed, and at least as important for development, that it is far more difficult for people in India to form public bodies that can create public resources that could ultimately be paid for out of the benefits they produce.

It is well known in India that a major battle cry of the American Revolution was “No taxation without representation!” The explanation was that “The power to tax is the power to destroy.” What is not commonly recognized is that the converse of both of these statements is equally firmly accepted. With representation, there is no limit to the taxing power apart from public acceptance, and the power to tax is also the power to create. The American constitution does not assign taxing authority or apportion “subjects” between the federal government and the states. Instead, it has the reserved powers clause: all powers not explicitly assigned to the federal government are reserved to the states. The Indian constitution, by contrast, specifies what subjects and what taxes belong to states and what to the Centre. It has no reservation of unassigned powers, and since only the central Parliament can amend the constitution, the de-facto implication is that powers not given to the states are reserved to the Centre.

While the power to tax has not been a traditional focus of Indian political debate, the closely related issue of state autonomy has been. It was integral to advocating for a Punjabi Suba as part of the Independence movement, a major concern in the Anandpur Sahib Resolution of 1973, and a very well stated focus of the presentations of the Punjab government and several political parties in the 1988 Sarkaria report on constitutional revision. Nothing has come of it. No one, it seems, can develop the wider vision necessary to make major changes in the national or state legal limitations on the kinds of organizations Punjabis can form as public or private bodies. It is important to understand why.

Preserving Underdevelopment

I have previously argued that the violence leading up to and following Operation

Bluestar, the Indian Army's attack on J. S. Bhindranwale and his supporters in the Golden Temple in June of 1984, was neither the product of Sikh "subnationalism" nor any fundamental conflict between Sikh and Hindu religious ideas (Leaf 1985). These were effects, not causes. The religious differences are constant; religious conflict is not. The cause of the conflict was a constitutional crisis that arose out of a clash between opposed views of the requirements for development, essentially "top down" versus "bottom up," dirigiste-authoritarian versus pluralistic. The argument here goes farther into the development issues, looking especially at the way the constitutional weaknesses have limited the ability of the people of the state to respond effectively to changing economic needs, which in turn has preserved the public dismay and disaffection that the communalism fed on.

The story has three main components: the problems of development, what was wrong with the way the constitutional setup shaped the responses to them, and how this promoted the breakdown of civil order, which in turn has discouraged the diffusion of the power to organize that broad-based and self-sustaining development requires.

Punjab's economy depends on its agriculture. The reasons are political, geographic, and historical. The political reason is that since independence the central government has had a policy of not locating major industries in "sensitive areas." Because it borders on Pakistan, Punjab is deemed to be such an area. The geographic and historical reasons go back to partition.

When colonial Punjab was partitioned into Pakistan Punjab and Indian Punjab, the new administration in Indian Punjab had three major priorities: first to settle the Sikh and Hindu refugees from Pakistan on land that had been vacated by Muslim farmers who fled to Pakistan, then to build new canals to redirect India's share of the water to unirrigated areas, and then to reform the system of landholding. Resettlement was completed by 1949. Most of the rural Sikhs displaced from Pakistan were resettled in the central plains districts that already had the largest numbers of Sikhs in the rural areas and where the refugees often had family connections. This created, for the first time, absolute majorities of Sikhs in most of those districts.

The Bhakra-Nangal dam complex was inaugurated in 1954 by Prime Minister Nehru. Notwithstanding Nehru's presence, however, since irrigation is a state subject it was mainly a project of the governments of Punjab and Rajasthan and after completion was under state control. Bhakra-Nangal, along with several later dams and diversion projects, are part of a complex system that not only expanded irrigation in the Indian portion of the central Punjab plains but also brought it for the first time to parts of Haryana and Rajasthan.

Land consolidation began in 1948 and was complete by the beginning of the 1960s. Land ceilings legislation began in 1950, but the most important initial law was the *Punjab Security of Land Tenures Act of 1953*. This allowed the owner to reserve up to 30 standard acres of land (a standard acre is an acre of land of standard yield, which would be more or less actual acres depending on yield) and allowed the state government to seize what the owner declared "surplus" above that, while providing for compensation based on fair rent. This

was initially interpreted in such a way as to allow 30 standard acres per person for the owner as well as for all in his family, which could come to quite a large total. This was gradually whittled down in the courts to be 30 acres per family. The effect of this gradualism was that most of the land was divested through market sale in anticipation of the procedures of the act, so that by about 1960 virtually all the land in the state had moved to the control of the small peasant proprietors best able to manage it and the former large landholders had moved on to other occupations, usually in the cities. Few, if any, other states carried out such reforms so thoroughly or peacefully.

With the expanding and intensifying canal irrigation, the agricultural characteristics of the area where Sikhs were now concentrated dictated certain policy interests that were opposed to the interests of the predominantly Hindu areas in the mountains to the east and the semi-deserts to the south. The parliament of the state, as it was then constituted, was unable to reconcile them. This led to arguments for division of the state. These revived the idea of a "Punjabi Suba" – Punjabi state. A complementary demand for "Haryana" as a Hindi-speaking state arose in the districts to the south.

The idea of a Punjabi Suba had been historically associated with the drive among Sikhs for a legally recognized body to manage their historic shrines. Under British-Indian law, these had come to be controlled as trusts by Hindu *mahants* with the legal status of trustees. In 1925, this demand was met. The Sikh Gurudwaras Act established the Shiromani Gurudwara Prabandhak Committee (SGPC) to take over and manage all of the major shrines in the province. Since then, the leadership of this body has consistently endeavored to expand the scope of its authority. Most of the time, these efforts have supported the principle of secular government and have been aimed only at providing a supplement to it, in a uniquely Punjabi version of checks and balances. Since Independence, SGPC elections have provided important forums for extended public discussion of land reform, agricultural credit, and virtually every other aspect of development policy from time to time. It is for this reason that the SGPC is sometimes described as the "Jat Parliament" (Jats being the dominant landholding group in the region). But sometimes the leadership has opposed the idea of secular government and sought to undermine it. The period leading up to and following Operation Bluestar was one of those times. The change occurred after the accession of Indira Gandhi and in response to her policies.

