FROM TAKRAR TO KARAR*: THE LOK ADALAT AT RANGPUR—A PRELIMINARY STUDY

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Part One: Introduction

I. PRELIMINARY OBSERVATIONS

The study of dispute institutions in society has been, and remains, a major item on the agenda of sociology of law. Juristic preoccupation with the official legal systems has generally led to the belief that other dispute institutions are wayside relics, conceivably of marginal importance, to the study of law in society. Indeed, the general tendency has been to subsume studies of non-official dispute institutions under the rubric of “cultural” or “legal” anthropology, an exotic field for a few specialists which a busy judge, lawyer or legislator finds of little immediate relevance.

And even “legal” anthropology has yet to win recognition in India as

* Takrar (quarrel); karar (compromise, lit agreement). Cf. Glossary of Indian Terms
Cf. Addendum to this paper.

** The paper is the result of a study by Dr. L. M. Singhi, Executive Chairman of the Institute of Constitutional and Parliamentary Studies; Advocate-General of Rajasthan; Senior Advocate, Supreme Court of India; and Hon. Professor of Law, Universities of Delhi and Andhra; and Professor Upendra Baxi, Professor of Law, and Dean, Faculty of Law, University of Delhi, as a part of the Project on “Delay in Administration of Criminal Justice in India” undertaken by the Institute of Constitutional and Parliamentary Studies on behalf of the United Nations Social Defence Research Institute, Rome. The author has read the present paper and concurs with it. It is hoped that the author would be able to pursue the study further in collaboration with Dr. Singhi.

The first two parts of the paper were presented at the 1974 Seminar on “Public Participation in Criminal Justice” at Bombay under the joint auspices of the Indian Council of Social Science Research, the Tata Institute of Social Science Research and the United Nations Social Defence Research Institute, Rome. The author had also the privilege of close collaboration with Dr. Avadh Prasad of the Kumarappan Gram Swaraj Institute, Jaipur, who conducted more intensive field investigation on some of the lines of inquiry suggested in the paper.

an integrated discipline. Dispute-resolution institutions remain a figure incidentally in ethnographic accounts. Their significance is that stability and change is perceived only occasionally. Tribal ethnology has also generally overlooked the significance of dispute institutional processes. (ICSSR, 1972: 31-133; 258-61; Veena Das, 1974). Even where some preoccupation with dispute institutions is visible, opportunities of systematic investigation appear to have been surrendered (Baxi, 1973). The major notable general work on social control and justice among tribal communities continues to be Christoph von-Furcar-Haimendorf’s Morals and Merits (1967) and studies by Professor Naik (ICSSR: 1973, p. 258).

Even so, India does not have any studies of the type presented by Adamson Hoelbel (1954), Max Gluckman (1967; 1965), Paul Bohannan (1957), A. L. Epstein (1964), to mention only a few landmark ventures in “legal” anthropology. The fact that leading Indian universities continue to fall back upon Sir Henry Maine’s seminal works for postgraduate legal education is not just a testimony to obsolete legal curricula but it is also a sad commentary on the state of art in the field.

The need to redress the cumulative default is urgent. Our present paper, with its many evident inadequacies, is just one more contribution to the meagre periodical literature in the field (Veena Das, 1974; Baxi 1973). But it is hoped that these contributions do now lead us to “take-off” stage for the development of legal ethnohistory in India, a task of vital importance too in the sociological “mapping” of dispute institutions and processes in our society.

At the outset, we wish to acknowledge the many inadequacies of the present paper. Our paper is exploratory; it is an agenda for further research rather than a conclusive study of the Lok Adalat (“People’s Court”) at Rangpur. Our initial field-contact was limited to only three working days. Neither author had undertaken any ethnographic investigation before. Neither is a fully trained sociologist or anthropologist though each has been, in his own way, exposed to the tradition of sociological jurisprudence. What we say arises from what we have observed and what we observed was limited in both time and space. We are convinced that a major study would need substantial investment of scholarly and logistic resources and that such a study will be richly rewarding, aside from its scientific fallout, for the community of lawmen generally.

II. THE RANGPUR ASHRAM: AN OVERVIEW

Rangpur, located about 100 km. from Baroda, is in Fenai Region “a hill with a crooked top, on the bank of river Hiran, a tributary of Narmada”. The region comprises about 1,000 villages of Chota Udaipur, Naswadi, Jabugam, Sankhedha and Tilakwada taluks of Baroda district
in the state of Gujarat. It is populated mainly by Adivasis (aboriginal tribes) bhils, kolis, rainavas, and talowis. The area roughly covers 26,000 sq. km. "The greater part of this area is best covered by foot or a sturdy jeep" (Goyal, 1968). A part of this area is a "scheduled area" under the order issued by the President in 1950 (Shah, 1964: 17). Tribal population forms 12.78 per cent of the total population of Gujarat; 17.48 per cent of the tribal population (that is, 2,08,899 people) lives in Baroda district (Shah, 1964: 17). Although there are some general studies of tribal life in Gujarat (Shah: 1964; ICSSR, 1973: 77-81), studies of the Bhil society are rather few. The only full-length account of the Bhils is found in T. B. Naik’s work (Naik, 1956); and that, too, is specially oriented to the Bhils of Rajpura and western Khandesh regions of Gujarat. Partially relevant in detail to region under our study.

Until some time after independence, the history of tribal peoples in this area was the history of a deeply exploited people. The agents of exploitation are described, by a sympathetic observer, as the “trinity of sahukars (money-lenders), police and forest officials” (Goyal, 1968: 7). Harrowing accounts of mercenary exploitation, injustices, and even savagery, abound (Parikh, 1973). The tribal people, notable for their not practising shifting cultivation were, however, rendered mostly to the condition of servitude by the devices of money-lenders. A generally peaceful people, their capacity to be exploited seems limitless, if available records are to be taken at their face value (But see Naik on the Bhil tendency “to disrespect law and order”; 1959, 216-218). The Bhils were “much given to drink” (Naik, 1958: 22); and “crimes” under the influence of drinks were, and are, common among Bhils in Gujarat today, despite the official policy of prohibition (Naik, 1956: 219-223). But the Bhils are not, for all this, a “criminal tribe” (Id., 215).

In 1949, Anand Niketan Ashram was established by Harivallabh Parikh (whose thumbnail biography follows in the next section) at Rangpur, on 16 acres of land. The Ashram is the epicentre of a myriad socioeconomic development activities in the Fenai Region. It has a trained cadre of Karyakartas (workers) which now numbers around 70. The Ashram serves as a training-cum-demonstration farm. It provides technical help, credit, sale, and purchase facilities. It provides education and relevant skills for rural uplift.

Through the slow spread of Vinoba’s Bhoomi and Gramdan movements (gifts of lands and villages), ownership in 402 villages (up to 1971), comprising 7,500 acres of land and serving more than a hundred thousand families has been transferred to gramswaraj cooperative societies since Gujarat has not yet legislated concerning Gramdan. The land formally stands in the name of these societies, though for all practical purposes it is tilled by individuals who hold it in trust. A certain amount of redistribution of land also takes place in the process. It is claimed that as many as 5,370 acres of land have been so far released, “redistributed” to the landless. Most of this land is, apparently, released through Bhuml Muktij (liberation of land) programmes launched in the first phase of the Ashram’s activities. Bhumji Muktij was accomplished by negotiations, backed by “mass pressures” and Satyagraha directed against sahukars. In Rangpur village, it is claimed that 85 per cent of the land was in the hands of one sahukar. It was released by compromised liquidation of outstanding debts. Similar processes elsewhere in the area, coupled with the spread of gramdan movement, have led to some redistribution of land.

The activities of the gramswaraj cooperative societies are financed through a certain percentage of produce (in cash or kind) given by every cultivator of the land. Additional finance is made available through bank loans, which have significantly increased owing to a 100 per cent recovery rate. The following figures tell the story:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Villages</th>
<th>Farmers</th>
<th>Loan</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970-71</td>
<td>26</td>
<td>111</td>
<td>Rs. 1,40,000</td>
<td>100 per cent</td>
</tr>
<tr>
<td>1972-73</td>
<td>152</td>
<td>1188</td>
<td>Rs. 11,31,425</td>
<td>100 per cent</td>
</tr>
</tbody>
</table>

Integrated finance is also provided by (through) cooperative and multi-purpose service cooperative societies. Irrigation and other projects are also partly funded by Indian and overseas philanthropists and voluntary agencies (e.g., Community Aid Abroad, Australia, Oxfam, War on Want, etc.). A major achievement of the Ashram seems to be its irrigation programme which has brought 50,000 acres of land under irrigation under various schemes. Farm mechanization and improved animal husbandry programmes have also been pursued.

On the social welfare front, apart from Jeevan Shala (Schools for Life) and adult literacy programmes, the Ashram has launched Sharab Muktij (liberation from liquor) programmes and claims significant success. It is claimed that one direct consequence is a decline in the murder-rate. A sympathetic observer puts it thus: “A couple of murders very week (was) so normal that when the rate declined in this area, the police officials suspected that their subordinates had begun taking more bribes than was customary” (Goyal, 1968: 7). This statement needs more careful examination in future studies.

The Ashram maintains active links with international social service organizations; and is currently the Indian headquarters of the Sarvas Peace Builders.

The Ashram appears to have become a significant political force in Gujarat over the years. We were told that victory at polls in this area, at
any rate, depended on explicit political support by the Ashram leadership. This appears highly probable. The leader of the Ashram, Harivallabh Parikh, seems to have been courted by many political parties. Parikh himself seems to have associated with different political parties at different times; and has openly supported candidates of various parties. Currently, he is the convenor of all-party movement called the Gujarat Khet Mazdoor (farmers and labourers) Parishad (conference). Perceptions of political leaders of Parikh and Ashram seem to be changeful. Parikh has considerable appreciation in Sarvodaya movement and in many ways belongs to it. Yet, he does not appear (or aspire) to be among the national leaders of this movement. Further studies will have to focus on the political profile of the Ashram as well.

The extent of the overall progress of Ashram’s socio-economic activities in eight talukas (village areas) of Baroda district can be seen in the following table:

<table>
<thead>
<tr>
<th>Talukas</th>
<th>Gramdan Villages</th>
<th>Ashram’s Centres</th>
<th>Gramswaraj Cooperative Societies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dabhoi</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Vaghoda</td>
<td>20</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Sankhadia</td>
<td>8</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>Tilakwada</td>
<td>204</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Narswadi</td>
<td>98</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Rajpipla</td>
<td>68</td>
<td>3</td>
<td>34</td>
</tr>
<tr>
<td>Chotta Udaipur</td>
<td>402</td>
<td>8</td>
<td>34</td>
</tr>
</tbody>
</table>

The whole taluk of Narswadi (where Rangpur is located) was declared Gramdan. The eight centres represent an extension of Ashram’s activities and testify to the bureaucratic organization of what must, on all accounts, be called the “government” of about 1000 villages in the region.

III. THE LOK ADALAT: AN OVERVIEW

Foremost, however, among the achievements of the Ashram, and organically related to its creation, development (and perhaps its viability in the future) is the Lok Adalat (People’s Court). Historically, it was Harivallabh Parikh’s involvement in local dispute-settlement which won him the crucial leadership role. One cannot understand the Lok Adalat without fully appreciating the evolution of Parikh’s leadership in the region. His legitimation as a leader—perhaps as a charismatic one—began with his acceptance as a mediator. A brief profile of Harivallabh Parikh is a necessary introduction to the study of Lok Adalat.

Parikh belonged to a well-to-do, perhaps aristocratic family. His father was in royal service first in Dhanghra, Saurashtra, and there after in Jodhpur, Rajasthan. Around matriculation, Parikh came under the spell of the nationalist leaders. He abandoned formal career education and studied first at Wardha and then at Gujarat Vidya Prith. He spent a substantial time with Gandhi. In 1942, during the Quit India Movement, he went “underground” and was exposed to militant extremist influences. In 1946, he joined the integrated village Reconstruction School (Samagra Gram Sava) in Sevagram. In trying to perform pacifying tasks in the partition era, he was badly beaten up and sustained severe injuries which still trouble him today.

When Parikh decided to settle down for constructive work, he was advised by the late Balvant Rai Mehta (a Gandhian, stalwart leader of Gujarat) to work in Gujarat. In his search for a suitable place, he toured almost all districts of Saurashtra in Gujarat, until he heard about the tribal population in Baroda district. He found, to his astonishment, that most people he encountered casually in this area had not even heard of India’s independence or even the struggle for freedom!

His concern thus aroused. Harivallabh came to the village Kosinendra, called a “white” village by the Adivasis. Moved by “the beauty of nature”, and the “misery of people” he decided to settle in the area. What happened thereafter is worth quoting from a monograph A Dream Comes True: Twenty-three Years of Annand Niketan Ashram (no date; all quotes not attributed in this paper to any source are derived from this publication):

“A few weeks later he returned, together with his wife, to the Adivasi village called Vanta, but the villagers refused to entertain them. His reputation had travelled faster and suspicious officials and Sahukars had sufficiently intimidated the Adivasis to have no truck with the newcomers. The bullock-cart which brought them from Kosinendra dumped their meagre effects below a neem tree and went back, promising to bring them rations from time to time, provided they survived the wrath of the Adivasis in one of their drunken moods. So, under the greenwood tree, the young couple passed several days, singing devotional songs, roaming about the huts washing children and chatting with a person or two who dared to have concourse with them. It was the winter of 1948.

“Gandhiji had counselled his neophytes not to involve themselves in local disputes, in order that they may serve all and remain free to devote themselves wholly to constructive work. Harivallabh faced conditions in which he had to disregard the advice of his master from the outset. In the very first few days, such among
the villagers who talked to him spoke of their feuds and of the murders in which their quarrels often ended. Marital disputes were common, and women were the chief complainants. Having little else to do, Harivallabh took the plaints of the aggrieved to their opposite numbers and marked the trees equidistant from their homes, under which they could meet without slight to their honour. He acted as an umpire and was often able to settle the quarrels amicably. Thus arose his Lok Adalat, or Open People’s Court..."

These processes which made Harivallabh Parikh (a “white”) acceptable to the local people were reinforced by two or three rather dramatic events involving sahukars, forest officials and the police. They happened at different periods of time, not too far removed from each other. Nonetheless, they singly and cumulatively enhanced the prestige of Parikh enormously in the eyes of the local populace, particularly the Adivasis.

The first incident involved the arrest of a bania (small money-lender) at the persistent efforts of Harivallabh. The bania had usurped the crop of cotton in lieu of debts incurred by a villager in Chalamali in 1959 (approximately 11 km, from Rangpur). Harivallabh asked the bania to come to him with his account books, promising just settlement, to him. His requests being ignored, he “persuaded” the local police to take criminal action against the bania for wrongfully removing the villager’s crop. The local police, who were initially reluctant, yielded on Harivallabh’s threat of further action through superior officers. He, in fact, threatened to expose the full extent of their corruption. The bania was taken into custody; apparently for the first time in this area. When this happened, the sahukars and the banias of village approached Harivallabh to help settle the matter. Some even touched his feet, by way of apologising for their past behaviour. A compromise was arrived at: accounts were settled, a fine of Rs. 150 was paid to the villager by the elder brother of the bania, the case was withdrawn.

The other episode concerned the atrocious behaviour of some forest officials, who when their personal exactions were not fulfilled, made the entire womenfolk of village form a “bridge of human backs” upon which a robust official walked. Harivallabh’s intervention ultimately brought punishment on these officials and a public apology by the Conservator of Forests of the State (Parikh, 1973: 1-17). The third incident (Rape of Revati, see Appendix A) also involved public exposure of the rape committed by the policemen and severe official action.

In each of these three incidents, the Lok Adalat (in its varying stages of growth) was involved. In each case, the traditional exploiters of Adivasis were vanquished. The unheard of happened when the sahukar to the police, and the forest officials apologised through Harivallabh to the Advasi.

Harivallabh, fondly called Bhai (Brother; we shall hereafter refer to him as Bhai), now began to be called by some as Prabhu (God), the latter testifying to the appreciation of charismatic qualities of the leader.

