

# न्याय nyaya

Instances of Dispute Resolution outside Court

अंक : द्वितीय

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Back Cover: Community Dispute Resolution sessions at  
Villages Kusaili and Amirti, District Chitrakoot  
(Photo Credit: Deendayal Research Institute, Chitrakoot)



## INTRODUCTION

In the first issue of this periodical (May 2017), we had compiled six instances and placed before our readers a variety of disputes which had been successfully resolved outside the Court through social means. Subsequent to that issue released in the meeting held at New Delhi on May 8, 2017, we have made efforts to gather further such instances.

Since the past issue of May, 2017, there have been several developments pertaining to the activities of the organisation. The group of persons who have come together to develop this project have formally registered themselves as a society by the name of *Nyaya Chaupal* under the Societies Registration Act, 1860 at Delhi. The office-bearers are Sh. R.C. Lahoti, former Chief Justice of India as the President, Sh. Govind Goel, an eminent lawyer practising at the Supreme Court of India as its General Secretary, and Sh. Shanti Sarup Mittal, a Senior Advocate who has practised for nearly half a century as its Treasurer.

Since its inception, the Society has been actively engaged in reaching the ground level and steps have already been taken to commence its activities in parts of Delhi, Faridabad, Gurugram and Chandigarh. For this purpose, various respected persons of the community in these places have been invited and meetings have been conducted with them. Three disputes have also been taken up at Faridabad for resolution, and several meetings have been conducted with the disputants for attempting an amicable solution to their differences.

In the present issue, we have attempted to cover such out-of-court processes, which are going on in various parts of the country.

Apart from detailing individual instances of dispute resolution outside the court, an attempt has also been made in the present issue to trace the background and development of these processes. In the present issue, the focus is on two such important ventures – one from the Madurai District of Tamil Nadu, and the other from Chitrakoot, several villages of which have been dispute-free due to the efforts of Nanaji Deshmukh ji and the Deendayal Research Institute. Both these efforts are unique in their own ways, and they both reveal how dispute resolution can be attempted and effectuated out of court, in various ways depending on the socio-cultural climate.

There is another highlighting instance of dispute resolution which has been incorporated in the present issue. One of our active members from Faridabad, who attended various meetings for resolving the disputes, got motivated to attempt to resolve an existing matrimonial dispute in his family, and has been successful at doing so. This is significant because it shows how people can be motivated to resolve disputes within their family and community instead of resorting to litigation.

It is hoped that this periodical will serve as a stimulus for the society looking inward and resolving disputes in their own courtyard.

PROF. BALTEJ S. MANN  
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## FIRST TASTE OF SUCCESS

*As told by Sh. Raj Kumar Aggarwal, a businessman from Faridabad, and actively associated with Nyaya Chaupal, who narrated how he felt motivated by Nyaya Chaupal and successfully resolved a matrimonial dispute.*

*This case study shows how persons can be motivated to intervene and attempt and resolve a dispute which had precipitated only on account of a flawed approach.*

### Background

This incident is about a married couple in Kolkata who had been married for 27 years and are blessed with two sons. About one and a half years ago, there arose differences between them, which became so aggravated that there was a police case etc. However, with the intervention of family and friends, they both realised that with two adult sons, they should end the police complaint.

The wife withdrew her complaint, but there could be no resolution between the couple and the husband and wife started living separately. Both the sons used to stay with their mother and the husband initially cooperated by sending them some part of maintenance. The elder son, who had completed his graduation, wanted to study further, while the younger son was still completing his studies. Their mother was a housewife and therefore, they were dependent on the small amount of maintenance sent by the husband.

## I

Gradually, both the husband and wife hardened their stands and they refused to resolve their differences. Both of them were firm that they did not want to stay with each other. Later on, the husband stopped sending that little amount of maintenance to meet the day-to-day expenses of the family. On the other hand, both the sons did not have any employment, nor did the wife have any other source of income. The situation of the family had become pitiable.

## II

Although this entire dispute was within my knowledge because they are my family friends, I hesitated to intervene for several reasons, primarily because I thought it best to avoid interloping in such matters and moreover, because several attempts had already been made to resolve the differences between the two, but in vain. Also, both the sides appeared to be very rigid in their stands and did not appear to be able to find any mutually agreeable position.