My first stay in Punjab was from May of 1964 to March of 1966, in the midst of the debate about the new state boundaries. In the crucial SGPC elections of 1965 there were two major candidates. Master Tara Singh explicitly argued that the aim of the *suba* should be to establish "rule of the Sikhs" and the criterion for which districts would be included in it should be the proportion of Sikhs in the population. Sant Fateh Singh rejected this as inconsistent with the Sikh principle of the equality of all religions and held that the boundary of the new state should be based on language alone. Sant Fateh Singh won by an overwhelming majority. He then began a carefully orchestrated agitation, greatly aided by the leverage gained by Punjab state from its pivotal strategic position as a battleground in the Indo-Pakistani war of the autumn of 1965.

The Sant's linguistic criterion was accepted as the basis for the division in principle, although it was not strictly followed in fact. The result was three states: Haryana comprising the semi-desert districts to the south and south-west, Punjab comprising the Punjabi-speaking central tract with a Sikh majority, and a much enlarged Himachal Pradesh that included Kangra district in the mountains. The new Punjab government immediately began to implement a series of measures to promote agriculture and small business. Much of this was associated with what was to become the Green Revolution. The new boundaries became effective in November 1966.

The Green Revolution began in 1964. It had three major foundations: the international institutions that developed the High Yielding Variety (HYV) crops that were the core of the technology, the new agricultural universities that adapted these varieties to local conditions around India, and the arrangements of the state governments to support the universities and the rest of the infrastructure through which the technology was distributed to farmers.

The universities were first. On the basis of agreements signed in 1954 and 1955, a consortium of five American Land Grant Universities was formed to assist in the development of a system of comparable institutions in India (Naik and Sankaram, 1972, pp.83, 99)¹. These new Indian universities were assigned the task of recommending "package programs" of the best crops, inputs, and practices, which the states would then undertake to provide. The result was the Integrated Agricultural Development Programme (IADP), begun in 1961-62 with support from the Ford Foundation (Naik and Sankaram, 1972, p.115). When the Green Revolution varieties and associated materials became available, university scientists included them in these package programs and the IADP provided the institutional framework through which they were distributed. The Punjab Agricultural University (PAU) was one of the first seven and was the most successful. One of the reasons for this success was that when the university was founded, the director of the Punjab Agriculture Department, P. S. Deol, transferred all of the Department's experimental farms to it. Warned by the Agriculture Secretary that he was "emasculating" his department, he replied, "I know what I am doing. What is good for the Punjab agriculture is more important" (Goldsmith, 1990, p.104; Leaf, 1998, p.144). The initial IADP district for Punjab was Ludhiana, where the university was located. The university began adaptive trials of the new high-yielding varieties in 1964-65. Their seeds were first distributed on a large scale through the Punjab IADP in 1966-67 (Gill, 1983, p.206; Mahajan, 1991, pp.26-31).

Governmental reforms in 1965 and 1966 extended the IADP to the entire state. Local planning councils were set up in every district. In these councils, university extension staff met together with local officials from the concerned departments (irrigation, revenue, electricity, cooperative, and the like) and elected representatives from the village panchayats to plan a district package program for the coming season. The local officials were empowered to make commitments on the spot on behalf of their departments - something extremely uncommon in South Asia generally. These local plans were consolidated upward to become a state plan. If any of the state commitments had to be altered, the

state level administration would advise the local bodies. At the same time, the university staff undertook to assure that the necessary seed material and information would be available through the university extension service, including enormously popular “farmers’ fairs” held before each season on the PAU campus. No other state had anything approaching this kind of comprehensive and farmer-friendly system.

Other reforms in support of this basic restructuring included accepting a central bank initiative for the radical overhaul and expansion of the cooperative credit system that the previous undivided state government had declined. The cooperatives provided unsecured loans for all farmers for all necessary inputs for up to five acres. The loans mainly took the form of village level deliveries in kind at reasonable prices with practical repayment requirements - fertilizer, herbicides, and equipment for wells. Rural electric power was expanded on a priority basis. Fuel was made available to run diesel pumps, and all of this was backed by an aggressive approach to negotiations with the central government in the annual procedures for setting prices that the farmers would get for foodgrains at national stores. The prices the state representatives asked for were designed to assure that farmers who invested in the new technologies and improved crops could recover their costs plus earn a decent rate of return. Farmers were free to sell their produce for prices above the support levels if they could do so.

After disastrous agricultural years all over India in 1964 and 1965, Punjab produced record crops in the summer of 1966. Production continued to rise more rapidly than in any other state for another decade. This was the Green Revolution. M. S. Gill has underlined the role of the state government in coordinating all of this, rather than controlling it, by describing how dividing the office of the State Development Director led the gains to stall in 1972, while returning to the original organization restored the rate of growth in 1976 (Gill, 1983).

Separatist demands rapidly abated after 1967 despite causes for dissatisfaction with the manner in which the state had been divided. In addition to the loss of Kangra district, these included the appearance in the new state government of several allies of Indira Gandhi who had been under criminal indictment, the loss of state control over Chandigarh (even though it remained the capital), and the loss of the Bhakra-Nangal dam. Both Chandigarh and the dam became central government areas. Sant Fateh Singh promptly began a fast to demand these be corrected. He failed to gain wide support, broke the fast, and was discredited.