From these beginnings, the Lok Adalat claims to have settled, in the last quarter century, more than 20,000 cases. With this general, and far from sociologically adequate background, we now proceed to analyse the institution itself in all its aspects.

Part Two: The Dispute Process

In this part, we principally deal with the dispute-handling structures and processes. The choice of analytical framework caused us some anxiety in view of our limited field experience. We felt, however, that it was still worthwhile to organize the available information around the framework of eleven analytical categories preferred by Upendra Baxi (1973). The more comprehensive analysis of Richard Abel (1974) became available to us only on the eve of the study. While there are certain similarities between Baxi’s and Abel’s analytical frameworks, the latter’s concepts of structural and processual variables is certainly more comprehensive. Abel’s taxonomy provides a fundamental reorientation to the study of dispute institutions in society, and will need to be followed hereafter by legal ethnographers everywhere, if they wish to avoid the basic “informational shortfalls” (Baxi, 1973) which impede development of the comparative sociology of dispute-handling.

I. Dispute Handling Structures

A complete “mapping” of dispute handling institutions in the area must await further research. But a general survey discloses six dispute institutions: (1) traditional Bhil panchayats; (2) official village panchayats, (3) Gram sabhas; (4) Lok Adalat; (5) official courts, and finally, (6) holders of supernatural powers.

It is difficult for us at this stage to assess recourse-patterns or saliency of anyone of the above-mentioned dispute institutions. However, some general observations can be made on the basis of our present impressions. Thus, traditional Bhil panchayats, which were informal but important institutions, have not survived contact with “civilized Hindus” (Naik, 1956: 53). Certainly, in the area we studied they appear to have been supplanted by Gram sabhas and the Lok Adalat, and perhaps to some extent by official courts and formal village panchayats entrusted with a limited dispute handling function.
As regards (ii)—(the official panchayats)—we were informed that its functions in disputes were effectively taken over, and performed, by the Lok Adalat. We would, however, hypothesise that the official panchayats must perform some dispute-handling functions in non-Grandan villages, though they may have been virtually rendered functionless in Grandan villages.

We have identified, as the sixth dispute institution, the human holders of supernatural powers which mainly include, in the Bhil religion, badwas. Badwas are classified as “white magicians” by an eminent authority on Bhils of Gujarat (Naik, 1956: 185), in whose account they pre-eminently perform the tasks of divination and exorcism of evil influences which cause disease. Our information, in the area under study, reveals that badwas has a variety of additional functions, which include performance of ritual and ceremonies in the routine annual cycle as well as during landmark occasions in a year (e.g., harvesting, rainfall). The witches, according to Naik, are also divined and exorcised by the badwa, who are regarded as the most effective curers of the diabolical influences of female sorcerers (Daken). Generally speaking, then, the badwa institution deals more with medical, psychiatric and religious needs of the concerned communities. Our principal and perhaps the main reason for including it in a list of dispute institution in the region is that badwas are attributed powers of divination and exorcism of darkens. Accordingly, when disputes arise over the characterisation of a woman as a dakan, it is fair to presume that in the traditional Bhil social organisation, the matter will be conclusively settled not by panchas but by badwas.

In any event, this particular function of badwas seems to have been taken over also by the Lok Adalat in recent years (see the sixth case in Appendix A).

Thus, we are left with four major dispute institutions: the Lok Adalat, Gramsabha, official courts and village panchayats in non-Grandan villages. The first two are organically related; since the impetus to Grandan movement is a direct result of the Rangpur Ashram activities, including centrally the Lok Adalat. The Gramsabha is comprised by all the heads of the families in the village. Although the exact dispute handling process in Gramsabha remains to be studied by us, we do know that there are substantial similarities in many matters. (See Appendix A.) This is not surprising in view of the fact that Gramsabha leaders are actively associated with multifarious activities of economic uplift and social well-being emanating from the Rangpur Ashram.

Of the other two agencies, the structure of official courts is too well-known to need description; the other agency—panchayats—remains to be studied closely. We outline in the next section the structure of Lok Adalat.

II. THE LOK ADALAT : STRUCTURE AND REACH

As a result of silent evolution (aspects of which have been mentioned earlier) of over a quarter century, the Lok Adalat has now attained a distinctive formal structure of its own. In the process, the inevitable routinisation and bureaucratisation of charismatic leadership (as analysed by Max Weber) is also evident.

The Lok Adalat has now a Chairman (Bhai, on 99 per cent meetings), a Mantri (secretary) and at present an officiating Mantri. In the office of the Ashram, the Mantri is the exclusive functionary for the Lok Adalat, though he also attends to other tasks of Ashram in his free time. The position of Mantri (initiated circa 1966) has been so far held by “career bureaucrats” in the Ashram. That is to say, both the incumbents (Govindbhai and Bhatt) have come to the Ashram from outside; they were not indigenous products of the Ashram. Their professional socialisation occurred outside Ashram, in one case in a government service. These officials are fairly well educated, and appointed by the Ashram on a term basis, with salary and other perquisites. (We hope to uncover the recruitment process at a later stage).

Bhai is, undoubtedly, the lifelong “chairman” of the Lok Adalat, which is his own creation. Normally, meetings of the Lok Adalat are convened when he himself can be present. Very few disputes are handled in his absence. The Mantri learns the ways of dispute-handling by, principally, observing Bhai at work and through the process of writing Kurukhats or studying those written by Bhai.

This then is what we might call the “static” formal structure of the Lok Adalat. Its “dynamic” structure, as it were, is described in detail in part III of this paper. Briefly, when it meets to settle disputes, the Lok Adalat consists of:

(i) Bhai,
(ii) functionaries of the Lok Adalat;
(iii) disputant parties, their friends, relatives;
(iv) villagers from Rangpur and closely adjoining villages;
(v) Panchs;
(vi) Ashramites, and
(vii) observers, Indian or overseas.

There is, at present, some danger of reification in the task of describing the “structure” of the Lok Adalat. The danger is that one is apt to miss the centrality of the role of Bhai. The Lok Adalat, historically, is
Bhai’s creation and it has been nurtured and developed under his leadership. It may be hypothesized that even to this day people bring their disputes to Rangpur because of Bhai, rather than because of the Lok Adalat. This hypothesis needs verification as a matter of some priority because to the extent it is proved correct, the Lok Adalat cannot be said to have been “institutionalized”.

Be that as it may, the best way of appreciating the central role of Bhai is to describe the structure of the Lok Adalat through the phrase “Bhai-in-Lok Adalat” rather than Lok Adalat simpliciter.

This conception of the “structure” of the Lok Adalat (and the implicit analysis of the leadership role of Bhai) is borne out by the fact that the “reach” (we propose to avoid the term “jurisdiction”) of the Lok Adalat knows no barrier. Complaints come to it from both gramdani and non-gramdani villages. Usually, in the former the Gramsabhas determine disputes, but unresolved and sometimes resolved disputes (for the latter, by way of appeal) are brought before the Lok Adalat. The disputes brought by non-gramdani villages are usually inter-village disputes; but intra-village disputes may also come before the Lok Adalat. It must not be assumed that Bhai always waits for disputes to be presented to Rangpur. Sometimes (though this may now be infrequent) he hears of disputes in his peregrinations and asks that they be processed through the Lok Adalat. Bhai does not always wait for disputes to come to him; often he reaches out for them before they ripen into explosive situations (see e.g., “Rape of Revati”, case six, Appendix A).

The reach of the Lok Adalat may thus be summarised as under:

(i) intra-village disputes between gramdani villages inter se, non-gramdani villages inter se, and Gramdani villages and non-gramdani villages;
(ii) intra-village disputes unresolved by Gramdani villages;
(iii) intra-village disputes resolved by Gramdani villages, but brought by way of “appeal” to Bhai-in-Lok Adalat;
(iv) intra or inter-village disputes within the notice of Bhai, brought before the Lok Adalat at his persuasion;
(v) disputes involving villages (mostly gramdani) and Ashram workers.

III. DISPUTE HANDLING PROCESS

In the eleven categories offered by Baxi, three relate to what we here call “dispute handling process”. These are: (i) processes by which dispute settlement structures are activated; (ii) ways in which disputes are considered; and (iii) decision-making processes by which substantive outcomes reached. Adherence to these three categories has enabled us to identify as many as twelve stages in the dispute handling process in the Lok Adalat—no mean observational and analytical gain. Most of these stages do superficially resemble the processes of the state legal system; and some are in fact designated by Ashramites in official terms (e.g. “summons”, “jury” etc.). But the resemblance is superficial and we propose to avoid using the terminology of the state legal system altogether. The twelve stages are as follows:

(i) presentation and “registration” of the complaint;
(ii) notification of hearing in the Lok Adalat to the parties;
(iii) the hearing process in the Lok Adalat;
(iv) summons of disputed matters by Bhai;
(v) nomination of two representatives (pokshakaras) by each disputant party;
(vi) elevation of pokshakaras into panches (decision-makers) by public exhortation of Bhai;
(vii) deliberation and decision by panches, and the proclamation of the decision;
(viii) approval of the decision by one assembly of people, entailment, though rarely, some discussion;
(ix) chanting of the slogan “Mahatma Gandhi ki Jai!” (Mahatma Gandhi be Praised);
(x) preparation of the Kararkhat (document embodying agreement of parties);
(xi) signing or putting of thumb-impressions by parties to the disputes, guardians, and panches; and
(xii) distribution of gur (jaggery).

We describe the foregoing stages in the remaining part of this section. Wherever we felt it appropriate, we have appended a section called “evaluation” following the description of the processes. In the “evaluation” section, we indicate, besides our analysis and evaluation, lines of further research and hypotheses.

All these stages presuppose that the schedule and the venues of the meetings of Lok Adalat have been determined. The venue is the well known Ashram grounds and the schedule is determined by the Mantri (Secretary) of Lok Adalat, some Karyakartas (workers) in consultation...
with Bhai. In scheduling of the meetings of Lok Adalat, Bhai is the dominant, if not the exclusive, decision-maker. His presence at these meetings is virtually considered indispensable. At the same time, the disputants, Ashramites, and villagers generally share a strong expectation that the meetings of the Lok Adalat will take place at least once a month.

(i) Presentation and Registration of Complaints

(a) Description: The general procedure is stated, and appears, to be that the complainant is to approach the Mantri (Secretary) of Lok Adalat in the office of the Ashram and to give complete details to him. Thereupon, these details will be entered into a register of complaints under the following heads: (a) date; (b) name of the complainant and his village; (c) name of the opponent and his village; (d) subject matter of the dispute and (e) a column for observations or remarks. The system of written registration of complaints seems to have been introduced only three or four years ago. While the details mentioned there especially under heads (d) and (e) above are rather scanty from the standpoint of the ethnographers, their recording by the Mantri and his associates does seem to have a valuable training function for them. The number and the variety of types of disputes also call for capsule summary. The entries must also facilitate the fixation of the schedule of the Lok Adalat meetings and serve as an aide-memoir to the office (and perhaps Bhai also) of the pendency of disputes and need for the follow-up procedure.

We find however, that the maintenance of the register of complaints has not completely bureaucratised the process of the presentation of complaints. As a matter of fact, the complainants first of all narrate their problem to Bhai directly, who after hearing them fully, and even discussing the types of relief they want and ought to want, directs them to the office for formal registration of complaints. The presentation of the complaint seems to be made to the Mantri (or his associates) directly only in the situations when the Bhai is not in the Ashram or is observing mauna (total abstinence from speech), as he does two days a week, while in the Ashram. It seems highly probable that most people know Bhai’s movements, and even itineraries for short periods, as well as his mauna observance days, and accordingly desist from bringing complaints during these periods. It is also quite likely that complainants, after availing the formal registration processes in the above-mentioned circumstances, approach Bhai again to acquaint him fully with their problems. Thus, formalisation of the process of presentation and registration of complaints has not made Bhai in any substantial manner inaccessible to the complainants before the hearing of the disputes.

Our foregoing observations are strikingly supported by experience on 21st and 22nd October, 1974, respectively. Bhai left for Baroda (to work on draft resolutions for the first plenary meeting of an emergent Gujarat Khet Parishad (Gujarat Farmers’ Association) on 21st and returned late in the evening of the day. On the 21st October only one complainant came to the Ashram from Majipur, 12 miles from Rangpur, whereas on the 22nd October as many as five complainants came to see Bhai. Bhai’s Baroda programme must have been known to a larger number of people, especially as the sitting of Lok Adalat was held on 20th October where he usually announces his itinerary to all those who are assembled. An audience of over 200 villagers from outside Rangpur was reportedly present (20 disputes were scheduled for hearing); thus his absence on the 21st would have been known to many people. Moreover, the white covered jeep of the Ashram in which he travelled must also have communicated his absence to a whole of villages en route to Baroda. The vehicle transporting Bhai to and from Rangpur is by itself an important means of communication concerning his availability at Rangpur, as well as on-the-spot consultations between Bhai and his people.

It may be worthwhile to briefly note the presentation of the six complaints on 21-22 October, 1974. On the 21st, when Bhai was absent, two persons from a village come to Shri Bhatt, currently looking after the Lok Adalat work. One of us (Baxi) understood complainant to say, in effect, as follows:

The complainant (A)’s wife (W) was abused by his brother (B) when she was working in the field on the Amavasai day (new moon). B furthermore told W not to talk about this incident. A went to B, who completely denied the incident. The next day B lodged a complaint with the Karli Police Thana (Station) alleging that A had not given him his share of land. A and W were called to the police Thana and were accompanied by A’s uncle (U). The Clerk to the foddar (police constable) asked W to stay out, much to the chagrin of A who felt that in justice W’s story should have been fully heard. The Clerk beat both A and U; U stated he was beaten on the ribs, as a result of which he is not able to lie down without excruciating pain. The Clerk asked for Rs. 200, failing which he threatened A and U that they will be taken into custody. A agreed to pay the sum; gram panchayat stood as surety; their thumb-impressions were taken on some papers; and they were allowed to go. A said he did not have Rs. 200 to pay; so he had come to the Lok Adalat.

Shri Bhatt asked, whether A would have come to the Ashram if he had the required amount. A answered in the negative. This irritated Shri Bhatt...
considerably, who said to A and U that if they had this kind of attitude to the Lok Adalat, what good it could do to people? He then asked them whether B was justified in his claim over land. A stated that there was a partition deed, which was signed by the old police patel of the village but neither his nor A's testimony was believed by the police. Bhatt then asked why W was not accompanying A and admonished that complainants must come in person. There was considerable uncertainty about the date of the incident; Bhatt calculated the date as 15 October from the calendar on the wall, to which A seemed to agree though he kept on saying that the incident happened 13 days ago on Amavasya day.

At no stage did Bhatt write down the details. He did not even open the register of complaints. Instead he did two things. First, he advised A to say, in case police came to his house, that:

"I had sought money from bania who did not oblige. The bania refused because he felt that the money would be squandered during the Dussehra festival by me. Should I then get you Rs. 200? Please let me try to arrange the money after Dussehra (25 October, 1974)".

He then wrote a letter to the police fozdar in substance stating that B's complaint is altogether unfounded and is made to cover up the incident on 15 October. In the letter, Bhatt seemed to vary the facts and lend some colour to them. He wrote, inter alia, that on B's approaches W "blushed to the roots of her hair and fled" and A subsequently went with W to B's house where B threatened to murder them both. The letter was duly thumb-impressed by A and U. They asked what should they do if the fozdar was not available; when they were advised to give the letter to the clerk, they expressed apprehensions of being beaten again. Bhatt advised them to say that they had already approached the Ashram and assured them that if they said so they will have nothing to fear. Bhatt also sought to impress on them the need to report such matters quickly and asked them to bring W next time. He also asked them to come after Dussehra to report further developments and to ascertain the next date of the meeting of the Lok Adalat.