Thereafter, I became associated with Nyaya Chaupal and participated in various dispute dissolution sessions in Faridabad, where we are attempting to resolve another matrimonial dispute. I felt an urge from within me that I must make an honest effort at resolving this dispute between this couple in Kolkata, because three lives including that of the two young men were at stake. Since I am employed in a private company and we had 3-4 days' holiday, I decided to travel to Kolkata to try and find a solution to this problem.

### III

Upon reaching Kolkata, I went to each party's home and heard their versions individually. The husband told me that the wife did not trust or respect him. He said that she was suspecting him to be involved with another woman, which was totally without any basis. He also said that it had become impossible to live with her because she did not perform her duties as a homemaker, and he could not get meals in time, was subjected to constant bickering.

When I went and heard the wife's version, she told me that the husband was involved with another woman and that whenever she would bring something like that up, he would beat her up. She said initially she kept putting up with these physical assaults, but it is only when the beatings became unbearable did she approach the police. She expressed disappointment with the fact that with two adult sons in the house, it was unjustified for the husband to maltreat his wife in this manner. Therefore, she had made up her mind to stay separately.

After hearing both the sides individually, I felt that these differences were nothing but misunderstandings which had not been effectively addressed and in case they are handled in a matured way, they can be resolved.

### IV

The next day, I called up some relatives of both the sides who had been making efforts to resolve this dispute and requested them to persuade the entire family to sit together and attempt at resolving



the entire dispute. So we assembled in the evening at a mutual family friend's place. After exchanging the initial pleasantries and making the concerned persons comfortable, I asked them if they were really interested in staying together once again. Initially, both of them refused to give a clear response, but gradually they expressed their desire to live with each other provided that the other person addressed certain issues and also if they agreed to certain conditions.

The husband stated the wife must not, without being sure, doubt his fidelity. He reiterated that he was never involved with any other woman, and the entire doubt was on account of some baseless gossip. He expected the wife to perform her duties as a homemaker and to bear in mind that when he comes back home in the evening, it is after a long day at work and he expects to be treated with some respect and dignity.

The wife, on the other hand, offered to resume living with the husband only if he pledged not to inflict physical harm on her. She said that being his wife and the mother of their two adult sons, it is unbearable to be subjected to beatings at this age and stage in life.

With these conditions being agreed to by both the parties, I also proposed that the elder son, who had completed his graduation, could start assisting his father in his business. This would help in bringing the entire family together.

## V

While traveling back to Delhi, I realised that such minor misunderstandings had become so magnified. I analysed the reasons

for this and felt that it was perhaps because our modern approach to a problem has become to cure the symptoms and not the causes. Most people who were attempting to resolve this dispute had perhaps accepted the declarations of the husband and wife that they would not live together, and were only proceeding to bring an amicable end to their relationship. Unfortunately, the relationship, which was 27 years old, could not end for such trivial reasons, and when a concerted effort was made to address these causes for dissatisfaction to get them to resume living together, both of them realised their imprudence and agreed to live together.

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## CHITRAKOOT A MODEL FOR MAKING RURAL INDIA DISPUTE-FREE

*With the efforts of Deendayal Research Institute, several villages in Chitrakoot, have been made dispute-free. This information has been made available with the cooperation of Sh. Atul Jain, General Secretary of Deendayal Research Institute.*

*The present piece reveals how adopting a multi-pronged approach to dispute resolution through community means, can rid villages completely of disputes and promote cordial relations between residents.*

### Methodology at Chitrakoot

It is well known that disputes, if not resolved timely, can lead to several destructive affects – one of them is that although the dispute begins without any major reason, it continues from generation to generation and several generations can get destroyed. Deendayal Research Institute is concerned about these problems and contemplating a solution for them. Nanaji Deshmukhji used to say that until such time that people in the villages are not freed of disputes, there cannot be any positive social development nor can there be any riddance from various other social evils. Therefore, he stressed the need that villages must be made dispute-free.

Among the centres of Deendayal Research Institute, is the Centre at Bhargaban, where a lot of work was carried out in this context and what was experienced is set out hereinafter. Prior to 26 January, 2002, this centre which comprised five villages witnessed:

- (i) Verbal fights between the people without any rhyme or reason;
- (ii) Fights between people, which often used to come to the point of physical violence;
- (iii) Even the most trivial matter used to reach the police and courts;
- (iv) Revenue disputes which were already pending.