Indira Gandhi was elected Prime Minister in early 1966. Like Nehru, she defined herself as secular socialist. Unlike Nehru, she had little respect for the “Old Guard” of the independence movement. As she attempted to dominate the national government she drove many of them out. Their followers went with them. Congress electoral majorities shrunk to minorities. To continue to stay in power as Prime Minister, she formed alliances with parties further to the left, usually the Soviet-oriented Communist Party of India. This brought important changes in her agricultural policy. Where the Congress rallying cry for land

reform in the 1950s had been “land to the tiller” and their aim had been to do away with absentee landlords, the cry now became “land to the landless” and their stated aim was to do away with “kulaks.” In Punjab, because of the successful land reform, this could only be taken as meaning the peasant-proprietors who were and still are the backbone of the state’s productivity. Similarly, the “landless” could only be the village agricultural workers who made up the other half of a village division of labor. This had been in place over two thousand years; destroying it could not possibly increase productivity or levels of welfare.

In 1972, this failure to understand village life crystallized in a key piece of legislation that had been designed at the national level and adopted in the state by the Congress government then in power: the *Punjab Land Reform Act of 1972*. The law claimed to apply only to “intestate succession,” but since the traditional system of succession was based on rights from birth, not death, there was no custom of writing wills when the law was devised. So all succession could be considered intestate. The announced aim was to “close loopholes” in the earlier act. In fact, it did much more. First, it reduced the limit for a family to 7 hectares (17.9 acres). It was a substantial reduction, although most holdings in the state were already well below this. Second, it made this limit absolute for set grades of land, rather than dependent on productivity. Third, the compensation payments were far less than previously and clearly punitive. The law also would have made the ceiling permanent; no one would ever be allowed to accumulate land above the limit. The previous limit had been for one time only; afterwards the normal interplay of talents and market dynamics was allowed to operate as before. In addition, a series of provisions threatened to radically alter traditional family structure. The law seemed to empower the revenue officials to aggregate all the land of a family and then to require the head of the family to make a selection for himself (or herself) of land up to the limit, as well as a similar selection for each adult son. In traditional law, father and sons are joint owners if the property was undivided and the division would have to be agreed on mutually. And finally, no such selection was allowed for minor sons. Traditionally, minor sons would be included, so that all the men of the family were partners and the women of the family had the right to be supported by them. The entire structure of responsibilities and security within the family depended on this equality of interest across the generations. By extinguishing the rights of the minor sons in the land of the other brothers, the law violated this fundamental basis of family cooperation.

The law was promptly challenged in court and the court upheld the challenge. In *Sucha Singh vs. the State of Punjab*, the Punjab High Court declared that a law that was so destructive of family structure that it “cannot be said to be in the interest or by the way of agrarian reform, nay, it is the very negation thereof and cannot be upheld as valid or constitutional.” Rather than send it back to the legislature to be amended, however, state administrative officials appealed the decision to the Supreme Court of India. Their reasoning was that this would be the best way to get it out of the way for the longest time. It was to remain there for about five years. In that time, however, the Congress

majority in the central parliament enacted a series of constitutional amendments that consistently undercut the original challenge by undercutting individual rights in the face of measures declared to be in the interests of agrarian and social reform, and the anti-peasant rhetoric grew ever more menacing. The law was then ruled constitutional. Fortunately, when the law finally did go into effect, the supposed beneficiaries themselves blocked its potential destructive effects. Women filed documents waiving their new legal rights; men filed wills affirming the historic customs (Leaf, 1984, pp.174-179).

Other important central government actions in conflict with the interests of rural Punjabis concerned canal waters and commodity pricing. The concern related to canals was the initiation of construction of the Sutlej-Jamuna link canal to transfer water from the Sutlej River, in Punjab, to the Jamuna flowing into Haryana. This was related to a concern with the extension of the Indira Gandhi canal (formerly the Rajasthan canal). This was a huge project running from Harike dam at the confluence of the Beas and Sutlej rivers in Punjab far into the deserts of Rajasthan. From the perspective of Punjab farmers, both of these projects would take water from where it would be used efficiently to where it would not be. Everyone was also well aware that bribes and kickbacks associated with projects like these are a very important source of funding for the political parties that control the ministries that let the contracts. Punjabis, and the Punjab administration, consistently argued that the interests of agriculture and the nation would have been better served if the arrangements had been left to interstate agreements.

With respect to pricing, a continuing series of central decisions to hold down prices at which the government procured agricultural commodities, while increasing the prices of fuel and other inputs, resulted in ever worsening terms of trade for agriculture generally and for Punjab agriculture especially. Farmers were producing more but their returns on investment were declining.

In this climate, the Punjab Congress party increasingly took on the character of being pro-Centre while the Sikh-based Akali Dal and the Hindu-based Jan Sangh, allied as the Janata Party, took on the character of being pro-local. In 1973, the position of the Akali Dal was concretized in the Anandpur Sahib Resolution. It was brief. It listed two "principles," four "aims," ten programs to secure these aims that are mainly religious in nature, and seven objects it intended to achieve that were more political.

The seven objects directly suggested the main grievances. The first was to add to the state the Punjabi-speaking regions that had been left out in the 1967 delineation despite the clear acceptance of the linguistic criterion. The second was that in this new state, as in other states, central intervention should be strictly limited to defense, foreign affairs, posts and telegraph, currency, and railways. In effect this was a demand for resolving the underlying constitutional crisis by establishing something like the American reserved powers clause. This implication was underlined in a further provision of the resolution that called for the Indian Constitution to become "Federal in a real sense" and to assure that "all states are equally represented at the Centre." Other provisions mainly

concerned the elimination of discrimination against Sikhs and other minorities in government service and in civil life outside Punjab.