All through, Bhatt was sitting on a chair, while A and U stood. At many points in the narration, Bhatt anticipated what they had to say and verbalized it; A and U agreed to these formulations. They also agreed that they should have brought the matter to Ashram much earlier; that it was not right of them to think of paying the money; that they should have brought W with them; and finally, that they should have brought the partition-deed also. When Bhatt read aloud the letter, they did not disagree with its formulations. Similarly, when Bhatt asked them to "concoct" the story about the Banias refusing them the loan, they did not show any reluctance; indeed, when asked to repeat what Bhatt had told them, A repeated it rather faithfully. The only confusion they had concerned the date of the incident; even when they agreed that it was 15 October, they kept on adding the Amavasya day.

We do not know whether Bhatt recorded any complaint; he could not have registered it until after we left as the registers were with us. Four other members of the office heard the dialogue. We did not know whether Bhatt informed Bhai in detail about this matter; Bhai did not mention it to us, although we said we had observed one complaint in his absence.

On the other hand, we heard five complaints being presented to Bhai on October 22. Bhai was sitting in his chair with his mail on his table. He asked all complainants to sit down on the floor. They hung around him until he found time. Two complaints related to marital discord; one concerned a beating incident (which could be most circum-stpectly considered "assault", although we prefer to avoid this description); two others pertained to land disputes, though one of them related directly to a widow's succession.

The salient features of Bhai's handling of complaints must, however, be noted here. First, he did not write any notes. Second, he called Bhatt only after he had discussed the problems with the complainants, and gave him a brief resume of salient facts. Bhai also asked parties to go to Bhatt's office after he had spoken thus with Bhatt. Third, he heard the complainants with utmost patience, without intervening too often. Fourth, he expressed sympathy in a fatherly way when appropriate. Fifth, Bhai took every opportunity to exhort, admonish and educate. Thus, to the woman who had one child by the second marriage and eight children (five of whom died) by the first, Bhai said, "Why produce more children? They will lead a poor life." Whereupon the woman said she was past child bearing. Bhai asked "Are you sure"? She, looking straight at him, said confidently "yes; there is no chance". Bhai jokingly relates the incident of another woman who spoke in that confident manner and later mothered several children! Sixth, to all parties Bhai gave the date 10 November for the meeting of the Lok Adalat. That is to say, he is able to indicate the meeting date immediately to the parties.

(b) Evaluation: It is certainly not fair to compare Bhai's handling of complaints with Bhatt's. Yet it is clear that had Bhai heard the complaint on 21 October he must certainly would not have asked A to make out a story about the loan of Rs. 200 not being available.

The presentation (and registration) of the complaint is thus a necessary preliminary to hearing. The complaints are represented at the
hearing all over again. Incidents giving rise to the complaint may have happened 15-30 days prior to their first presentation; by the time a complaint is represented to the Lok Adalat another interval of 15-30 days may elapse. Moreover, if the other side has not presented itself at the date of hearing, as not infrequently is the case (e.g., on 20 October, 1974, “session” of the Lok Adalat only 3 disputes could be settled, responding parties in 16 other cases had not come, one complaint was withdrawn), then the representation of the complaint may have to take place after an interval of over two months.

We must conclude that, excepting where some aspects of the dispute are recorded (in correspondence or deeds) or where the dispute involves marital discord, the exact details of the incident giving rise to the dispute will be re-presented at the Lok Adalat session accurately only by persons with phenomenal memory. In so far as the bulk of disputes concern land, loan transactions, marital discord, divorce, overall accuracy, on the side of the complainants, of incidents generating the disputes seems to be generally assured. But “true facts” do not seem to walk into the Lok Adalat. On the other hand, those who have imbibed the central message of Judge Jerome Frank’s brilliant writings must also acknowledge that “true facts” do not walk into official law courts either, even if some may be unwilling to go so far with him as to say that facts in cases are not “true facts” but judicial “guesses about facts”.

(ii) “Notification” of Hearing

(a) Description: Upon the presentation and registration of the complaints, the complainant is immediately informed of the date of hearing, if it is fixed at the time of registration. In that case, the complainant is given a small stenciled slip in Gujarati reading as under:

Lok Adalat

Anand Niketan Ashram
P.O. Rangpur (Davant)
Via Kasindra
Baroda Dist.

Date:

Case Number:
Complainant:
Respondent:
Date of Hearing:

Day:

We have translated the last column referring to date of hearing. The Gujarati word actually used is muddat, which is commonly used to mean “adjournment”. Muddat could also, etymologically, mean relating to an issue, in which case the last column would refer to the date of hearing of the issue(s).

The complainant is in any case given this slip, and the date notified subsequently mostly by mail or sometimes through personal message. The other party is notified as follows:

Lok Adalat

Address

Shri..............of the village............. You have a dispute with Shri..............of village.............concerning.............matter.
Please do be sure to come on.............(date).............(day) for its settlement/accommodation (samadhan). We would endeavour to arrive at a reasonable samadhan.

You surely know (appreciate) that expenses and frequent futile visits to law courts are not in the interests of us poor farmers. Be sure to come with your relatives/friends and witnesses.

Sd/- Bhai/Hari Parikh
(Harivallabh Parikh)"

It is significant that this letter is referred to as an “invitation” letter (see Appendix A, case 6), although the language of the letter is rather peremptory. In any case, additions are made to this letter cf invitation. In one matter in our direct observation, Bhai asked Bhatt to send the invitation letter with the instruction to add a remark: “if you do not take any part in the matter, now before Lok Adalat, you may lose whatever claim you may have over the disputed land.”

Thus, the form quoted above does not appear to be an invariable bureaucratic response to a complaint situation; it standardizes only certain features of that response, but even so it remains open to mutation and variation depending on the dispute-situation at hand.

(b) Evaluation: The registration slip given to complainant is evidence that the dispute is with the Lok Adalat; the same is the case with the notice to the respondent. These can be useful documents to prove that the matter is being processed by the Lok Adalat. Parties can produce it before police, revenue, forest, and judicial officials, if it becomes necessary. We were informed that proceedings before these officials are usually adjourned or stayed, so great is the respect for this institution’s capacity to resolve disputes.

It is also noteworthy that the second document issued to the
respondent begins by saying that he has a dispute with the complainant, not vice versa. This formulation emphasizes a pre-determination that there is a dispute. The respondents opportunity to deny that there is any dispute accrues only upon his presence and participation at the hearing of the Lok Adalat, unless of course the complaint is withdrawn before the hearing.

We might be indulged in the speculation that a written document would give a feeling of reassurance to the complainant, a feeling of considerable symbolic significance when the bulk of the people is illiterate. By the same token, the stenciled “notice” to respondent, signed by a person of the stature of Bhai, would have its own symbolic impact upon him. It is not unlikely that many would have to have the contents of this notice read out by the literate people in villages; this process in turn serving a valuable publicity function for the Lok Adalat.

Finally, (without being exhaustive) the last paragraph of the “notice” to the respondent, emphasizing costs, delays and cumberomeness of recourse to official court procedures is intended to provide an incentive to the respondent to participate. It also emphasizes the solidarity of poor farmers. It indicates further that official courts are intended to be used by people of different “class” than “poor farmers”. The Lok Adalat thus seeks to extend its reach by seeking to discourage the activation of the jurisdiction of the official courts.

(iii) The Hearing Process

(a) Description: A large crowd estimated to be 300-400 persons on average attends the Lok Adalat meetings. Many Ashramites (out of a total of about 70) also attend. The size of the assembly may at first sight appear to be inflated; in any case no device such as an attendance register is maintained. Nevertheless, the size of the assembly is causally related to: (i) the total number of disputes scheduled for hearing (usually around 15); (ii) the type of dispute (intra-village, inter-village, involving officials of police, forest, revenue departments); (iii) the nature of the dispute (land, loan, marital discord, divorce, witchcraft, “assault”, “murder”, etc.); (iv) the number of “witnesses”; (v) the number of villagers from Rangpur and closely adjoining villages, and (vi) the number of other people present for work involving the Ashram at any hearing.

The hearing commences usually in the afternoon, around 2 p.m. People from nearby villages come usually after having their lunch; others, coming from long distance (at least over 12 miles) carry their lunch with them and eat it while at the Ashram, before the beginning of the session. People assemble on the raised platform, some sit on the outlying grounds.

Bhai sits directly under the Mahua tree (which radiates shade all round) on a chair with a table. Visitors—overseas and Indian—sometimes sit on chairs behind him.

Some pattern seems to be followed in calling up disputes for hearing. Apparently, disputes which are pending are usually taken up first. The names of disputant parties are called and they have to sit in “pairs” in front of Bhai facing each other. Each side is heard by Bhai, with its “witnesses”. All along Bhai asks questions (see Appendix B for illustrations). Thus, if a complainant is a woman seeking divorce she is invariably asked, even before her husband is called upon to present his story, “But surely you must be also in the wrong. Surely, you must have committed some ‘mistake’ “. While parties are being heard, anyone from the assembly could raise a question or make a comment, even if he or she is not associated directly or indirectly with the dispute. The intervenor may usually be from the village of either disputants or be an elder of another village or head of Gram Sabha of an adjoining village. We hypothesize that the Ashramites (excepting perhaps the Mantri and his associates) will usually be reticent to intervene in the hearing process. Occasionally, the interveners may intervene on a matter entirely irrelevant to the dispute at hand, as happened in the case of Nani (See Appendix B) when a sadhu declared himself to be a follower of a sect called Kabrpanth: and two interveners felt angry and indignant at this disclosure since they too belonged to the same sect; an altercation ensued, requiring goodwill and persuasion on everyone’s part to restore normalcy. It may, indeed, happen that when some emotionally surcharged matter is being considered as some one having been called a Dakah (a witch) the entire assembly may be highly vocal (see the last case in Appendix A).

(b) Evaluation: This kind of hearing process involves a high degree of public participation. Persons other than those immediately involved in disputes participate in the process of articulating disputes. They participate also by the mere act of congregation, even if none of them intervenes (which is improbable). Assembling together to hear other people’s dispute is a form of participation by itself because this act testifies to the legitimation of instant outcome in a particular dispute and of the entire dispute-handling process in general.

The hearing process must also, in many situations, perform a cathartic function. A major source of emotional irritant must be removed when, as it were, the dirty linen is fully washed in public. Such hearing process thereby would create a climate of receptiveness for the ultimate decision.

It appears to us that this type of collective hearing is an innovation in this area of the traditional processes of Bhil dispute handling.
According to the ethnographic account of Dr. T.B. Naik (covering Bhils in Gujarat generally, but those of Rajipla and West Khandesh particularly) “all the old men of the village meet for important matters and confer among themselves” with the disputants (Naik, 1956: 53).

The element of public participation in the traditional system of informal dispute-handling was thus comparatively minimal.

It would be important to measure, in future studies, the time taken in hearing a dispute; and to correlate the time thus taken to (a) the type of disputes; and (b) the type of decisional outcomes. It will also be fruitful to explore the ratio of interventions among the following types of participants in the hearing process, namely, Bhai, disputants, witnesses, co-villagers, non-villagers (as identified by the villages of parties in disputes) Ashramites, government officials, if any. Furthermore, correlations need to be established of this ratio with the (a) types of disputes and (b) types of decisional outcomes.

(iv) Summation of Disputes

After the parties are fully heard, Bhai makes a statement clarifying the dispute, the contentions on either side. We did not witness summation; but it is quite likely that it would be brief in a large number of cases. At this stage, the assembly may intervene. Bhai always asks the agreement of the assembly after completing the summation. The summation may contain more than narration of facts. It may thus refer to customary norms appropriate to the case. It may also refer to the need to modify them. It is noteworthy that the assembly’s approval is asked for the summation made by Bhai.

(v) Nomination of Pakshakars

(a) Description: This system was adopted in 1966 primarily (as Bhai told us) with a view to gradually lessen the dependence upon Bhai as a decision-maker. Each side is required to nominate two persons as representatives. It is essential that near relations should be avoided. Anyone from the assembly can thus be nominated. It should be rare (excepting in disputes involving Rangpur village itself) for any Karyakarta of the Ashram to be nominated. The tendency seems to nominate elder relatives; but we do not have any conclusive data as yet on this point. We did not hear of any single incident where the nominee declined the nomination. Presumably (though such incidents may have occurred in the first few months of the adoption of this system) parties come to the Lok Adalat with the names of nominees already settled by preliminary consultations with them or a rough-and-ready consultation occurs immediately after the

completion of summation. If a third party is directly or indirectly involved (as the sadhu in the case of Nani, Appendix B or a paramour in a dispute with husband and wife), his interests are sought to be safeguarded through appointment of his nominees. The “right” to elect nominees is given only to two disputant parties: the complainant and respondent. We do not know if the nominations are questioned (and if so, whether results are any) anywhere in the Assembly; certainly, they do not need to be approved by any. Similarly, we do not know whether women are nominated by parties.

(b) Evaluation: The nomination of Pakshakars is, of course, a major innovation over the traditional system of panchayati dispute settlement among the adavasis in the area. Important, it also marks a phase in structural as well as functional differentiation in the Lok Adalat system. Certainly, overdependence on Bhai seems to be reduced, as he does not act as a mere “decide” the dispute directly, although his role in the process of dispute-handling is as pervasive as before.

A degree of depersonalization is thus brought into play in the decision-making function; conversely, the arena of public participation is extended to the decision-making phase itself. Depersonalization is perceived by Bhai as having the distinct advantage in meeting the problem of success to his leadership. The transition in leadership is expected to be less problematic to the viability of the Lok Adalat; indeed, with a lesser leader the Lok Adalat processes, the assembly, disputant parties, and their nominees will have the dominant decision-making role.

(vi) Elevation of Pakshakars into Panchas

(a) Description: After the nomination, the nominees stand before Bhai, who exhorts them to arrive at a decision fairly. They are told that they should avoid partiality and that they are to function on behalf of the Lok Adalat, not as disputant parties’ nominee. The usual formula appears to be: “Now you belong to the Lok Adalat, not to the parties”. They indicate their willingness to the whole assembly to accept this role. They are thereafter called panchas or “jury”.

(b) Evaluation: This process helps crystallization and articulation of the role obligations of decision-makers in the Lok Adalat. It thereby emphasizes that kinsmen could also act in a non-partisan manner. At the same time, it is not expected that the nominees will be entirely un influenced by the fact that they are chosen by the parties. Thus, while they would adopt the posture of just and fair “adjudicators” they will do so because, and not in spite, of their heightened awareness of the strength and force (and the underlying social significance) of claims and counterclaims. At the same time the process of elevation through exhortation also requires
of them an advertisement to maintenance of norms of customary law and morality, which may well transcend in importance the particular conflict of interest in hand. The elevation process also bestows a degree of "legitimacy" to them and their decision. This is perhaps the most crucial aspect of the process.

(vii) Deliberation, Decision and Proclamation by Panchas

(a) Description: The panchas are asked to go under a nearby tree and deliberate. When they are ready with a decision, they return to the assembly. We failed to ascertain whether the decision is first communicated to Bhai who then announces it or whether one of them announces it. Our notes record that, generally, the decision has to be by consensus; but if they disagree inter se, this disagreement is announced publicly and Bhai is asked to resolve the disagreement by giving a final decision. From the latter it is plausible to infer that in case of unanimity, one of the four panchas will announce the decision and others indicate their agreement. Bhai may also do likewise.

During the process of deliberation, Bhai either starts hearing of the next case or talking about current affairs and matters of common interest. If he has been overseas, he discusses the matter in some detail. Thus, the interval is often used for educative purposes.

(b) Evaluation: We were unable to establish the average time taken by panchas in deliberation; this is important to establish not just with a view to measure time-consumption (or even "delay") but also to relate deliberation-time to the group of factors mentioned in sub-section (iii) (hearing process) of this part.

A most striking aspect of the "deliberation/decision" phase is that there is no absolute insistence on unanimity among panchas. They are free to report disagreement, in which case Bhai assumes the role of arbiter and final decision-maker. Insistence on consensus, it has often been said, leads to a role-strain which is often productive of arbitrary compromise or the manipulation of outcome by the powerful elements in a decision-making group. The liberty to report failure of agreement, as an integral part of decision-making process, should help (theoretically at least) lessen arbitrariness or dominance in decision-making. Whether the privilege to report disagreement has served such a function remains to be examined in the Lok Adalat context.