Three years ago, people of the village themselves resolved as a community and society to free their village from the all kinds of disputes within a fixed time-frame. For this, the plan of action which was adopted was this:

**I. In respect of registered cases:**

- (i) Nature of dispute and identifying the reasons;
- (ii) Registration of identified disputes;
- (iii) Compilation of history and other related information of such registered disputes i.e. to find out the history of previous two generations;
- (iv) Collection of information regarding what is feasible and justified by consulting experienced, cultured and intellectual persons of the village in respect of each dispute;
- (v) Taking into confidence individual villagers, who are of destructive nature;
- (vi) Developing cordial relations with the disputants and inculcating a feeling in them that whatever they think is true is not the absolute truth;

- (vii) After collecting and perusing carefully the entire records of the case, such as maps, revenue records,  *khasras*  etc. and by conducting enquiries, arriving at a justifiable solution in the facts of the case and after a detailed analysis, preparing a Report;
- (viii) Developing consensus on this report/proposed solution;
- (ix) As soon as there is a consensus, to discuss at a public meeting of the village and conduct several meetings in the presence of both sides so that the complaints, grievances, jealousy, ego, anger etc. are progressively reduced and parties are brought to a mutually accepted solution.

In such meetings, various other social efforts of Deendayal Research Institute were involved such as Samaj Shilpi Dampatti Prkalp, Krishi Vigyan and Ram Darshan Prkalp. Respected individuals of the Institute contributed in various ways and by using all these techniques, the movement achieved success.

- (x) *Felicitatation*: As soon as the two disputing sites decide to compromise as per the Panchayat, the two sides are then honoured and felicitated in a simple ceremony as per means and culture of the village.

## **II. In respect of unregistered cases:**

- (i) Minor trivial issues/disputes arising here and there be resolved at the nascent stage itself;
- (ii) After the subsiding of anger and when the parties have calmed down to some extent, arbitration sessions be carried out as per the situation and in this session itself, the dispute be resolved.

In both the above methods, it is important that the following cultural aspects be inculcated in the masses so that there is an awakening from within. These cultural aspects, which are the core aspects of Bhartiya Hindu Darshan, include:

- (i) Two generations of blood relations give their blessings to both the disputing sides;
- (ii) People get together and have community activities such as Bhajan, Kirtan, prayer, Ramayan, fasting etc.
- (iii) Special Meetings be organised depending upon the festivals such as commencement of Sravana month, Dussehra, Deepavali, Makar Sakranti, Basant Panchmi, New Year (Varsh Pratipadi), Devi Ma festival etc.
- (iv) Community dining (*sahbhoj*), *langar*, *bhandara*
- (v) Organising fairs
- (vi) On occasions of joy and grief, each family be involved as per their physical and financial capability in the organisation of appropriate ceremonies for the affected family.
- (vii) Yagya be conducted through community efforts;

In conclusion, the entire effort is to free the population from disputes. The effort has been largely successful since these disputes no longer reach the police and courts. The matters of the village now get resolved in the courtyard of the village.

### **Self-Reliance Campaign (*Swavalamban Abhiyan*)**

**Problem:** Constant rise in the insecurity and tendency to fight in the villagers

**Objective:** Dispute-free village

**Area of work:** 500 Villages within a radius of 50 km of Chitrakoot

**Activities:** In order to promote the feeling of interdependence and living in the society peacefully, Deendayal Research Institute, Chitrakoot, is attempting to channelise the community efforts of villagers of 513 villages within a 50 km radius of Chitrakoot in order to free their own villages of disputes. Some important activities which were undertaken in the year 2009-10 due to the group efforts of villagers are as under:-

- (1) Identifying disputes by developing contact (*sampark*)
- (2) Meetings with respected persons – 87
- (3) Meetings with disputing parties – 73
- (4) *Mangal Milan* (Women/Men) – 3315 times *sahbhog*; 147 *bhoj*
- (5) Shraddhaparv Programme – 28 times
- (6) Cultural and religious programmes – 678 times
- (7) Community contributions in joy and grief – 767 families

**Results:** Successfully freed the following villages of disputes completely: Villages Bhuihari, Sabhapr, Saanda, Kusaili, Magarhai, Ramakol, Look, Pathraudi Bhabhai, Itror, Nonagar, Karari, Taraup, Padri, Semariya, Gujhvaan Amirti, Selaura, Lalpur, Brahmipur, Shahpur, Amiliya, Ranipur, Paldev, Bhargavaan, Kui, Patnakalan, Khodhri, Malgausa and Devalha.