Indira's Drive Toward Authoritarianism

Punjab was not the only state where Gandhi's centralizing policies stimulated support for local opposition parties. It was a common pattern and Gandhi adopted a common tactic to deal with it. If she could not increase support for herself, she concentrated on disorganizing the support for her opposition. The most conspicuous method was to invoke the constitutional mechanism of President's Rule, Article 356, to take over state governments when opposition parties came to office, after which she would do whatever she could to assure that the following election would result in a Congress victory. The leverage at her disposal included the ability to promise development funds allocated through the Planning Commission, which Nehru had established within the office of the Prime Minister to oversee India's series of five-year plans on the Soviet model. Funds to support ordinary government activity mainly come to the states on a formula basis that is overseen by the national Financial Commission, a body of civil servants of high rank and assured integrity. There is little opportunity for political interference. The Planning Commission's "development" funds were a different matter. They came from a variety of sources including foreign assistance, and were under far more direct political control. They were also increasingly free of legal restraint in the ways in which such money could be spent.

The Indian Constitution had originally provided that no one would be deprived of property except by law, for a public purpose, and with due compensation (article 31, clauses 1 and 2). The first amendment, in 1951, removed this protection from agricultural "estates" held on the basis of a government grant (Article 31A) and also provided that any law aimed at development, and so designated by the President by being placed on "Ninth Schedule" of the constitution, cannot be challenged on the ground that it violates basic rights (Article 31B). Initially, such acts dealt mainly with agrarian land reform. Beginning with Indira Gandhi, however, bills were included that dealt with urban land reform, nationalization of businesses, and internal security. In 1958 there were twenty acts on the schedule (Basu, 1958). In 1988 there were two hundred (Basu, 1988, p.110). If authoritarianism is allowed in order to impose development, then development can be pled in order to impose authoritarianism.

The original purpose of President's Rule was to allow a last-ditch takeover by the central government of a state administration if the state government proved unable to rule. The process is initiated on application by the state Governor, approved by the President and ratified by majority in Parliament. The proclamation can be renewed by the same procedure every six months thereafter without limit. Since the Governor is an appointee of the President, the President is the key to the process.

In 1975, Gandhi was indicted for election fraud in Uttar Pradesh. In response she declared a national State of Emergency and promptly jailed a very large number of opposition figures, including many in Punjab. Among these was Prakash Singh Badal, who had led the Akali opposition in the state assembly and was strongly identified with the pro-farmer attitudes and policies behind Punjab's Green Revolution. Badal remained in custody for two years. A state of emergency provides for a substantial suspension of individual civil rights and allows the Prime Minister a wide range of dictatorial powers. Since it only takes a majority in parliament to ratify such a declaration, she sustained it in the face of great and constantly increasing public alarm. In 1977, she suddenly declared a date for new elections that gave the opposition only about three months to organize. She evidently thought they could not manage it. She was wrong. The ensuing defeat removed all her levers of power simultaneously. Yet in the Janata interlude of 1977-80 that followed, the legal and institutional changes she had made were only partially reversed. Nothing was done to change the constitutional provisions relating to the state of emergency or the use of President's Rule. Indeed, Janata began to use them in the same way.

Mrs. Gandhi was reelected to Parliament late in 1978 and returned as Prime Minister in January of 1980. In the process, she formed her own still more thoroughly personal breakaway faction, the Congress (I). She never again imposed a state of emergency, although she sometimes threatened to do so. She mainly returned to her earlier use of President's Rule. This had been invoked seven times in the 17 years from 1947 until Nehru's death in 1964. It was used 89 times in the 27 years from 1965 to 1992,² not counting renewals. Punjab has been administered under President's Rule for over twelve of the fifty years since Independence. The first was brief, just covering the period when the state was divided into Punjab and Haryana. The last two periods extended from October 1983 to September 1985 and from mid-1987 to 1992. Such long periods without elected governments necessarily erode local linkages that allow such governments to be responsive. It is particularly destructive when the government being kept out of office is actually the one with the majority of public support.

Increasing reliance on the use of President's Rule led to Gandhi's need to control the Presidency itself. The man she chose was Giani Zail Singh, a Sikh who had been head of the Punjab Congress government when the *Punjab Land Reform Act of 1972* was passed.

The legal requirement to invoke President's Rule is that the state government is unable to govern. Gandhi's method for assuring this in Punjab was to provoke Hindu-Sikh conflict in order to break up the political cooperation between the Akali Dal and Jan Sangh. This started with Jarnail Singh Bhindranwale. It was widely believed that Bhindranwale had been supported by Sanjay Gandhi and Zail Singh from the beginning of Janata rule in 1978. According to Nayar and Singh the support consisted primarily in covert provision of money (1984, p.31). According to press reports, Bhindranwale was repeatedly arrested by police but then released without explanation. The implication was that the police were taking orders from above.

Bhindranwale was a self-proclaimed terrorist, a deliberately threatening voice for Sikh dominance in Punjab and for his own zealotry in the Sikh community itself. His speeches show no understanding of the central concept in Sikh thought that truth is God and no recognition of the ethical universality that has been derived from it. They are simply crude recitations of the unparalleled virtues of Sikhs and of the equally unparalleled evils done to them by a government and a Hindu majority bent on destroying them. It is an ethic of destruction and ultimately of self-destruction. Bhindranwale first came to prominence in connection with Sikh agitations against the Nirankaris, a sect of self-proclaimed Sikhs whose practices most mainstream Sikhs found offensive. The Nirankaris had set up a center in Amritsar not far from the Golden Temple and persisted in conducting conspicuous ceremonies. The most notable was an annual event on Baisakhi day in which the leader of the sect, Baba Gurbachan Singh, had his followers give him his weight in precious things. In 1978, a group of militant Sikhs had marched in protest to this. They were fired upon by Nirankaris. Thirteen of the Sikhs were killed. Although the action had occurred in broad daylight in front of hundreds of witnesses, the main suspects were eventually acquitted because of contaminated police evidence. The head of the Nirankari movement was cleared of complicity and continued to preach in the state backed by strong statements of central government figures demanding that the state government protect religious freedom.