The frequency of disagreements and Bhai's handling of them also need to be studied; though we hypothesize that such instances will indeed be infrequent, in view of the types of the bulk of disputes now coming before the Lok Adalat.

(viii) Approval of the Decision

(a) Description: After the decision has been announced, it is usual (according to Bhai) to ask the assembly: "Are you happy (satisfied) with the decision?" The approval is accorded by acclamation. Thereupon, Bhai and the assembly shout "Mahatma Gandhi ki Jai" (Mahatma Gandhi be praised); this is reportedly infrequent.

On some occasions, Bhai varies the details of the decision, mostly relating to fine. In the case of Nani (see Appendix B), Bhai awarded some compensation (Rs. 50) to the sadhu, Nani's paramour, whom Nani's husband had arranged to get beaten. This was nowhere in the decision of the Panchas, but it was proposed by Bhai, and apparently accepted by Panchas and the assembly. It seems that even after the general approval of the decision, Bhai could amend it and obtain further approval in appropriate (though rare) cases.

(b) Evaluation: This stage is another major innovation upon the more usual ways of traditional dispute-handling among the Bhils, or indeed other communities. Approval continually legitimizes the decision-making structures and their authority. Approval also lends high authority of the community (through people assembled) to the outcome in the instant dispute. The act of approval is thus positively correlated to the efficient implementation of a particular decision. The act of approval may also be symbolically significant for the subsequent initiation of the sanctioning process, if and when it becomes necessary. No doubt, the act of approval may be a mere ritual or formal ceremony, nevertheless it preserves public participation at the outcome level, just as the hearing process preserves it at the pre-outcome level and distribution of gur preserves it at the post-outcome level.

It is interesting to note that the written accounts of cases (see Appendices A and B) do not specifically refer to this stage. This may be so because it is considered a minor stage or a stage that the writers are so accustomed to it as to fail actually to perceive it at all. On the other hand, one may hypothesize that this is not a distinctive stage in the proceedings at all; though the scientific observer may isolate it distinctively. On this hypothesis, one might add that the distribution of gur (sub-section XII) may signify the ritualistic assembly approval.
Preparation of Kararkhat and Signing

Following the act of approval, the Kararkhat is written, mostly by Bhai or the Mantri of Lok Adalat. It usually embodies admission of "mistakes" (bhul) or fault (dosh) by each party; an imposition of fine; and the decisional outcome. It is signed or thumb-impressed by parties and panchas. Bhai does not sign the Kararkhat himself, Mantri sometimes signs them. In case guardians are involved, their signature or thumb-impressions are also registered.

Kararkhat literally means a record (or deed) of agreement. We prefer, however, the literal translation of Kararkhat as a "compromise deed", since it captures more fully the range of processes here under study.

In almost all cases of divorce (fargati), the Kararkhat is scrawled over on the reverse side with numerous details of the dahej (dowry), jewellery, articles of personal use (kitchen-ware, dress, etc.) to be returned by parties. Details of the fine are also worked out on the reverse, often with deductions for the cost of gur to be distributed. Acknowledgement of monies or articles paid and received by the Ashram on behalf of disputants, and of subsequent delivery to parties themselves, are also recorded on the reverse. These acknowledgements are also duly signed and thumb impressed by parties.

Kararkhats are filed and maintained as a part of the record of the Lok Adalat. (It would be important, for future research, to ascertain their exact number; as also the years for which they have been maintained).

It is rare for either disputant to raise any disagreement with the Kararkhat. In the rare case in which this happens, Bhai informed us that he would tear up the Kararkhat and consider the matter at rest.

It must be noticed that Kararkhat is not an indigenous device in the Bhil dispute-handling tradition. Dr. Naik’s account (brief as it is) nowhere mentions the use of karar as a process among the Bhil communities he studied. We (tentatively) conclude that the rendering of the “decision” in writing to be thumb-impressed by parties, will symbolize to most people that a particular dispute is resolved for ever. Kararkhats may thus impart permanence to decisional outcomes as compared with oral settlements (in the old tradition).

Distribution of Gur

(a) Description: At the end of the dispute-handling process so far outlined, Gur (jaggery) is distributed to all members of the assembly. This is done at the end of each case. The stocks of Gur are generally purchased from a local grocer near the Ashram. An amount of Rs. 5 to 25 is levied for this purpose. Apparently, this money is computed in the total amount of fine and thereafter deducted. They money is usually paid on the spot by the party or on his behalf; but sometimes parties give an undertaking to pay it later.

Gur is only distributed when a dispute is “settled”. In cases of adjournment or non-settlement, Gur is not distributed. The amount of Gur available for distribution to each individual depends, of course, on the size of fine and the size of the assembly. Gur is usually distributed by the Karyakartas of the Ashram; but there does not appear to be any invariable convention in this regard. Parties, members of the assembly, and even Bhai himself may engage in distributing Gur.

(b) Evaluation: In a sense, distribution of Gur, is a symbolic act, further reinforcing the legitimacy and communitarian aspects of dispute-handling process. In general, the ritual of distribution of Gur, also borrows from a specific tradition of Bhil culture, though altering it in the process. It has been noted by Naik that in the pre-contact Bhil tradition the victorious man “stands liquor to all those present for the jhadada bhangi” (literally breaking (bhangi) of quarrel (jhadada). Drinking together symbolizes that “there is there after no jhadada between them.” The drinking ceremony follows the Headman’s address: “Now you need not quarrel any further. You will now drink together and from now on you are friends.” (Naik, 1956: 54; 230).

At the Lok Adalat, instead of the winner it is the loser who generally pays for the Gur. Occasionally both parties pay for the Gur. The substitution of Gur for liquor in the ritual act of reconciliation is a part of the strategy of disseminating a prohibition ideology, reinforced by the chant “Gandhi ji ki jai” at an early stage. On this score at least there is no conflict between the ideologies of the Ashram and that of the Gujarat State, which is one of the very few States which still observe the total prohibition programme. In fact, insofar as the dispute-handling processes at Rangpur are efficacious, we have reason to believe that owing to coincidence of ideologies, the Lok Adalat here performs an implementation function for the State law on prohibition. Future studies might well endeavour to examine the causal relation, if any, between the Gur distribution and the reported decline in disputes arising from intoxication.

The economics of Gur distribution also highlights the fact that dispute handling by Lok Adalat is really less expensive than through the traditional methods. Thus, assuming that the correct final figure of
disputes settled by the Lok Adalat so far is 20,000, and that on an average gur worth Rs. 10 is distributed at the settlement of each dispute to an assembly of 300 people, the total amount thus far spent comes only to Rs. 2,00,000. Even this amount is rather on the high side, as we believe that the average gur “fine” is somewhere around Rs. 7 per dispute. In any event, it is clear that the parties pay less (in terms of cash and health) under this system than in the previous where liquor was distributed.

**Part Three: Types of Disputes and Sanctions**

**I. THE NUMBER OF DISPUTES**

According to the publications of the Ashram, the Lok Adalat has settled 17,254 disputes for the period 1941-1971, although the break-up of the cases immediately following puts the total number of disputes settled as 17,156. The latter aggregate is classified as follows:

<table>
<thead>
<tr>
<th>Kinds of cases</th>
<th>No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attempt to murder</td>
<td>816</td>
</tr>
<tr>
<td>and murder</td>
<td></td>
</tr>
<tr>
<td>Disputes involving</td>
<td>10,615</td>
</tr>
<tr>
<td>Marital Relations</td>
<td></td>
</tr>
<tr>
<td>Land Disputes</td>
<td>3,215</td>
</tr>
<tr>
<td>Violent Clashes</td>
<td>2,225</td>
</tr>
<tr>
<td>Theft</td>
<td>285</td>
</tr>
</tbody>
</table>

The “cases” were settled period wise as follows:

- **Number**: 3,200 4,718 4,321 2,761 1,661 593

The most striking aspect of the period-wise workload figures is that in the total period of 18 years (1949-66), the Lok Adalat settled as many as 15,000 disputes; while in the remainder (1967-71) the disputes settled number only 2,254. The average number of disputes for the period 1967-71 thus comes to 444 per one year whereas the average for the period 1949-1966 is roughly 833 per year. The Lok Adalat’s workload clearly declines as we proceed beyond 1966.

How is this to be explained? One can offer several hypotheses as follows:

- **(a)** disputes are being settled by agencies other than the Lok Adalat;
- **(b)** the total number of disputes in the community has declined;
- **(c)** the Lok Adalat is steadily losing social acceptance.

As regards (a), it is clear that with the increase in the number of the *gramdani* villages (now about 402), the number of disputes referred to the Lok Adalat will decline. As explained earlier, the local Gramsabhas act as adalats for the village. In the period after 1966, there has been a significant increase in the number of the Gramdani villages—a whole taluka (Naswadi) with its 204 villages became Gramdani. In Rajpipla taluka, the Gramdani villages have increased from 6 to 98, and in Chhatta Udaipur from 8 to 68. The workload of the Lok Adalat has correspondingly declined; at the same time, the spirit and system of Lok Adalat have found extension and entrenchment in the area.

On the other hand, this hypothesis also suggests the possibility that villagers (at least in non-gramdani areas) may increasingly be taking their disputes to official courts. Although we think this unlikely, this aspect could easily be verified by a study of the workload of courts in the region.

Hypothesis (b) stipulating that the decline in workload of the Lok Adalat is correlated to decline in “disputes” themselves needs to be pursued carefully in future studies. Bhai himself maintains that the murder rate has declined in the area with the progress of *Sharabmukt* (liberation from liquor) movement. The category of “violent clashes” disputes are also on the decline, according to Bhai. The cases of witchcraft appear to be fewer. In so far as intoxication is criminal and the *sharabmukt* movement is successful, it is conceivable that certain types of disputes arising from inebriation have decreased.

But with the spread of literacy, and a modicum of re-distribution of land new types of disputes have also arisen [see section (II)]. Moreover, in order to verify this hypothesis one would need to look closely at the types of disputes arising before the Gramsabhas.

Hypothesis (c) focusing on decline of social acceptance of the Lok Adalat does not require too great an effort at diversification. We do not think that it would be rewarding to make this effort.

All the same, we must note that we found only 39 *Kararkhats* for the period 17 July, 1973 to 18 August, 1974. Three other documents in the file concerned: (i) registration of marriage; (ii) registration of a loan; (iii) a notice, on behalf of the wife, threatening legal action for maintenance allowance of Rs. 75, if the same was not paid within ten days. We are not
sure whether we had the complete records although we were told that the records were complete. But assuming that this information is correct, the Lok Adalat settled only 39 disputes in the period mid-July 1973 to mid-August 1974, a little over a year. How is one to understand this decline? One reason may be that Bhu was overseas for a substantial period—may be 3-4 months. However on the assumption of complete records, there is a decline, which needs further scrutiny within the range of the above mentioned hypotheses.

II. TYPE OF DISPUTES

There are some threshold problems associated with any attempt at describing the types of disputes handled by the Lok Adalat. For example, the categorization of disputes by the Ashram refers to “attempt to murder”, “murder” and “theft”. It is not to be lightly assumed that behaviour-patterns denoted by these above terms necessarily correspond with those defined in the Indian Penal Code. Indeed, it is more likely than not that there is little or no correspondence. Thus, someone alleged to be a dakan (witch) or shown to be such by the divination of badhas would already be characterized as a murderer or one who is attempting to murder. Disputes involving “marital relations” may also be disputes relating to matters which may not be at all cognized as such in the State legal system. The importance of Paul Bohannan’s caution about observing the distinction between “folk” and “analytical” conceptions in doing legal anthropology finds reinforcement in the present context.

It is also not clear from the Ashram’s publications as to how disputes relating to high-handed, corrupt or atrocious (as the case may be) action by police, revenue, or forest officials are categorized. The Ashram’s classification eludes some of the cases described by Parikh (1973) and reproduced in Appendix A to this paper. Yet obviously they ought to find a place in any taxonomy of disputes.

In any event, any significant effort in this direction must await further intensive field research. What we have suggest is a kind of analytical framework which may be usefully followed in the future research. The framework, of course, derives from our own understanding (however limited) of the situation.

Disputes coming before the Lok Adalat can, first, be typed by reference to the scope of the subject-matter. By “scope” we mean the range of parties or the “units” involved or affected. From this standpoint the following classification results:

(i) disputes involving parties from Gramdani and non-Gramdan villages (inter-village);

(ii) disputes involving two or more Gramdani villages, (inter-village);

(iii) disputes involving two or more non-Gramdani villages (inter-village);

(iv) disputes involving any of the three preceding elements on the one hand and agents of the national (state) legal system on the other (inter-systematic);

(v) disputes involving two parties from the same village (intra-village);

(vi) disputes involving the Ashram or its centres or other policy-making units/administrative units and villagers (sub-systematic);

(vii) disputes involving two or more Ashram units (individuals, or Karyakartas and Ashram units i.e. sub-systematic).

Second, disputes can also be classified by reference to the nature of the subject matter. From these standpoints the following categories can be discovered in disputes brought before the Lok Adalat:

(i) disputes involving the contention that the physical integrity of a person is threatened or injured by use of physical force (ordinarily, in our parlance, “assault”, “intimidation”, “attack”, “rape”, “abduction”, “grievous hurt”, “attempt to murder”, “murder”, but also beating, child-bashing etc.);

(ii) disputes involving the same contention about the physical integrity of a person with the difference that supernatural (and not physical) force is used (typically witchcraft, for which the state system has no counterpart);

(iii) disputes involving credit transactions;

(iv) disputes involving “ownership” or rights of cultivation in land;

(v) disputes involving one’s alleged rights of user and enjoyment of certain resources such as animals, crops, plough or dalsej (“bride price”) (“Property” disputes, however, we should avoid importing our conceptions of “property” in this realm pending further study);

(vi) disputes involving the contention that one’s honour or reputation is impugned by given behaviour, (such as the new disputes now coming before the Lok Adalat where anonymous love letters give rise to marital discord);
(vii) disputes involving marital discord and ultimately terminating the marital tie;

(viii) disputes involving the contention that an individual is harmed (in any of the above mentioned ways) by a Karyakarta (worker) of the Ashram.

Of course, there is some overlapping in disputes classified on the two axis of scope and subject-matter; but this is necessarily due to the fact that the classification concerns the same phenomenon. Also, more categories can be added in each range; we claim no exhaustiveness for our identification of categories. The principal point is that the range of social interaction leading to dispute behaviour is more clearly visible in its complexity through the use of this kind of analytical framework than through any kind of "gross" and lateral classification of disputes.

It is also important to note that we came across disputes which illustrate each one of these categories in our research even though it was merely exploratory. In the section which follows, we organize available information in a more general and descriptive manner, as that is the only option presently available to us.

III. VIGNETTES OF DISPUTED SUBJECT MATTERS

We studied 39 Kararkhats for the period 17 July, 1973 to 16 August, 1974. These record the "settling" of disputes involving the following subject-matters:

1. Land 2
2. Crops 1
3. Promiscuous behaviour 3
4. Animals 2
5. Marital Discord 10
6. Divorce 12
7. Credit Transactions 5
8. Witchcraft 1
9. Intra-Ashram 3

A few aspects call for immediate comment. First, if we couple items (5) and (6), of the 39 disputes settled, 22 relate to marital matters; this seems to confirm the claim that a very large proportion of disputes before the Lok Adalat relates to marital problems. Second, only 5 Kararkhats relate to credit transactions signifying perhaps that the old-world problems of usury and credit exploitation no longer predominate.