In April of 1980, Baba Gurbachan Singh was himself assassinated. Bhindranwale was among those suspected. In contrast to her lack of concern with the deaths of the Sikhs, Mrs. Gandhi was pictured in the Punjab papers laying flowers on his pyre. India's Central Bureau of Investigation vigorously undertook the investigation. The papers were full of stories of torture of suspects and the like. Bhindranwale was arrested in connection to the case on September 20th. On September 29th, armed Sikhs hijacked an Indian Airlines plane to demand his release. As religious and political extremism came to dominate public debate in the press, the government, and the SCPC, coherent discussion of development problems became increasingly impossible.

The Akali Dal allied itself publicly with Bhindranwale in July of 1982. They had been conducting an agitation to stop construction of the Sutlej-Jamuna link canal, but it had not been going well. It was being staged at the site where Indira Gandhi had inaugurated construction of the project, near a small village on the Punjab-Haryana border. It was far from public view and not getting press coverage. They therefore allowed Bhindranwale to merge his agitation to free some of his jailed associates with the canal agitation, take over management of the combined effort, and move it to Amritsar. The SGPC allowed him to take up quarters in the Guru Nanak Nivas rest house in the Golden Temple in order to engage in these activities. He did so, moving around the area with substantial press coverage even though he was being sought by the police on various charges associated with terrorism and murder. The inevitable effect was to submerge the unifying issues of development under the divisive problem of his presence and the support it implied for his claims of religious oppression.

President's Rule was imposed on the state on October 10, 1983. The Assembly was first suspended and then completely dissolved.

President's Rule made it impossible to implement local planning for the IADP package programs. The elected panchayat officers and legislative representatives who had taken part were declared to be out of office. Punjab administrators, now under central orders, were literally forbidden to speak with them. They tried to compensate but coordination and communication necessarily suffered.

While religiously-oriented extremists were coming to the fore, the developmentally oriented moderate leaders were jailed under overly broad anti-terrorism acts, murdered, or driven to silence. There was thus no one to stop Bhindranwale from moving back into the Golden Temple on the 19th of March, 1984, with heavily armed supporters when the police began finally to close in. He was welcomed by the then-President of the SGPC, Gurcharan Singh Tohra, and Harchand Singh Longowal, the President of the Akali Dal. Both Tohra and Longowal remained in the Temple and continued with their activities as usual. Operation Bluestar, the military attack on the Golden Temple, followed in June.

The army assault on Bhindranwale and the Golden Temple did not end the violence; it increased it. There were two main reasons. The first was that Bhindranwale was not the fundamental cause of the general breakdown of confidence in law and the political process that the violence in the state reflected. The second was that by then he was not the only source of the violence and probably not even the most important source. Bhindranwale's Damdami Taksal had been joined by the All India Sikh Students Association, the Babbar Khalsa, the Khalistan Liberation Force, and many less formal groups of religious vigilantes and other opportunists, some of whom apparently received help from Pakistan's ISI. The developmental concerns that had fueled the initial resistance to Gandhi's impositions were thus submerged in the wave of communalist violence, which could not possibly resolve the concerns but could only perpetuate them.

The next major consequence of Operation Bluestar was the assassination of Indira Gandhi on the morning of October 31, 1984. She was killed by Satwant Singh and Beant Singh, members of her personal guard unit. Beant Singh was immediately killed in turn, by her other guards. Satwant Singh was wounded but survived to be tried and hanged in 1989, along with Beant Singh's uncle, Kehar Singh, who was tried as a co-conspirator.

Gandhi's death was immediately followed by large-scale anti-Sikh rioting, arson, and murder in several poorer neighborhoods in New Delhi, and thereafter by similar activity in towns toward Punjab. The attacks went on for several days and there were abundant press reports saying that it was systematically organized by Congress (I) party cadres. Over 1,500 people were killed in the New Delhi attacks. It is difficult to know what happened in Punjab because by then the state was closed to all foreigners and the Indian press was under great pressure to avoid being overly critical. The pressure was supported by the government's control of the supply of newsprint. The reaction to the

assassination was also consistently seen and represented in communal terms, and not in terms that would have allowed the real causes to be corrected.

Rajiv Gandhi was elected Prime Minister three months after his mother's assassination, in December 1984. He then began a variation on the same set of themes, after some initial suggestions to the contrary. Immediately upon taking office he announced a program of economic liberalization that suggested a relaxation of his mother's drive to enhance her control through the planning apparatus. He also sacked a number of Congress (I) officials in areas where the anti-Sikh riots had occurred in a way that suggested he would let the law take its course from there. Officially, however, nothing came of these actions. He released Akali and other Sikh leaders who had been jailed and in response to a letter from Akali Dal President Harchand Singh Longowal, who had been among them, opened negotiations to restore cooperation. In the Gandhi-Longowal accord of July 24, 1985, Gandhi agreed to substantially all the points of the Anandpur Sahib resolution. He made similar agreements with other locally based opposition groups in Assam, Tamil Nadu, and Mizoram. In the end, however, the agreements were never carried out, the program for liberalization remained largely inoperative, and the development planning apparatus continued to be used to impose political control on the states.

Longowal himself was assassinated by Sikh extremists less than a month after the agreement with Gandhi. Investigators suspected the United Akali Dal, associated with Baba Joginder Singh, Bhindranwale's father.³ President's rule remained in effect. Finally, Rajiv entangled India in an effort to impose greatly increased centralization in Sri Lanka. The result was the same: increasing cycles of violence including his own assassination in 1991 by a Sri Lanka Tamil suicide bomber in Tamil Nadu.

It was only with Narasimha Rao's Prime Ministership that communal tensions and levels of violence began to decline. Rao initiated genuine and far reaching measures to promote internal economic liberalization, quietly put the Planning Commission into a state of suspended animation, and stopped using President's Rule to turn out state governments headed by opposition parties. President's rule was lifted in Punjab in 1992 and has not been re-imposed since. The police gradually suppressed those who had become committed terrorists, although with widespread collateral damage. The Akali-Jan Sangh alliance has been reborn as the Akali-BJP alliance.

The constitutional weaknesses are clear. The Indian conception of a federal system that can become a unitary state at the choice of the parliamentary leadership is a danger, not a safeguard. Civil rights and economic development are not mutually exclusive but mutually supportive. Authoritarianism in the interest of development is self-defeating.

Authoritarianism and the Party System

India's legislative authoritarianism reflects the way its political parties fight elections. Coalition party leaders agree on positions they believe will benefit their supporters, but they also agree among themselves on who will get what

ministry, fully intending to use such ministries as sources of revenue, usually illicit, to fight further elections. So the question that arises is whether it is possible to shift the focus of the political process from deciding which party will dominate a government to deciding how to empower those the government should be serving. The American two-party system functions this way, but the usual response to citing American examples is, "It will not work under Indian conditions." In fact, however, something very much like it already does work under Indian conditions. This is the South Asian system of village and regional alliances that goes by the name of "factions" (Leaf, 1984: pp.19-20, pp.205-223). That is, India has adopted a formal constitution at the governmental level that does not match, and therefore cannot easily integrate with, the informal constitution that has been in place at the local level for over two millennia - at least on the evidence of the *Ramayana* and the *Mahabharata*, in which alliances are built up by precisely the same processes that we see in modern villages.

In fact, the type of dynamic alliance-building that characterizes village factions actually did begin to break out in the 1980's, when Rajiv Gandhi was PM and Congress stopped gaining majorities. Parliamentary balances of power became ever more dependent on very narrow voting margins and strategic side-switching became endemic. The party leaders saw this as a serious threat to their control and their ability to make deals with one another, which it was. But it was not a long-term threat to efficient and responsive democracy.

The party leaders' response was the *Constitution (Fifty-Second Amendment) Act, 1985* and the *Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985*. These acts made members who do not vote according to the instructions of their party leaders subject to disqualification by their party leadership. The declared aim was to halt "defections," which it did. It also, however, halted a process that might have led to fewer and broader parties, and to the idea that an MP represents their constituency rather than their party. If it were eliminated, representatives would instantly become more beholden to their constituencies and less to their party bosses, which might very well lead to forms of political conceptualization more consistent with the way opposed interests are articulated in villages and many urban neighborhoods.

The Sarkaria Commission

In 1983, public concern compelled the government to form the independent national Commission on Centre-State Relations headed by former Supreme Court Justice R. S. Sarkaria. They worked for five years, held discussions with knowledgeable officials, former officials, and scholars. They sent formal questionnaires to all state governments and every significant national and local political party. A very large part of the state submissions was devoted to the ways central development schemes reduced the effectiveness of local efforts. The report was published in 1988, recommending a moderate program for greater separation of national and state functions, more devolution of taxing authority to the states, restrained use of Article 356, and substantial simplification of the basic constitutional document.

The memorandum from Punjab state called for a "truly federal system." This specifically included a reversal of the implied powers to leave powers not explicitly assigned to the central government with the states. It also included word for word amendments to the constitution and current legislation. The Akali party submission was similar and called for the complete removal of Article 356.

The Congress (I) submission, by contrast, was an extended defense of increased centralization. They argued that India had always been a unitary state, and that such federalism as there was reflected either misunderstanding or anti-national ambitions. They explicitly criticized the federalist views of the Akali Dal (Sarkaria, 1988: 663). An appendix argued that the American government itself had been moving in the same direction, and not by popular consent but mainly by judicial interpretation (*ibid.*: 675).

The views of the other states ranged between these poles. States closely agreeing with Punjab included Tamil Nadu and Gujarat. Public and press reactions to the report's recommendations were substantial and favorable. Gandhi's Congress (I) government did not take any of the recommended actions.

Authoritarianism and Panchayati Raj

The most conspicuous lack of empowerment concerns villages. About seventy percent of Indians live in them, yet historically villages have not been legal persons. They have been "cadastral units" only. They could not make contracts, they could not decide on the form of their own governments, they could not set up courts, and they could not decide on their own to levy taxes and fees - even if they have populations of tens of thousands. Panchayat acts in the various states differed in detail, but since the B. R. Mehta report recommendations of 1958, state laws have generally prescribed open elections, seats for marginal groups, power to hear charges brought for very minor matters such as small thefts, the power to regulate the locations of some possible nuisances, and the power to raise a local tax to hire a village watchman. Elections were called and supervised by state governments.

Until 1993, there was a very clear distinction in law between villages and municipalities. Only municipalities could contract to create public infrastructure and pay for it with taxes. In Punjab, with 27 million people, there are ten municipalities. The largest number in any Indian state is twenty-six, in Maharashtra. By contrast, the American states of Texas and California, with populations roughly equal to Punjab's, each have over four thousand. They have even greater numbers of other kinds of public bodies with taxing authority or the ability to levy compulsory fees for services: hospital districts, school districts, rural fire departments, historic preservation districts, community college districts, irrigation districts, domestic water districts, sewage districts, garbage districts, toll road authorities, air pollution control districts, and so on. Each state has its own laws for what such bodies can be and what powers they can have. Some receive subsidies from the state but most do not. Many can sell bonds to finance major projects, which require approval in a public election and

are then paid off out of their own revenues. By federal law, income to such entities is exempt from federal income taxes.