The third aspect is interesting, as well as delicate. Of the three intra-Ashram cases, two related to "theft" by a student and misappropriation of oil by a Karyakarta. The third Karakh pat simply declares that a boy and a girl were "acquainted" with each other while at Ashram and they have no "relations" with each other "henceforth." The typical feature of these matters is that while there are Kararkhats, these matters were not heard in the Lok Adalat, but were settled with Bhai. There is thus a kind of "domestic jurisdiction." On the other hand, at least for an outside observer, the exclusion of intra-Ashram disputes from the agenda of the Lok Adalat is indeed intriguing. One would expect that even these matters may be freely discussed in the "open court" both from the standpoint of public education and efficacy of sanctions. On the other hand, public acknowledgement of blemishes (if, indeed, they are such) on the part of the Ashramites may be perceived to create a lessening of legitimacy in the short run through somewhat paradoxically it should reinforce it in the long run.

IV. TYPES OF SANCTIONS

The repertoire of sanctions of the Lok Adalat includes fine, public censure, civil boycott, ostracism and varied public opinion pressures by village notables, and sometimes predominant groups in the affected area. In a sense, the basic sanction of the Lok Adalat is organized public opinion. The public opinion is organized at two levels: specific and general. At a specific level, each adjudicatory occasion within each sitting of the Lok Adalat provides dispute-outcome-wise public opinion pressures. The communities participating—whether passively as listeners or as occasional interlocutors, or as partisan witnesses or as pakshakaras in each dispute handled by the Lok Adalat generate, structure, and reinforce opinion in the direction of compliance at each adjudicatory occasion. A Lok Adalat sitting, comprising several observationally distinctive sequences of adjudication, thus continually organizes and structures public opinion in favour of the trend of decisions for that sitting of the Adalat.

At a general and the more important level, public opinion of the Lok Adalat, its functions and roles, is itself the source of efficacy of its individual sanctions. It is inconceivable that in the absence of sustained pro-Lok Adalat general public opinion, the adjudication-wise public opinion pressures would have the high efficiency as they now seem to have.

Having said this, it must be admitted that only attitudinal studies and further field work can fully sustain these foregoing observations, however, well-based they may appear on a blend of commonsense and intuition.
Sanctions have also to be classified in relation to the nature of disputes, types of parties, and nature of outcomes. In so far as disputants are brought to agreement by persuasion, the resultant accommodation (e.g., payment of fine, contribution towards the gur money; return of loan with interest or restitution of land) may analytically be identified as a sanctioning process. But the reality is ambiguous in the extreme especially as there is (as mostly the case) instantaneous compliance. Indeed, in most cases, the compliance is so instantaneous that one might as well describe the process of resolution of peoples disputes by the Lok Adalat as fostering a compliance psychosis. People come to the Adalat to settle disputes; they come, in most cases, to be guided to a just and fair compromise. In other situations, the Adalat processes of persuasion transform the initial recalcitrance to gradual compliance. If by sanction then one really means coercive consequences attached by way of specific execution to breaches of authoritative decisions, there are every few situations where such direct and specific sanction process can be said to be present.

Sanctions in the latter sense appear to be present, however, at the stages of bringing the reluctant or recalcitrant parties before the Lok Adalat. We noted thus in Section III (ii) of the paper the process of “summoning” the party to appear before the Lok Adalat. The last paragraph of such a notice states that “you surely know (appreciate) that expensive and frequent visits to law courts are not in the interests of us poor farmers”. One may conceptualize this kind of admonition as a sanctioning device by itself. Indeed, in the inter-subjectivities of the villagers such a statement might imply that if a party does not even appear before the Lok Adalat, the Adalat itself may encourage court action or at any rate, may not directly discourage such action. Conceptually, then, the threat of recourse to the instrumentality of the state legal system is itself stressed and appreciated as a sanction, whose very probability generates compliance. This is rather a unique phenomenon wherein the non-state legal system appropriates the intimidating paraphernalia of the state legal system to sustain its own continued efficacy, viability, legitimacy and even hegemony. Of course, parallel processes may be perceived in conflict resolution through out-of-court settlement, private arbitration, and other forms of mediation. But the striking peculiarity of the Lok Adalat summoning procedure is that it directly employs the threat of formal litigation and the inevitability of recourse to it as a self-conscious sanctioning process to an extent that the range of choices for alternate means of resolution is endeavoured to be effectively eliminated. Force has been often, rightly, defined as creation of situations where the available range of choices is minimized or altogether eliminated. To the extent the threat to recourse to litigation actually operates to reduce the summoned parties’ choice of action, surely the summoning procedure can analytically be identified as a species of sanction. Our impression is that the application of this type of sanction performs a vital function in activating, expanding and consolidating the Lok Adalat’s reach.

In this sense, one might further venture to state that the role of sanctions is somewhat reversed in the Lok Adalat processes; sanctioning processes do their major work by bringing disputes to it for settlement; the settlement itself may then need little or no further sanctioning processes.

Jijabi’s case (Appendix A) illustrates the role of the sanction of Satyagraha (lit insistence on truth). The Lok Adalat proceeded, virtually, en parte against this moneylender; disregarding the “order” of the Lok Adalat, the moneylender proceeded to plough the disputed land by way of self-help; the womenfolk of the village retaliated by cordoning the fields “like a wall, clasping one another’s hand,” they had the better of the moneylender in a scuffle. Police intervention later ensued leading to some arrests; the women were discharged by the magistrate and the moneylender “repented” before the Lok Adalat, agreeing to abide by the verdict. This situation illustrates village solidarity for a perceived just cause, derived mostly from the Lok Adalat involvement. recourse to such techniques is possibly now a thing of past in the region; but its probability brings into consciousness of men the efficaciousness of this kind of popular sanction. Organisation of such a sanction demands not merely viable leadership but viable following. The success of such sanctioning processes obviously depends on the “sense of injustice” on the part not merely by those directly involved but also of the officials of the state legal system who in this case (through the magistrate) perceived, and even shared, this “sense of injustice.”

Had this sharing not occurred, the state legal system would have had a “law and order” type deviance on its agenda and the divergent sanctioning processes of the two systems would have come into sharp conflict. The outcome of such conflicts may have ranged from escalated satyagraha, greater counter-response from the “law and order” standpoint, with a whole range of intended and unintended consequences for every one concerned. Satyagraha here is no more or less than a kind of self-help sanction where moral superiority of rival justice claims and justice claimants need not necessarily be a decisive factor. What will perhaps be decisive is the rival concentrations of social, political and economic power and influence marshalled behind justice claimants and the levels of organization of effort. In any case, it is well to remember (even outside the fact situation of Jijabi’s case) that the distinction between satyagraha and lynch justice may ultimately not be a distinction of kind after all but one merely of degree. It is therefore not surprising that this kind of sanction has been used rarely in the history of the Lok Adalat and is stressed only as a potential sanction.
Obviously, a good deal of research effort is needed to ascertain the
efficaciousness of various types of sanctions, particularly the sanctioning
processes involved in appeals and representations to ministers and high
officials inside and outside the region and the State. Those procedures also
tend to produce compliance ; sometimes even the threat to recourse to them
may promote compliance when the sanctionee is a bureaucrat or a petty
official or policeman or even a wealthy and powerful individual. The links
forged by Harivallabh with the ‘outer’ society, with his changeful political
affiliations, with organization of voters “banks” for elections, or for other
purposes of political mobilization are all aspects of the overall sanctioning
processes which become visible through empathetic observation, even
though these may be difficult to validate empirically. To the extent that
these factors also enter the sanctioning process, any attempt at characterizing
even in the broad terms, the Lok Adalat sanctions as being product of
“shame” rather than “guilt” culture may prove somewhat misleading.

Part Four: “Functions” of the Lok Adalat

An impressionistic study of the present kind can scarcely offer any-
thing more than a survey of broad range of tasks performed by the Lok
Adalat. The term “function” is of course a prolific source of intellectual
confusion as is ably demonstrated by Robert Merton (1968 : 74-138) who
has identified uses of that term to include “use, utility, purpose, motive,
intention, aims, consequences.” At the same time, it would be too ambitious
for us to adopt Merton’s paradigm, with whatever modifications, for
functional analysis. For the present purposes, shorn of all refinements
(Mertonian or neo-Mertonian), we here take functions only in his sense as
objective consequences which are “observed” and which “make for the
adaptation or adjustment of a given system” and as dysfunctions such con-
sequences which lessen such adaptation and adjustment. While we may be
(as we have indeed been) taking note of manifest functions of the Lok
Adalat, the data studied by us is far too slender to warrant observations
concerning “latent” functions.

(i) Manifest Functions

The manifest functions of the Lok Adalat may be specified as
follows:—

(a) conflict resolution ;
(b) dispensation of justice ;
(c) “ombudsman” type function ;
(d) legal aid and services ;
(e) legislative innovation ;
(f) public record ;
(g) marital counselling ;
(h) initiation of social change or “development” function.

(a) Conflict Resolution : This is a primary manifest function of the
Lok Adalat, which we have tried so far to generally document. Ambiguities
surround the performance of this function as illustrated in Part Three of
this paper; but despite these, it must be acknowledged that the Lok Adalat
on available data, is performing this function remarkably well. In so far
as the values of democratic participation, and substantive justice are con-
cerned, one might even say that the Lok Adalat system furnishes one kind
of model for organization of administration of justice, at any rate in com-
parable rural contexts of Indian society.

(b) Dispensation of Justice : If by justice is meant just procedure,
and large the depersonalized justice dispensed by the Lok Adalat
is worthy of high appreciation. A subsequent empirical study,
carried under the guidance of the author, shows that “during the course of
300 cases studied, we did not come across a single instance where a person
approached the law court against the Lok Adalat’s verdict as such.”
Indeed, the study further demonstrates that the law courts have advised, in
many cases, persons antagonistic to the Lok Adalat to accept its verdict.
(Avadh Prasad ; 1976 ; see also, Jijabai’s case Appendix A). Thus, in
terms of socially acceptable justice-outcomes, one might even say that the
Lok Adalat system has so far performed significant social functions.

(c) Ombudsman Function : As is demonstrated by the first five cases
in Appendix A (and many other similar cases) the Lok Adalat system
furnishes powerful invigilatory functions in regard to the grievances of people
in the area against public authorities. The Case of Three Corrupt Officials
and The Rape of Revatil dramatically illustrate the mix of “ombudsman”
and adjudicatory functions. The wider linkages—political, social and
economic—of the leadership with the “outer” world make the Lok Adalat
a powerful ombudsman-type institution. To this extent, it also supplements
and rectifies the aberrations and miscarriages of justice frequently charac-
terizing the administration of civil and criminal justice systems and of the
state bureaucracies.

(d) Legal Aid and Service Function: The Lok Adalat system
performs the additional, and crucial, tasks of providing legal services. As
seen earlier, its officials help prepare representations to authorities, courts
and often give procedural advice to enable people to exercise their rights.
All these functions are carried out para-professionally; there being no pro-
fessional lawyers in the Rangpur Ashram. At the same time, even a rudimen-
tary grasp of relevant law and procedure, and timely formal-looking
intervention—through letter or representation—has tended to inhibit the aggravation of disputes. We would also subsume under this aspect the usually unerring guidance given to people in the matter of revenue records, which are open to manipulation in favour of the literate and the powerful. The service aspect also includes provision of sureties, execution of loan and mortgage instruments, negotiations for crops and fertilizers, cooperative societies, etc. Not all these functions may fall within the traditional conceptions of legal services: nevertheless, much of the non-adjudicatory tasks of the of officials of the Lok Adalat and Gramshabhas lie in this direction.

(e) Legislative Innovation: The Case of Nandanbahen (Appendix A, case 2) illustrates a tendency towards legislative innovation. Indeed, it illustrates a classic non-liquet situation, answers to which were furnished through what might truly be called substantial norm innovation. On the other hand, the exact scope of norms for decision (in Ehrlichian sense) is rather difficult to determine. There is a loose system of following previous decisions in similar situations; but in the absence of authentic record, the only consistent trends in decisions would be those reflecting the deep ideological—egalitarian, social betterment, sarvodaya—strains of the instant adjudicators, especially of Harivallabh. The striking egalitarianism—between men and women, rich and poor, powerful and weak—practised in the Lok Adalat is itself a prolific source for new norms for adjusting ongoing human relationships in the area. Much more detailed work needs to be done to arrive at a comprehensive identification of legislative creativity of the Lok Adalat system.

(f) Public Record Function: Registration of marriages and divorces, loan transactions, alimony and custody matters is also being undertaken. In a vastly illiterate society, this kind of endeavour brings a sort of stability through reassurance generated by deference to the written word. The record-keeping, far from perfect, is nevertheless an important bureaucratic device, often used tellingly against prevarications of money-lenders, unscrupulous parties, and occasionally against the maintainers of revenue records.

(g) Marital Counselling Function: This is among the outstandingly successful functions carried out by the Lok Adalat system. Not merely sophisticated strategies of reapproachment are being evolved and implemented, but where these fail, every attempt is made to minimize the acrimonious fallout of marital discord. In terms of sustaining the family institution and kinship ties, the work of the Lok Adalat system may be less visible, as one mainly comes across divorce agreements in Kararkhats. But the contribution of the Lok Adalat system to the maintenance of family relationship, outside the adjudicatory context, is of considerable significance given the overall structure of the Adivasi segment of that society.

(h) Development Function: The Lok Adalat system, through its didactic mode of adjudication, contributes substantially to the creation of new social environment, within which incremental changes in attitudes, values, behaviour and institutions are being initiated. The Lok Adalat processes, so far analyzed, provide ample opportunities to counsel parties on many matters related to and transcending instant dispute situations. These opportunities arise: (i) when a party comes with a complaint; (ii) when the respondent has a "talk" with the mediators; (iii) when disputants come to ascertain or expedite the schedule of the Lok Adalat sessions; (iv) in the actual conduct of Lok Adalat proceedings; (v) when parties subsequently contact Ashram and related officials. We have noted, with some illustrations, how Harivallabh uses the didactic mode from the very first stage [see Part III, (i)]. He has made, constantly, the adjudicatory occasions into educational ones (at all these levels) through actual decisions and plain preaching on many themes—family planning, ill-effects of the over-consumption of alcoholic drinks, honesty in credit transactions, equality for women, agricultural innovation, health and hygiene, values of dignity and self-reliance. On many occasions, too, the sitting of the Lok Adalat itself provides a venue (either before or after its adjudicatory work is done) of adult education: Harivallabh talks with people concerning his visits to the state and national capitals, his overseas tours, problems in far-flung countries.

The changes accomplished in the region, of course, cannot be monocularly attributed to the work of the Lok Adalat system; indeed, the wider activities of Gramdan, Bhoodan, villages which embrace provision of credit facilities, promotion of functional literacy, animal husbandry, tube wells, a host of related skills, know-how, and finally morale building may, relatively speaking, overshadow the contribution of the Lok Adalat system to social change in the total context. In fact, this perception is attributable to Harivallabh himself. But it must not be forgotten that the initial legitimacy of the leader, and of his institutional auspices, owes a very great deal to Harivallabh's leadership role; and the developmental activities, which received consistent accretions of power and authority over time, have been sustained, as well as partly fostered, by this kind of didactic adjudication. The insistence on honesty in credit transactions had led to a remarkable phenomenon of 100 per cent recovery of loans by banks for the last 4 years. Overconsumption of alcoholic drinks appears to be substantially inhibited. Belief in witchcraft (see Appendix A) has been steadily assaulted through adjudicatory contexts. These are a few random examples; but a more systematic analysis should also lead to the same conclusion concerning the centrality of the dispute institutions in the overall social-transformation process.

Of course, the impact of multitudinous exogenic social change variables is not to be ignored. These include the agrarian reform measures
howsoever indifferently implemented; periodic mobilization of public opinion through elections at all levels—local, regional, state, national; contact with carriers of the metropolitan culture generally and of the legal culture of the state legal systems, etc. To isolate the relative saliency of one factor over other groups of variables is a notoriously difficult task. But we hypothesize that a comparative study, involving a control group, will support the conclusion that the Lok Adalat system is indeed a strategic variable in the initiation and accomplishment of certain types of social change.

(ii) Latent Functions and Dysfunctions

Correlative to manifest functions, latent functions are observable consequences which are neither intended nor recognized by the change-agents. Our study is far too limited to enable us at even the approximations of the latent functions by the Lok Adalat system. Nevertheless, faute de mieux, we offer some observations.