The impositions of President's Rule led to the withering away of panchayats in most states. If no state government was sitting, no election could be called. Nor did state governments call an election when those elected would be of the opposition party, as was often the case when the state government was Congress (I). This was another area where Rajiv Gandhi appeared to back away from his mother's impositions but where the change was in the end only superficial.

While the Sarkaria Commission was working, Gandhi initiated a concern in Parliament with "revitalizing" Panchayati Raj. In 1985, the G. V. K. Rao committee, appointed by the Planning Commission, recognized both the dysfunction of panchayats and the widespread failures of central schemes for rural development by arguing that for them to succeed a comprehensive view of rural development had to be taken, in which "primary rural institutions" (PRIs) should have a central role. PRIs should be initiated in every village, organized under the existing Block Development Offices. PRIs were understood to be elected panchayats.

In 1986, the L. M. Singhvi Committee attributed the "ennui" of the panchayat raj institutions to lack of conceptual clarity. Singhvi was a prominent lawyer with no rural background of any kind. The data for the report were not anything about actual villages but rather contemporary laws establishing panchayats and community development bodies. Its conclusion was based on the idea of being more forceful about creating village democracies:

The committee envisages and recommends that local self-government should be constitutionally recognized, protected and preserved by the inclusion of a new chapter in the Constitution. Local self-government and more particularly, Panchayati Raj institutions, should be constitutionally proclaimed as the third tier of Government (p. 8).

The report agreed that these renewed village democracies should be subordinate to the district administrative systems already in place. In 1989, apparently on the basis of these recommendations, Gandhi introduced the 64th Constitutional Amendment Bill to give panchayats constitutional status. The Sarkaria commission recommended against it. It passed in the lower house but was rejected for lack of clarity in the Rajya Sabha.

Then, during the Rao administration, the proposal came back as the 73rd and 74th Constitutional Amendment Acts. These passed. The 73rd provides very full and detailed specification of the organization, processes, and powers of panchayats in accordance with the recommendations of the Singhvi report. The 74th provides closely parallel descriptions for municipalities. But this does not mean that India has now turned every village into a political body with the powers of Western municipalities, for two main reasons. First, Indian municipalities do not have the powers and autonomy of Western municipalities and the new provisions leave them in the same dependent relation to state and

central governments as before, perhaps even more explicitly limited. Second, the assignment of similar powers to village panchayats depends on their receiving a portion of the state revenues that they collect, usually to carry out state schemes. Most states, including Punjab, do not appropriate these funds. The law says that they also can levy other taxes or undertake other projects, but only with approval of block and district administrators. So they still must ask state administrators for what is within their nominal jurisdiction and have no authority at all for undertaking anything else.

For the national level, the powerlessness of panchayats has been accurately summarized by Bandyopadhyay, Ghosh and Ghosh (2003). In the words of their title, the laws establish dependency, not autonomy. Lest this be unclear, here are three key quotations that expand their meaning:

There was no dearth of well meaning schemes for the villages also particularly after the 1970s. But those were conceived at the top and implemented by the local bureaucracy with no accountability to the people. People were only at the receiving end. They had no say in determining what should be done for their development or how the fruits of development programmes should be distributed or even how they should be monitored (p. 3987).

There is no attempt at devolution type of transfer of functions, functionaries and financial resources from the state government to the panchayats. True, every act gives lists of wide range of functions to be performed by the panchayats. But no exclusive functional area for these bodies is carved out. They are merely 'permitted' to work within the functional domain of the state, subject to such conditions as the state government may deem fit to impose (p. 3989).

Thus, what is singularly absent in the state acts as well as in the policies of the states is the question of 'autonomy' of the panchayats, which is at the centre stage of conceptualisation of the institution in the Constitution (p. 3989).

No one has provided a state-level description specifically for Punjab, but the Punjab situation is as near to Haryana's as makes no difference and Mahi Pal has described it there. His title gives the conclusion: "Centralised Decentralisation: Haryana Panchayati Raj Act, 1994." He goes through all the important sections. The main differences between this and the preceding regime are that elections have been held regularly and there is more preoccupation with including women and "marginal groups." Also, the law has shifted the required approvals from what Pal calls "deputy commissioner raj" to "political leaders and bureaucracy" (p.1844). The panchayats do not enable villages to engage in independent developmental activity, either alone or in associations.

Authoritarianism and Liberalization

Since 1992, Punjab elections have occurred regularly. They have brought locally oriented moderates back into power, although religious extremism and communal demands continue to be important distractions that deflect debate from issues that are resolvable by government action to those that are not. P. S. Badal has consistently led the Akali Dal, the SGPC, and most state governments. Captain Amarinder Singh has led the Congress. Yet Punjab's economic growth has been flat or declining. Why?

The successive Punjab governments responded to the increasingly harsh terms of trade for agriculture by increasing the range and amounts of subsidies and supporting substantial expansions of the types and amounts of credit made available through the cooperatives. In consequence, Punjab's farmers have become increasingly enmeshed in a web of controlled prices for what they produce and subsidies for what they need to produce it, including their own food (Ghuman 2008, p.13). This is the situation that has been seen as underlying the farmers' suicides of recent years (Gill and Singh 2006; Satish 2006; Sidhu 2002; Sukhpal Singh 2006). This is dependency, and this is what has to be removed.

Conclusion

The debate on development in India and Punjab since Independence has been dominated by two options: central planning and *laissez faire*. There is an alternative to both. It is exemplified by the American response to the Great Depression that began in 1929: the New Deal.

The phrase "New Deal" meant a new relation between government and the people. This involved three distinctive ideas that are still applicable in India and Punjab: "agricultural adjustment," "managed competition," and "industrial self-regulation." The purpose of agricultural adjustment (Nourse 1936) was to overcome the vulnerability of farmers to business cycles caused by overproduction and price collapse. This was done in part by government action to provide incentives for farmers to cut back production, and in part by government support for a wide range of non-governmental, autonomous, cooperatives, businesses, and regulatory commissions for processing, storage, and marketing.

The regulatory commissions were based on the idea of industrial self-regulation, in contrast to direct regulation by government. Members of the commissions were drawn mainly from the regulated industries themselves, but also from government and consumers. Their purpose was to assure competition, but also stability. Regulations should prevent price collusion but allow a reasonable level of profit. They should assure competition but eliminate destructive competition. They could allow protection of trade secrets, but should also protect investors and consumers from misrepresentation. The number of such bodies was in the thousands. Some were federal, like the Securities and Exchange Commission and the National Labor Relations Board. Many were statewide, like virtually all insurance commissions and professional licensing

boards. Some were (and are) for a specific industry and can be joined voluntarily by businesses that then adhere to their standards and advertise that they do so. This includes universities and colleges. Fees or dues from the entities that are regulated financially support such commissions.

Managed competition is what results. This continues to be the basis of American economic and professional regulation. Of course, sometime the self-regulation is not enough. Then legislatures have to step in. This can happen at any level. The laws may modify the commissions such as by adjusting powers or membership, they may modify incentives such as by adjusting taxes, or they may directly stipulate standards, such as various mine safety acts, the Civil Rights Act (1964), the Clean Air Act (1970), and the Clean Water Act (1972). The same kind of pluralistic economic regulation was begun in Europe as part of the Marshall Plan.

Doubtless some will say that this cannot work under Indian conditions. The American organizational and conceptual assumptions are pluralistic and pragmatic. The organizational and conceptual assumptions of the Indian constitution are hierarchical and directive. Yet there are exceptions and they consistently outperform their government-dominated counterparts. In *Pragmatism and Development*, I describe examples from all across India, focusing on problems of irrigation and agriculture (Leaf, 1998).

In Maharashtra, for example, the sugar mill cooperatives are run by the sugar growers, and are successful. Maharashtra credit cooperatives, by contrast, are government dominated, paternalistic, and suffer periodic bankruptcy (Leaf, 1998, p.124). In Gujarat, the irrigation department had a massive problem with underperforming irrigation systems. Areas irrigated were commonly less than half what was projected and water fees were not covering maintenance costs; farmers refused to follow the rules in taking water or paying for it. In 1989, the department tested a system for rehabilitating canal minors one at a time by working with farmers to establish farmers' groups that would participate in the design process and then take over operations when the rehabilitation was complete to the farmers' satisfaction (Leaf, 1998, pp.83-89). Gujarat has now made this their standard method.⁴

In Punjab, the PAU extension service was patterned directly after the American Land Grant universities. The attitude of the agriculture director in supporting it was the same. Their aim is to assist farmers, not control them. The Punjab combination outperformed every other state in India in 1965 and it still does.

As has already been said, however, the problem in Punjab is that continuing along the original lines is no longer viable economically. This is precisely where we see how the current legal setup is too restrictive. For example, the apex Punjab credit cooperatives are organized under a department of the state government. Their policies and procedures are established by law, not by their members, and their officers are appointed by the state government. The law also prevents competition. These and other government cooperatives are the only large cooperatives. Under the *Punjab Undesirable Cooperative Societies (Dissolution) Act, 1993*, cooperatives other than the government cooperatives

cannot engage in banking at all. Otherwise, the *Punjab Co-operative Societies Act of 1961* requires that no individual can hold more than 10% of the shares and no individual can hold shares worth Rs. 50,000 or more. No cooperative could start a major business with these constraints.

Seemingly recognizing the danger in these limitations, the *Punjab Self-Supporting Cooperative Societies Act of 2006* provides that new autonomous societies can be formed for any purpose. They can also join together. But they receive no state assistance and are not audited by the state. Village societies formed under the 1961 act that have received no state assistance can apply to come under the 2006 act. Delays ensued. After passage, it was sent to the President of India for assent. Assent was received in 2008. P. S. Badal announced it to the public in 2010. Nevertheless, in *Civil Writ Petition No. 11329 of 2011*, the Kansal Cooperative House-building Society had to ask the Punjab-Haryana High Court to order the Registrar of Cooperatives to comply. The registrar's response was that while he had submitted rules to the government for approval, the government had not notified the rules in the official gazette. So he could not act. The court ordered the registrar to approve the application. This was in January of 2012.

This law and the attitude behind its implementation is not the way to end dependency. The attitude is *laissez faire*. Such societies could be much stronger if they could easily obtain reliable audit services and if members had ready recourse in cases of malfeasance. It would be better still if the registrar worked to assure that such societies succeeded rather than to obstruct their formation, and if it were not necessary to go all the way to the High Court to get him to act as required. There is also great potential for non-profit organizations. The current Punjab law envisions mainly charities. It, too, should envision much more.

Punjab's countryside still needs more infrastructure. Its cities need to be cleaner. Schools need to be much better. Public transport needs to be better. Overused farmlands need to be reclaimed. More electricity is needed. Cooperative services should be reconceived to enable farmers to coordinate production to demand and to benefit from storage, marketing, and secondary production. Extension services should be reconceived to support such cooperatives. Real crop insurance is long overdue. And for all of this to work, lower courts have to be more competent and reliable. How can the state government do all this? It cannot. But the people can, if legislation provides the means to form a wide enough range of appropriate organizations and if the courts and administration provide incentives that consistently support honest effort and open dealing.

Notes

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1. The original five were Kansas, Ohio, Tennessee, Missouri, and Illinois. In 1963-64, the agreement was modified to concentrate attention more

exclusively on the Indian agricultural universities while bringing the number of participating U. S. universities to six.

2. Lok Sabha Secretariat (1991), Appendix IV.
3. From 'Power to cost more in Punjab' in The Tribune.
4. G. I. Gianchandani, personal communication, 2013.

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