First, the Lok Adalat system is an aspect of the informal polity which is relatively autonomous. The ecology of the region, the ethnicity of most of its inhabitants, the relative underdevelopment of facilities of speedy transport and communication, and the traditional agrarian pursuits of most people in the region, all contribute to the isolation of the region from the mainstream of State administration and formal polity. This is not to say that there are no linkages between the "informal" and "formal" polities but that they are perhaps not of the kind that substantially impinge on the hegemony and autonomy of the Rangpur complex of villages. While the relative insulation and autonomy provide somewhat ideal conditions for ushering planned social change, through innovation and experimentation, alternative models and incentives for development appear to be more or less foreclosed; or at any rate, the latter are adopted only through selective, piecemeal, and ad hoc processes by the change-agents at the Ashram. Wider intrusions of political power, value and ideological structures may not necessarily be conducive to sustained change in the short run; but diversity and competition of ideologies and organizations do contribute in the long run to motivation for different choices for system changes.

Second, and related to the foregoing, is the consequence that the very success of the Lok Adalat system sets limits for self-correction and reform in the administration of justice by the agents of the state legal system. On the part of the agents two sets of attitudes can be hypothesized: attitude of deference, and attitudes of derision. The former view the Lok Adalat system as a system complementary to the state legal system and as an instrumentality which cooperates in reducing the work load of the state in maintaining social integration at some level or other. The attitude of derision (ideally typically speaking) involves either open or latent hostility (even though no overt manifestation of antagonism) or just plain indifference to this "freak" experimentation. In either case, the success of the Lok Adalat system fosters apathy for the existing patterns of official administration of justice in the areas; and thus inhibits both the impulse and aggregation of demands for a structural change in bureaucracy of the justice administration. To the extent that the Lok Adalat leadership itself feels this state of affairs to be inevitable or even satisfactory (as the maladies of official administration contribute successfully to the Lok Adalat system and its informal polity), the demand for structural and processual changes in the state administration gets even more diminished scope for expression. Thus, paradoxically, the Lok Adalat system, despite its manifest ombudsman type functions, tends to perpetuate systems of formal polity (especially administration of justice). Whether or not this is symbiotic relation or a complex interaction between two systems, each reinforcing the domain of the other, is a matter of scientific analysis and ideological evaluation which we do not venture here. It is sufficient for our purposes to stress the nature of the social change problems involved.

Third, while the manifest functions of the Lok Adalat show that both in their social service welfare aspects and justice-qualities, there are no inherent incompatibilities with the values of the constitutional order (and indeed some of the tasks are being better served by the Lok Adalat) the dedication, charisma, and the indefatigable work by Harivallabha have made it generally a single personality oriented institution. His power and prestige are unrivalled both as leader and adjudicator. But in such a situation, overdependence on a charismatic leader inevitably produces a dominant trend towards authoritarianism. To what extent this trend is dysfunctional to the dispensation of justice is a moot question. No doubt, the procedure is highly democratic; verdicts are instantaneously complied with (what we call compliance psychoses). But when the universe revolves round one man, not merely the prospects for continuity are imperilled, but potential growth for contemporaneous and future leadership is also curbed. Also, it is not to be naively expected that each one of the outcomes is valued by the community in every case for its intrinsic justice qualities. Quite frankly, some of these may be discretionary, arbitrary (in the sense that two similar situations may be treated dissimilarly) and even occasionally relatively partial (i.e. dominated by considerations of expediency rather than by principle or rule, or relative access to the adjudicators in other socially relevant non-adjudicatory contexts). These attributes may be particularly manifest in the "federal" aspect of the relationships between the Rangpur Lok Adalat and
Gram sabhas in Gramdani villages, whose functionaries owe allegiance, ideologically and pragmatically, to Harivallabha.

At the same time it must be appreciated that while the constitutional vision is inimical to arbitrariness, partiality, expediency-orientation, injustice and authoritarianism, the agencies of the state legal and administrative orders do in fact display to some degree or the other, these very attributes. What distinguishes the Lok Adalat system, however, is the locus of ultimate authority in one man, despite the inevitable trends towards the routinization and bureaucratization of charisma discovered by us earlier in the paper. The formal polity has, with all its defects, embedded into it the principle of hierarchical accountability, even though there may be several limitations of access of this kind of accountability. Beyond Harivallabha, however, there is no formal hierarchy of control. The informal mechanisms of control, that is the relations, between power-yielders and power-wielders remain, as they must in any power-structure; but in the last analysis all this is a matter of symmetrical and salience in power relations.

This trend towards authoritarianism may not be necessarily dysfunctional in all contexts. But in the long run, it may prove so, as it may give to the Lok Adalat system a special kind of finiteness which of course is a general property in time-dimension, of all social systems.

Fourth, the manifest functions of conflict resolution and justice-dispensation have had the unintended effects of various kinds, on disputes and behaviour. If, as seems to be the case, the workload of the Lok Adalat systems is on a relative decline, and access to courts is also limited (as is the case), one hypothesis needing some validation must be that dispute behaviour has been reduced. On the other hand, it may also well be happening that people go neither to the Lok Adalat system nor to the law courts; and that the conflicts and disputes become submerged and latent as an aspect of ongoing social relationship in the local communities. The overorganized, formalized procedures, distance, dialatoriness and expense of legal recourse, with variable assurance of justice, may be the prime factors inhibiting legal recourse. Similarly, the comparatively fluid structures of the Lok Adalat systems, the inevitable time-lags on scheduling and rescheduling of sittings of the Lok Adalat, the perceptions of variability of justice (though probably to a lesser extent than in the state legal system) and the overall trend towards authoritarianism (which all the caveats thereto) may equally inhibit, now and in future, recourse to the Lok Adalat systems. What then happens and would happen to the pathology of social systems viewed as manifest in local disputes and conflicts? Can one hypothesize that even in regard to conflict resolution, on this ground, some latent dysfunctions are involved? If so, questions would arise, for empirical investigation, as to the nature and intensity of suppressed dispute-conflict configuration, their impact on social cohesion and on the continued viability of the Lok Adalat system.

Part Five: Relations of the Lok Adalat System with State Legal System

The relations between the Lok Adalat system and the state legal system is undoubtedly many sided and complex as seen thus far, and calls for sustained investigation. Broadly, there are four patterns of relationship:

(i) complementary;
(ii) symbiotic;
(iii) exclusive;
(iv) antagonistic.

The complementarity relation between the Lok Adalat system and the state legal system has already been stressed so far, (see part IV). In some matters, clearly, the relationship pattern is symbiotic; this is mainly in relation to intra-Ashram disputes, matrimonial disputes and some petty disputes, where the state legal system does not relate itself in any significant manner with the Lok Adalat system and vice versa—whether this be in terms of norms, techniques or processes.

The exclusivity pattern is rather complex. Generally, serious criminal matters like homicide are strictly left to the processes of the state legal system, although in the early stages of the Lok Adalat there were instances where the penitent offender “murderer” was “punished” by way of rehabilitation to look after the widow, children and land of the victim for a term of years under close community supervision. The state legal system’s punishment would have in those situations affected adversely both the families—those of the offender and the victim—whereas the Lok Adalat’s penal and rehabilitative sanctions are certainly far more advanced. But probably such actions by the Lok Adalat are matters of the past. We were told, for example, that a couple of days prior to our visit, a corpse floating near the Ashram river was promptly handed over to the police for investigation.

In some cases, however, there is concurrent action by the Lok Adalat system and State legal system as is illustrated by the Jijabai’s Revati, and Vehlabai cases (Appendix A). Here the relation between the two systems is one of competition, oriented to hegemony. Even in this context, sometimes one finds scrupulous regard for the processes of the state law, as when (for example) Harivallabha was arrested and released on bail in the case of Vehlabai, he resisted all pressure to deal with the situation in the Lok Adalat until the proceedings in courts were complete. The hegemonic strands are clearly evident in a complex alchemy of adjudication,
propaganda, direct action, media recourse associated in the *Case of Revalti.* This hegemonial tendency is also evidenced by the summoning procedure which as stressed earlier, coopts the very machinery of state justice as a kind of sanction to comply participation with Lok Adalat proceedings.

Significant patterns of antagonistic relations were not found by us; but empirical studies could show inter-system antagonism, at least in terms of attitudes of derision by some agents of each system at lower and middle levels (police officers, *gram Sabha* workers, disputants having conflicting stakes and strategies, etc.). Overall, at the higher levels of judiciary and the Lok Adalat system there do not appear to be any marked antagonism; instead, one witnesses some degree of statesmanlike accommodation.

The full profile of the presence of the state legal administrative order in the region is not available. Subsequent research has however indicated that at least for ten villages in Chhotta Udaipur and Naswadi, the nearest police station is 12 kilometers, and the farthest police station 17 kilometers, away from each village; the district headquarters in each case is 120 kilometers distant from each of the ten villages, the greatest distance being 143 kilometers. Villages having fairly large populations are at a distance of more than 20 kilometers from the nearest railway station; and transport by road facilities is poor (Avadh Prasad, 1976).

All this information is generally consistent with the all-India trend. As regards police (according to the official estimates), there was in all one policeman for 800 persons in India; but the distribution is very uneven between rural and urban centres. The average jurisdiction of a police station is about 200 square miles covering 100 villages and a population of approximately of 75,000 persons. It was estimated in 1950 that police stations were, on the average, at about 8 miles distance from any village.

The state legal system, conspicuously present in urban areas, is only slightly present in rural areas. The low visibility at the state legal system renders state law (its values and processes) inaccessible and even irrelevant for people. Other factors (such as the language of the law, which is alien to about 95 per cent of the people) compound the distance between the state's law and the peoples' law. Thus, the state law (not just in India but generally in developing countries) is not just historically, but also sociologically, alien to the people.

It is this configuration that needs to be borne in view in any study of the patterns of relationship between the Lok Adalat system and the state legal administrative order. To be sure, the available data holds clue to some of the broad patterns of relationships hypothesized here; indeed, they may also hold clue to the relative success of the Lok Adalat system. However, a causal relation between the profiles of the presence (demography) of the state legal order and the emergence and viability of indigenous non-state legal orders cannot even be postulated in the present state of knowledge.

**Part Six : Conclusion**

The present paper, by and large, aims at description and conceptualization, suggesting pathways for future research in the areas of dispute institutions in India. The Lok Adalat system has its counterparts in Mirzapur and Uttar Kashi (in the state of Uttar Pradesh). Many more similar dispute institutions must be in existence in India, as well as other regions of Asia and Africa.

The persistence of some non-state dispute institutions (legal systems or informal control systems) sets some real limits to directed social changes along the lines of the constitutionally desired social order. This would certainly be the case where these systems derive legitimation from belief-systems which are not congruent with those investing state legal systems with legitimacy. Planned social change through the instrumentality of law must keep these limits in full view and if so desired must progress with more rational strategies, especially through the creation of supportive structures, to overcome these limits. By the same token, scientific delineation of the areas of compatibility and conflict between the state legal systems and non-state legal systems should enable precisely the development of rational strategies for planned social change (Baxi 1975: 38-39).

A rich, diverse and profuse (though far from exhaustive) descriptive empirical literature in relation to dispute institutions has to be cumulated with a view to obtain some kind of integrated perspective in the relationship between legal systems and directed social change. Perhaps, time is ripe for such an ambitious endeavour. Nation-building elites, as well as promoters of development in the “Third World”, need a more sophisticated awareness of the undoubted potential of the non-state legal systems for achieving developmental goals.
Appendix 'A'

The cases documented in this Appendix, excepting the sixth, are edited versions from Harivallabh Parikh's monograph *Light in Darkness* (1973: Sarva Seva Sangh, Varanasi). The cases have been edited by Professor U. Baxi. Care has been taken to preserve the accuracy of the narration of fact-situations, even when it has been abridged. All encomiums for the work of the Lok Adalat, whether by the author or other participants in the events, have been scrupulously kept out of the edited version. Facts regarding the socio-economic progress through gramswaraj cooperative societies are also omitted, as our focus is primarily on dispute-handling. The last case (the case of widicidotoor) is recorded in full from the monograph, in order to give a complete account, and flavour of the Lok Adalat proceedings, as seen by Harivallabh Parikh, as a participant-observer.

(1) The Case of Chunilal, Bharatbhai, Jijabai; (Jijabai's Case) (pp. 18-28)

In the Gramdan Chalayali village, Chunibhai Patel (hereafter CP), a big landlord and a money-lender, having nearly half of the village in his possession, took over nine acres of fertile land belonging to Bharatbhai and Keshabhai situated in Khakhadia, four miles from Chalayali village, for non-payment of debt only of Rs. 300. The land was so fertile as to yield annual produce of about Rs. 4,000 p.a. During these five years, the complainant Bharatbhai's (B) loan amount trebled from Rs. 300 to Rs. 900, presumably on account of high interest. Additionally, B had raised a further amount of Rs. 951 on the same land from CP in the fourth year of his original debt of Rs. 300.

A number of other lands in the village were released by money-lenders upon the payments being made to them on the eve of sowing season, but CP was not apparently, inclined to release the land. CP was repeatedly invited to meet Gramsabha. But he did not cooperate. As a result, the matter was presented before the Lok Adalat at Rangpur; and a date of hearing, convenient to CP, was fixed. CP was asked to come with all his account papers.

All men members of the Gramsabha of the Chalayali village reached Rangpur; CP sent his son Kaldasi, regretting his inability to personally attend because of illness (probably feigned). The Lok Adalat examined the accounts and arrived at the following *Karar* (determination, *lit* agreement, perhaps also compromise):

(a) CP has earned nearly Rs. 20,000 from the mortgaged land;

(b) Even after deduction of all expenses, his net profit comes close to Rs. 8,000 as against the original loan of Rs. 300 which had aggregated interest of Rs. 600;

(c) the amount of Rs. 900 was to be “written off” against the earnings realised by CP;

(d) the additional loan of Rs. 951 for marriage expenses raised by B must be repaid, without interest;

(e) if the Gramsabha of Chalayali village accepts responsibility of repayment of his loan CP should vacate B’s land immediately.

The Gramsabha agreed to these terms; so did Kaldasi son of CP. He, however, refused to put his signature since he maintained that he was not “competent” to sign the *Kararkhat*.

While this dispute was being discussed at Rangpur, CP proceeded to Khakadia with ten ploughs to sow in the land. Apparently, if he did so he would establish, according to custom, his right in the land and produce for that harvesting period also. CP, apparently, proceeded on the assumption that there would be no menfolk present in Khakadia, owing to the Lok-Adalat session at Rangpur. Jijabai summoned the women in the villages and they all decided to foil CP’s attempts by standing before the bullocks in the field “like a wall, clapping one another’s hand”. In reaching this decision, Jijabai recalled Bhai’s narration, sometime ago, to the Gramsabha of the *satyagraha* offered by the Adivas women in Pardi, in Surat District.

The women formed a cordon according to the plan, and braved the abuses and threats of CP. Ultimately, CP ordered his servants to drive bullocks over “the wretched women”. The servants, however, were unwilling to do so. CP tried to break the cordon by wrenching the hand of daughter-in-law of Jijabai. The young girl requested CP to desist from this behaviour and freed her hand. CP continued to abuse them. All of a sudden, all women “came upon” CP. The servants fled with bullocks, CP left the scene after sometime.

After a few days, CP persuaded the Bersad police (allegedly bribing them) to take 8-10 women in custody. Rasoli Bai, daughter of Jijabai, the chief of Gramsabha was also one of them. When produced before the magistrate, she explained the course of events, including the high-handedness of the police. Whereupon, the magistrate ordered release of all women without insisting on security.
Thereafter, CP "repented" his actions in disregard of the *Kararkhat* of the Lok Adalat. CP appeared before *Gramshaba* and conveyed through it to Lok-Adalat his agreement to abide by the latter's determination. The *Gramshaba* accepted the responsibility to pay Rs. 951 to CP; a penalty of Rs. 151 was imposed upon him for his misbehaviour to the village women. The land was freed to B.

(2) The Case of Nandanbahen (pp. 36-43)

Karapyalli declared itself a *Gramdani* village in 1958, but the nearby villages in the north-east mountainous range, which were economically and socially underdeveloped, had not accepted the Gramdan concept. Bhai, who is no ideologue, did not wish to force the pace of Gramdan movement; but rather insisted that the act of Gramdan must be a conscious, reflective process. The dispute involving Nandanbahen generated precisely this kind of process in the villages adjoining Karapyalli, 24 miles distant from Rangpur.

Nandanbahen (N) was a widow of Mangabhai Bhai Gohai (M). N lost her husband three years prior to dispute and lived alone with her three daughters, cultivating nine acres of land of M. According to the local custom, since the land must remain with the family, a widow must stay with her deceased husband's younger brother for the rest of her life. If there was no younger brother, she would stay with the elder as his wife (second wife, in some cases). If she was unwilling, she would be sent out of her husband's family.

The deceased M, however, had no elder or younger brother. N was cultivating M's land. M's sister Shanti (S) and her husband were interested in acquiring M's land, and S's husband (let us say T) started interfering with N's activities on the field, leading to frequent quarrels.

Ultimately, when the dispute reached *Gramshaba*, T had already got his name registered with the village *Patwari* against N's land. Some members of *Gramshaba* were of the view that T's action was justified, since the land must remain with the husband's family. Others, however, felt that this was unjust to the widow, as her girls may go away to their husbands upon marriage, leaving the widow both without land and daughters. This, they felt, was against the self-respect and "rights" of the women.

The compromise here accepted was that: (1) N, if she preferred it may live with her children, on her husband's land; (2) if N saw it fit to re-marry, she ought not to go to her new husband's family but cultivate her old husband's land; (3) land will all along remain in N's name; (4) her children, by new marriage, will inherit the property; (5) her new husband will be the guardian, but not the owner of the land.

N got re-married and tilled the land, on the basis of Gramshaba's determination. On that very basis, the Patwari erased the entry giving title to T and substituted N as the rightful owner of the land. The records of *Gramshaba* also showed N as the successor of M's land.

Many villages subsequently decided to become *Gramdani* villages. The story is that men and women of the mountainous region who earlier opposed transfer of land to the Gramswaraj Cooperative Society, now insisted that this should be done. The head of Bhangiawal village observed that his wife refused to cook food for last two days, insisting that her village should now be declared Gramdani. Accordingly, the headman called upon his villagefolk to do so, they agreed. Instead of going to Rangpur, they came to Kaparyall since Bhai was known to be there. The *Don Patras* (gift papers) were handed over to him there.

(N. B. The narration of the incident on the previous page ends with the exciting news that the whole block of villages comprising the Borsad block had signed pledges of Gramdani).

(3) The Case of Three Corrupt Forest Officials (pp. 49-57)

The villages of Karrachimili and Badva, about 20 miles away from Rangpur, are *Gramdani* villages. Three Forest Officers collected taxes from the villages. But they gave receipts for lesser amounts than actually collected (e.g., the amount of Rs. 125 and Rs. 200 were acknowledged when the amount collected was Rs. 300 and Rs. 500 respectively). The Gramshabha investigated the incident in the two villages, collected all the receipts, and brought the matter to the Lok Adalat, through a written representation. The misappropriation thus established amounted to Rs. 3,900. The officials were duly notified of the full details and requested to appear before the Lok Adalat.

Of the three officials, one appeared before the Lok Adalat. He confessed his "mistake". He refunded the amount collected by him in excess of the dues. Moreover, he undertook in writing not to commit such acts again.

The other two officials did not appear at all before the Lok Adalat. Superior officers were approached with a request that they take some action within the stipulated time. Upon failure to do so, the Lok Adalat decided to give the matter newspaper publicity and to stage *satyagraha* near the offices of concerned officials.

The Conservator of Forests, Gujarat State, thereupon visited Rangpur. At a session of the Lok Adalat, he at first said it was improbable
that his officials would make so many "mistakes". Thereupon, the Secretary of the Lok Adalat produced file No. 16 containing the apology letter of one of the officials. He sent for this official and asked him whether his apology letter was written in genuine repentance or for the fear of losing the job.

"That forest employee with folded hands replied; I am a new employee. I committed this mistake. I am very much ashamed for this mistake. Whether I am retained in the job or not, I shall not commit the mistakes hereafter."

The other two employees who did not own their mistakes, were called individually. The villagers were made to stand before them. The villagers with courage and confidence reported clearly the exact amounts which they had paid to the employees. The Conservator threatened the employees. We too advised them to own their mistakes. As a result, one of the two accepted the fault. He gave a written apology and returned the amounts. The third employee, no doubt, had collected much less in amount; but he had beaten the people. The Conservator chauvinized and served him with a notice."

"The People's Court met in the open. The conservator of Forests tendered his apology on behalf of his employees. He assured the Court that such things would not occur again. He openly warned all his subordinates that he would not tolerate such incidents in future."

"In one village, a forest employee had taken nine fowls. The villagers asked him to return them. He had already been punished for the offence. As such, the People's Court fined him Rs. 100. He paid it then and there. The nine persons were given Rs. 11 each. A villager said to the People's Court in jest; 'Let us from today name the fowl as Rs. 11. On this, the entire assembly as also the employee burst into laughter'.

"At the end of the meeting the Conservator of Forests paid a glowing tribute to our village as an awakened village and added that such an organisation should be developed in all villages".

(4) Rape of Revati (May 1966) (pp. 58-66)

A young man in Navalia village (which is not a Gramdani village) was found dead in a field in village Renadhi, 15 miles from Rangpur. A camping police official made enquiries from Renadhi inhabitants and in the process blamed and tortured the villagers. "All the males of the village were made to stand on all fours...like cattle, continuously for three days...they were allowed to sleep only at night... Anyone who made the slightest movement was beaten."

On the third day, police sent for Revati (15-16 years) suspected of murdering the young man with whom she was said to be in love. Revati was then staying with her aunt Dasaribahen, a vice-president of the Gram Panchayat. Revati was beaten; and molested. Dasaribahen, who saw the policeman laying hand on her breast, intervened forcefully reminding the official that he was acting outside his powers, and of her position in the village. The official left Dasaribahen's house.

Revati then went back to her mother's house and on the night of 1st May some policemen dragged Revati out of the house, ostensibly to ask her some further questions. After taking her some distance, three policemen raped the girl. After the rape, they thrust a stick in her vagina and left her bleeding profusely. Subsequently, in the night, Revati's condition became known. Dasaribahen, accompanied by 3-4 women, walked eight miles the same night to Quant village to contact a Member of the Legislative Assembly who pleaded his inability to help owing to a marriage at his house and his helplessness against government officials. Dasari thereupon walked 17 miles, with some more villagers, to Chhota Udaipur to contact Mr. Bhatt, another Legislative Assembly member. Mr. Bhatt asked Dasari as to whether she had contacted Bhai at Rangpur. The answer was no, since he was reported to be then in Delhi.

Revati was taken to Chhota Udaipur Hospital in Mr. Bhatt's car. The police took the girl in custody there and she was taken to Baroda on the ground that the hospital there was better equipped. Thirty-six hours after the rape, Revati was treated in Baroda. The police stated to the hospital that the girl accidentally fell down, and a bamboo stick pierced her.

On the next day, an emergency session of the Lok Adalat was convened on Bhai's return from Delhi. The indignation of the people at Lok Adalat was so high that even Bhai records that "he found it difficult to control himself". Demands were made that a group of people burn the police station at Quant, and punish the "sinful" act. Dasari said "This is the first incident of this nature in our area". Ultimately, the Lok Adalat decided to set up a committee of five, with Bhai as its Chairman. In 24 hours time, the committee recorded testimony of sixty-eight persons in Renadhi and felt "convinced that the crimes committed and the atrocities were without parallel." (p. 62)."

According to the "usual" procedure, the committee called on the Inspector of Quant Police Station, who accepted that the driver of Deputy,
Police Inspector and two others had committed the crime. He undertook to file a report to the superior officer and to deliver a copy at Rangpur Ashram the next day. The committee assured him that the report will not be used, (especially against him). As part of this agreement, the press release and representation to the Government in which this police official was accused was not acting responsibly were also to be withheld for a day. On the evening of the same day, the officer-in-charge of the station, accompanied by the legislative Assembly member, who had earlier complained of his helplessness, visited Rangpur with a view to dissuade the Lok Adalat Committee from insisting on further action in the matter. In view of this attempt, the press release and petition to the Government were sent. The petition described the incident as an intolerable “insult to the Adivasis as a whole” (p. 63), threatened Satyagraha, and “fight to the finish” against the tyranny if no action was taken “within 15 days.”

As a result, the three policemen were removed from service but no action was taken against the Inspector, Circle Inspector, and Deputy Inspector of Police in whose presence the villagers of Renadhi had been made to suffer. The Lok-Adalat had demanded their dismissal; it met again after 15 days. A demonstration, involving 1500 people, to Chhota Udaipur (17 miles from Rangpur) was planned and carried out. This was reportedly, the first such show of strength by Adivasis in the history of Chhota Udaipur. The same procession marched back to Quant, shouted slogans against injustices and atrocities. Media publicity-newspaper and radio was extensive; ultimately the sub-inspector of police at Quant was demoted and transferred.

Bhai observes in this account that “Renadhi is not a Gramdan village. But the jurisdiction of the People’s Court and that of our service to the people has no such barrier.” (p. 65)

(5) *The Case of Vehlabhai (pp. 73-80)*

Rangpur is Gramdani village, where the Ashram and Lok Adalat are situated. Land belonging to one Vehlabhai Jiaverebhai (VJ) was in the possession of Sahukar Shah Chimanlal Motilal (CM) for over two generations. With the advent of Gramdan most land in the village, held by Sahukars had been released and CM wished to sell the plot of 5 acres he held from VJ to the Ashram. The Gramsabha of Rangpur decided, with the consent of VJ, that the land be purchased from CM at Rs. 3,600 in the name of Gram Swaraj Samiti and handed over to VJ. VJ was to hand over to 50% produce until the amount was repaid to Gramsabha.

VJ’s father-in-law Nakla Bhai (NB), a rich landlord who had “usurped” the lands of others, offered to advance the needed amount to VJ, without interest. When VJ made this request to the Gramsabha, it was conceded with the stipulation in writing, signed by both VJ and NB that the land will remain in possession of VJ and that the loan will be paid in instalments. Accordingly, land was purchased in the name of Gram Swaraj Samiti; but NB started cultivating it after one year and kept on doing so year after year, despite seven notices by the Gramsabha. In the third year, the Gramsabha asked NB to desist from ploughing and sowing, but despite this he began to plough. Thereupon, the Gramsabha ploughed and sewed cotton.

All this happened shortly after the rape of Revati. NB was a wealthy man. Gramsabha was charged for breach of trust under Sections 420, 416, 438 of the Indian Penal Code. At an emergency meeting, the Gramsabha made Bhai its Chairman, as he felt the matter was serious. Attention of the police was drawn through a representation stating full facts and copies of written assurances and resolutions in the matter. Nevertheless, the charge-sheet alleged that Gramsabha, instead of purchasing land in favour of VJ, did so in its own name.

Bhai and others were arrested and released upon furnishing security. Bhai had to resist pressures to bring the matter before the Lok Adalat; it was agreed that this would be inappropriate since charges were already framed. After six months of adjournments, the Magistrate directed the prosecution not to delay further. In the meantime, VJ and NB became “estranged from the Adivasi society” and wanted “to correct themselves” (p. 78). The matter was heard in the Chamber of the Magistrate. Bhai, reiterating the earlier resolutions, stipulated that in case VJ is disinclined to cultivate land, the Gramsabha is willing to refund him Rs. 3,600 with interest. Thereupon, VJ and NB were taken outside by police for discussion and upon return VJ agreed to have the refund but stipulated that the amount must be paid “here and now”. The police requested that one month’s period be given to refund, during which the case should be stood over. The Magistrate allowed one week’s period for this purpose. Bhai agreed, however, to produce the amount within an hour, although the Ashram was miles away. Upon his request, workers went to two individuals in Chhota Udaipur and returned with Rs. 3,600. “While the sum was being counted, the other gentleman too sent a sum of Rs. 3,600 through his son”. The Magistrate said to the police, “Did you charge all these people under Section 470?”

Some weeks later NB and VJ had a dispute over money; NB alleged that he had not received that full amount lent by him back. The Lok Adalat heard VJ who stated that while he received the full amount, police “took a large portion of it”. The Lok Adalat handled this “complicated issue” ultimately by asking them to repent their “mistakes”, adopt a spirit of “forget and forgive” and to maintain good relations (p.80). VJ later on became the chief of the Gramsabha of Rangpur.
"The Case of the Witch Doctor"

This case is reproduced in full from Light in Darkness, (pp. 81-89). "There were wounds all over the body of Ravibaihen. But they did not look fresh. She had come with her husband to present her case before the People's Court. Govindbhai, the Secretary of the People's Court, asked her to give him full information. The beautiful young Ravli, in an anguished tone began her story of woes:

'I live in Pandwa village 14 miles from Ashram. Our village is on the border of Madhya Pradesh. 12 days back the villagers assaulted me very badly. I was innocent. It so happened that some bullocks died in the village due to some disease. Two more deaths occurred in the village. Thus, in about 2 to 3 weeks, some animals and some people died in the village. The villagers invoked the help of a witch doctor. As if he was possessed of some spirit, oscillating he said, "Ravli the wife of Ditya has become a Vampire. It is she who eats away the animals and the human beings in the village." For the people of the village the words of the witch doctor were gospel truth. On one side stood all the women of the village while on the other men. The witch doctor came near me singing. Touching my body with neem (margece) leaves he repeated those very words. 'Ditya's wife Ravli is the Vampire. She eats away our cattle and human beings.' That was all. Just as he spoke thus, some of the villagers assaulted me. My body was wounded on a number of spots with sharp weapons. My husband, father and brother were present at the place. But the witch doctor's orders supported by the presence of the village were enough for my adversity. My family members were afraid of the people. Their fear was natural. Otherwise, they too would have lost their lives. After a few assaults, I became unconscious. I do not know what happened later."

Immediately, her husband Ditya, supplementing her narration said: "Blood was flowing profusely out of her body. Those who beat her, thought that she had died and thereafter they left her body. We observed that she breathed still. We laid her on a cot and carried her to the hospital. The doctor called for a report from the police and began her treatment. Ravli lay in the hospital and we served her. But, it was difficult for me also to live in the village. The first day the police treated us kindly. The next day our village Police Patel and a few others went to the police station. I do not know what they did. Since then the attitude of the police towards us changed. Somehow, in about two weeks, Ravli became a little better. Her wounds were getting healed up. Hopes were aroused in us that she would survive. But my cultivation could not be attended to and so it could not prosper. Somehow, stealthily, I would get to the village at nights. Very early in the morning, I used to leave the village. Five miles from my village is Dungargaon, a Gramdani village. I met the chief of that village. He advised me to represent the case to the People's Court. Hence, we have come down here. She will get alright, but, we shall be compelled to quit the village."

Tears rolled down as he narrated.

The Secretary of the People's Court jotted down short notes of the case. As per rules of the court he sent an invitation to the people of the village.

"To the chief and the people of Vantda village."

"We have received a complaint against the entire village. Perhaps, you all beat Ravibai due to ignorance. We also learn that you are all intent upon driving out her husband Ditya and the entire family out of the village. There are even now many wounds on her body. Still we are not prepared to accept all what she said solely on her own behalf. As is our practice, we want to hear you also. Hence, please attend on 8-10-71 the People's Court at Rangpur with your friends and relatives."

This invitation letter was sent through Ditya, the husband of Ravli. They did not turn up on the appointed day. Ditya, and their family members came along with those who supported them. Ravli again submitted her case before the People's Court.

I explained the salient features of the issue. The suspicion was roused that police had become a party to it. Even though such a great crime had been committed, the police had not taken any step. The People's Court decided, therefore, that notice be served on the police and a second notice be issued to the village people and in view of the gravity of the crime, the People's Court held its next sitting within five days.

Ravli and Ditya went to the Police Station with the fresh notice based on the complaint lodged by them and issued by the People's Court. The Police Officer was new to the Station. He had taken money from the other side. This was revealed later by his words. On reading the notice and the complaint, he became enraged. But, later, he adopted conciliatory tone and said:

"If you both desire to lodge this complaint I shall entertain it. But, note that the police will not protect you for all the 24 hours. The entire village is of one view. They have the directions of the witch doctor. Therefore, they will not let you live. If life is dear to you, you better leave the village and get away elsewhere."

Thus, even the police official, instead of charging the villagers under criminal offence, quoted the witch doctor for their reference. It was really astonishing. Ravli and Ditya did not lodge any complaint. Walking a distance of 14 miles they returned to our Ashram that very day.
They said: "Bhai, the Government supports them. It was known yesterday that the villagers collected a good sum and gave it to the Police Officials and thus greased their palms. The witch doctor is on their side. Even the Police Officials give credence to the words of the witch doctor. They advise us to quit the village. It seems as if even God has deserted us. We are at a loss to know what to do." So saying, they became deeply dejected and desperate as if they were both getting drowned. Their facial expressions betrayed their emotions. We advised them to wait for 2 or 3 days because, as per the new notice the meeting of People's Court was imminent. The notice served on the Police was published in the newspapers in full. Perhaps, it had its effect on the Police. This time, the entire village of Vantda was present on the day the People's Court was to meet. It was difficult to believe by looking at the faces of the accused that they ever did such a wrong.

The People's Court began its proceedings. Ravli, Ditya and the elders of the village were seated near us facing each other. At first, the villagers refused to confess that they beat Ravli. But within a short time, they spoke the truth. Motia, the Police Patel of the village said:

"Bhai, this Ravli turned into a Vampire and ate away within 3 to 4 weeks a few heads of cattle and human beings in the village. In such an eventuality what else could have been done except to punish her. It is a mystery how she survived our fatal blows." Supporting him some of the villagers added:

"Bhai, she has after all survived. We shall not beat her any more. But please advise her and her husband to quit the village."

Those words of Vantda villagers made all those present in the People's Court burst into laughter. I too pitied their innocence and ignorance and did not say much at that time. It was now for Ravli and members of her family to speak. Presenting what they thought in the matter she submitted: "I never ate any one. I do not know any witchcraft. How can I eat any one?"

Addressing people on either side, I explained to the gathering: "Brothers, this kind of superstition and false accusations have cost many innocent lives so far. In the early days of the People's Court, say 20 to 22 years ago, we had to face many cases of witchcraft. Besides, there were 2 to 3 murders every month. But since then our society has changed. Such cases are now rare but if at all they occur, they do so once in 4 or 5 years. I recollect that case of Sihada. It was the last such case in this region. In the year 1964, one night the people of the village mistakenly murdered Phatu's wife. It so happened that the wife of Chhagan dealed of a snake-bite. This led the villagers to consult the witch doctor. That doctor whom the people regarded as the broker of the Goddess gave the verdict, queer as it was, that Phatu's wife was in fact a witch. She transformed herself into a snake and bit the wife of Chhagan. Then also, as in this case, all the villagers jointly murdered Ramti bai, wife of Phatu. I remember how on hearing this incident, Dona a social worker from America who was then with us here to offer free service in our hospital for one year burst into tears. She could not even take her food the whole day. The following words of Dona are still ringing in my ears:

"The greatest centre for education in Hindustan is Baroda. Its University had the benefit of the services of great Maharshi Aurobindo and Kaka Kalelkar. Even today, that University commands the respect of the people. It is a tragedy that within only 150 kilometres from that University there is so much of ignorance and superstition. Is it not, therefore, advisable and proper for the Government of India to depute its intelligentsia to such areas in the country and help banish such blind superstitions and ignorance instead of sending them to Korea, Vietnam and such other places?"

"I bent my head in shame. Brothers, these may be tall talks for you. But, the intelligentsia has not done anything to educate you and dispel this ignorance. As a result, there are a few who are so intelligent as sometimes create not only regard but also awe in others, while still there is a section of our people so ignorant as not to feel any qualms of conscience even over murder of their fellow beings on the slightest pretext."

Diverting the topic I asked the members of the People's Court, "How many amongst you still believe that it is possible for one to become a vampire and eat away others?"

No one raised the hand. Some members of the People's Court even condemned forcefully such wrong beliefs. Now, the atmosphere underwent a change. Availing of the opportunity I enquired of the people of Vantda, "Brothers, if you don't believe in the superstition, how then did you commit this act?"

Two innocent faces stood out and replied: "We believed that the words of the witch doctor were the commands of the Goddess."

I enquired where the witch doctor was!

Immediately, Molabhai pointed out to the long haired Unkariaabai.

I invited Unkariaabai to come rather close. Then I put to the people of Vantda some questions: "When the Goddess descends upon him, you think he is capable of answering any question and performing
any act. Now I put a glass full of water on this table. I invite you people to ask Unkariabhai to invoke the Goddess and appeal to her to convert this glass of water into blood. Is it possible for him to do this small thing?"

The people of the village along with others looked at Unkariabhai. In order to prove my view point, I directly put a question to Unkariabhai: 'If you could enter the body of Ravli and see all the animals and human beings she had eaten, I ask you a simple question. Even if you cannot convert the water in the glass, I shall have something dissolved in the water. Can you say what that substance is? If you can penetrate into the body of a woman and find out what things she has eaten, what I ask you to tell us now must be very easy for you.'

The people of Vantda village also agreed with me that it was a simple thing for the witch doctor. Now, the witch doctor was badly caught in the snare. He began to sidetrack the issue. It was proved in the presence of the people that he was only a hypocrite and had no such divinity. Then the People's Court asked the villagers of Vantda, who already felt ashamed, "What have you to say now?"

Two or three villagers of Vantda said in a tone full of remorse: "Under his influence, we committed a great sin. The People's Court may punish us as it seems proper."

Then we asked the people of the village of Vantda and they agreed with this proposal. In accordance with the rules of the People's Court and in order to determine the extent of punishment, we invited two representatives from each side. These four people who were the elected representatives of both the groups were to act as the jury. We requested the four to stand and then said, "You are no longer the representatives of either group; you now represent the entire People's Court. Please retire to the shade of that yonder tree. Be seated there comfortably. You have already heard the version of all sections of the people. In the light of what you have heard you must come to some unanimous decision as to what should be done."

Accordingly, the Jury retired to attend to their work. We availed the opportunity to explain to the people various incidents that had taken place in the world in the recent past. As a matter of fact, the People's Court is the medium for people's education.

After nearly an hour the Jury came back with an unanimous verdict. Speaking on behalf of the Jury, Sri Koyijibhai said: "We have thought over the matter deeply. The crime is a very grave one. In a way, the people had almost murdered Ravlibai. Somehow, she has survived. But the people did this out of their ignorance. On enquiry, we learned that the people had so far paid the police Rs. 700 and the pleader another Rs. 500. Hence, it is not proper to fine these people anymore. The people of the village, therefore, should pay only a sum of Rs. 125 being the expenses incurred on medicines, etc., for the treatment of Ravlibai."

This verdict of the Jury was accepted by all the people with pleasure. Ravlibai brought jaggery worth Rs. 25 and distributed it amongst the people gathered in the People's Court. The People's Court dispersed with love and goodwill on either side.
Appendix 'B'

Three cases heard in Lok Adalat on 1 January 1956 as recalled by Mr. P.R. Pancholi in his essay for the Parangat examination "Gramdan Activities in the Fenai Region, Baroda District", submitted to Gujarat Vidyapith, March 1971. pp. 87-92. (Rendered, with minor alterations, into English from Gujarati by Professor Baxi).

(1) The Case of Mukti

Mukti, of Goyavat village, was married seven years ago to Ram in Haripura village. Mukti, however, preferred not to stay with her husband for any substantial period of time. In fact, Mukti was not living with her husband for one whole year when her case came before the Lok Adalat.

People gathered under the shade of Mahuva tree upon a platform. Harivalabh sat on a chair, with a table near him. There were plenty of people. The work of the court began. Mukti and Ram were asked to sit facing Harivalabh, who started asking questions of Ram. Ram said "I have no difficulty (vandho) with Mukti. Nor do I wish to find any fault with her. My only objection (vandho) to her is that she does not live with me". Harivalabh stated: "You must be beating her or exercising your authority or power (adilkar) over her or doubting her. Surely, there must be some such reason for Mukti's behaviour". Ram replied that there was nothing of this kind.

Then Harivalabh started asking questions of Mukti. Mukti said: "I have no quarrel with my husband. We are both good. But, Bhai, I hesitate to say such a thing before a man so noble as you are, but my accused (muno) father-in-law Dahya has evil designs on me (lit he desires me). When others are present he reprimands me for not covering my face with a sari. But when people are not present and we are alone, he rebukes me for covering my face with the sari. This is my only difficulty (vandho). If my father-in-law Dahya did not live together with us, my husband and I could live together happily".

Harivalabh thereupon asked Mukti: "Will you happily go to your husband, if we arranged for you to stay separately with your husband"? Mukti consented. Her father-in-law said to Harivalabh "Bhai, (this is how Harivalabh is addressed by all) my honour and good name are at stake. I agree to abide by your decision, whatever it be".

Harivalabh then recorded an agreement in writing to the effect that should the father-in-law foster evil designs concerning Mukti in the future, and should this be proved in Lok-Adalat before the panchas, he will be fined Rs. 501 and he will forfeit all claims over his daughter-in-law. The parties registered their thumb-impressions on the agreement written by Harivalabh and Mukti left smilingly, pleased with the stipulation that she would stay with her husband separately from Dahya in a different house.

(2) The Case of Nani

Nani, a middle-aged woman, and mother of five children, was ill. Her husband, a carpenter, sought the help of a Sadhu, Luxmandas (Y) to cure her. Y gave herbal medicines to Nani, who began responding favourably to his treatment. Y stayed in Nani's house during the period of convalescence of Nani. In the process, they both developed strong mutual affection. After her recovery, Nani packed her bags and left the house with Y, and stayed with him in the village Usila. On 22 December 1965 someone beat Y. Nani came on the same evening to lodge her complaint to Rangpur. Harivalabh called Nani, her husband and the Sadhu to the Lok Adalat on 1 January 1966.

Nani, in presenting her "case" stated as follows:

"When I was ill, my husband called the Sadhu. I found relief from my illness due to Sadhu's treatment. Devotees came to see the Sadhu and made offerings of grain and money to him, which were used to meet our household expenses. On some occasions, my husband also borrowed some money from the Maharaj (Sadhu). In this state of affairs, my husband told me one day that "you cannot do any work. Go away wherever you please". I remonstrated, but he was adamant. But he drove me out and took me some distance away from my home village. I was told not to go to my father's house; my only other alternative was to go to the Sadhu. So I went to Usila where the Sadhu was. I served (looked after) him and he treated me. Thus we lived together. My husband came to us a few times (2-4 occasions). He borrowed more money from the Sadhu. I asked Maharaj (Sadhu) not to loan any amount to my husband, as he would then become too lazy to work. Maharaj told him once or twice 'why do you beat Nani? Please take her
home. But my husband did not. "In the meantime, my sister became a widow. She had 3-4 children. My husband brought the widowed sister to the house and is now living with her. Despite this, he arranged to get the Sadhu beaten by someone. And now he is demanding money for medicine and for me from the Sadhu".

Everyone was impressed by Nani's eloquent and skillful presentation. Her husband, when asked, said:

"Nani is lying. I did not drive her out. Rather, she went away with the Sadhu. It is true that when her sister was widowed, I brought her to my house and that she stays there. She is looking after her children and mine. I do not want Nani to come back to me at all. But whatever I paid to Nani's father by way of dahej ("bride-price") should now be restored to me by the bawa (Sadhu)."

When Laxmandas was asked, he talked with his eyes closed, like a Stitha pragnja (a sage with equipoise).

"I am not at fault. I do not want to keep Nani. How can I afford the expenses for her medicines?"

Nani intervened to say "how can the Maharaj afford to pay the cost of medicines? Maharaj is not at fault. In fact, I have imposed myself on him".

The Sadhu was asked to state his religious affiliation. He said he was Kabirpanthi (a follower of Kabir). As he said this, one or two followers of the sect became so angry as to beat the Sadhu. Everyone was eventually pacified. Harivallabh Bhai reviewed the whole case in great detail and suggested that a panch (jury) be formed, with each of the two parties nominating two panchas. The four panchas were told by Harivallabh that there were not partisans; and it was their duty to give a just decision. The Panchas went away and sat under a tree, and returned within half an hour with their decision.

Their unanimous decision was that Bawa (Sadhu) must pay Rs. 250 as fine; that Nani may live with the Sadhu, and that the Nani's former husband was accorded permission to live with Nani's widowed sister.

Harivallabh said thereafter (probably there was some discussion); "Clearly, what Bawa did was wrong. But he was beaten up, which is also wrong. Hence, what if we reduce the fine from Rs. 250 to Rs. 200"? The Lok Adalat accepted this view. At the time of putting her thumb impression on the divorce deed, Nani said "Bhai, I may want to meet with my children sometimes and I should be given permission to do so. Please also get it in writing that my ex-husband will not beat me (when I visit his house)". Nani's ex-husband was enraged and exclaimed: "Let alone the house, I will not let you set foot in the village". Harivallabh explained to him that he has no power/right over Nani. He said: "When Nani comes to see children, you must treat her as a guest." People agreed and there was laughter.

(3) The Case of Retli

Retli, 16 years of age, was most unwilling to live with Mohan, her husband. They have been married for six months. Mohan is an attractive young man. But for some reason Retli just refuses to live with him. She was sought to be persuaded but she would not change her mind at all. Ultimately she said, "My husband's elder brother's wife had put some hair in food. She may even put some poison one day. So I don't want to return ever".

When every attempt at persuasion and consensus failed, divorce was granted. It was found that Retli was at fault. Panch decided that Retli's father should pay Rs. 350 to Mohan—Rs. 325 for Mohan and Rs. 25 for gur. The sum of Rs. 300 paid by Mohan's father to Retli's father for dower (Dahej, "bride-price") was returned. In addition, Rs. 50 was the fine payable to Mohan. Retli removes her ornament Kada from her feet, the final ceremony of divorce.
GLOSSARY OF INDIAN TERMS USED

Adivasis
Amavassya
Ashram
Ashramites
Bania
Bhai
Bhoodan
Bhul
Bhumi Mukti
Dahej
Daken
Dosh
Dussera
Fargati
Fozdar
Gramdan
Gramsabha
Gujarat
Gur
Jeevan Shalas
Jhagada Bhango
Kabirpanth
Karar
Kararkhat
Karyakartas
Lok Adalat
Mahuva
Mantri
Mauna
— Aboriginal tribes
— Moonless day
— Hermitage, a religious retreat for a colony of disciples
— Those who belong to the Ashram
— Small money-lender
— Brother
— Gift of land
— Mistake
— Liberation of land
— Dowry
— Witch
— Fault
— Hindu religious festival
— Divorce
— Police constable
— Gift of village
— Village boards
— State in Western India
— Jaggery
— Schools for life
— Breaking of quarrel
— Religious sect
— Compromise (agreement)
— (Document embodying agreement of parties) Letter of Compromise or agreement
— Workers
— People’s Court
— Maple tree
— Secretary
— Total abstinence from speech

APPENDIX

Pakshakaras
Panchas
Panchayats
Prabhu
Sadhu
Sahukars
Satyagrah
Sharab Mukti
Takrar
Talukas
Thana
— Representatives
— Jury
— Village self-government
— God
— Religious mendicant
— Money lenders
— Non-violent passive resistance and non-cooperation
— Liberation from liquor
— Quarrel
— Village areas
— Police Station