A table listing the disputes which were taken up for resolution in the last year, is placed below:

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S.No.	Name of the First Party (Sh./Smt.)	Name of the Second Party (Sh./Smt.)	Type of Dispute	Swavalamban Kendra	Time (in years)	When settled?	How settled?
1.	Dinesh Singh	Lavkush Pandey	Criminal	Kalvalia	2	August 2009	Arranged meeting of respected persons with disputed families to solve the dispute
2.	Ram Milan	Hari Shankar Shukal	Civil	Dhaan	1	Sept 2008	Constant contact and meeting to solve the dispute
3.	Madhusudan Shukla	Bal Mukund	Civil	Dhaan	6	Oct.2008	Constant contact and meeting to solve the dispute
4.	Kalicharan	Raja Bhaya	Civil	Baraha-Bathia	2	July, 2008	With the help of Village Development Samiti and respected persons
5.	Kashi Singh	Gram Panchayat	Civil	Baraha-Bathia	3	July, 2008	With the help of Village Development Samiti and respected persons
6.	Sipahi Singh	Sunder Singh	Civil	Baraha	3	July, 2008	With the help of Village Development Samiti and respected persons
7.	Sanjarani	Dadoli	Matrimonial	Baraha (Kishanp-ur)	3	Feb.2008	With the help of Village Development Samiti and respected persons
8.	Betalal	Kamtoo	Civil	Kherwar Majgawan	1	June, 2008	With the help of Village Development Samiti and respected persons
9.	Shiv Kumar	Jugal Kishore	Civil	Baraha-Bathia	1	March, 2008	With the help of Village Development Samiti and respected persons



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10.	Lala Mawasi	Gora Mawasi	Criminal	Baraha	1	Sept.2008	With the help of Village Development Samiti and respected persons
11.	Swayambar	Sudarshan Sahoo	Criminal	Baraha	12	Dec.2008	With the help of Village Development Samiti and respected persons
12.	Santosh	Manohar Singh	Civil	Baraha	2	Jan.2009	With the help of Village Development Samiti and respected persons
13.	Ranjana Devi	Laxman Singh	Family Dispute	Dehuruch (Bhoojoli)	1	Oct. 2008	With the help of Village Development Samiti and respected persons
14.	Shivbali	Nathu Dhobi	Civil	Dehuruch (Bhoojoli)	2	Nov.2008	With the help of Village Development Samiti and respected persons
15.	Banam Singh	Gramarnatha	Civil	Mahrooch (Bhoojoli)	1	Sept.2008	With the help of Village Development Samiti and respected persons
16.	Ranjit Singh	Yashwant Singh	Family Dispute	Kusailli	2	June, 2008	Through 'Mangal Milan'
17.	Sukhnandan	Manoj Dwivedi	Civil	Doobari	3	May,2008	Through meetings and contact
18.	Bhagwandeem	Ramkhelawan	Criminal	Bhoojali	4	April, 2008	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
19.	Ramesh Raliha	Anand Pandey	Civil	Kalwalia	10	Sept.2008	Through meetings and contact
20.	Judgeelal	Raju	Criminal	Doobari	5	Oct.2008	Through meetings, contact and 'Mangal Milan', attending religious

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							and cultural programmes and by participation in occasions of joy and grief
21.	Kuber	Ruder Pal Tiwari	Criminal	Doobari	6	August,2008	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
22.	Daddoo Lal	Dasrath Yadav	Criminal	Kailash Pur	3	March, 2009	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
23.	Ram Babu	Dev Raj Yadav	Criminal	Kailash Pur	2	Feb.2009	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
24.	Ramadhar Pyasi	Sangeet Kumar Agnihotri	Criminal	Kailash Pur	5	Dec.2008	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief

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25.	Shivmangal	Ganesh Singh	Civil	Sabhapur	2	July, 2008	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
26.	Suraj Pal Singh	Ganesh Singh/ Mahesh Singh	Civil	Sabhapur	2	July, 2008	Through meetings, contact and 'Mangal Milan', attending religious and cultural programmes and by participation in occasions of joy and grief
27.	Suman Pandey/ Kunal Pandey	Kushket / Din__	Family Dispute	Kalwalia	1	Jan.2010	By meeting relatives and family members
28.	Shiv Baboo/Haunuman Dwivedi	Chander Bhan/ Hanuman Gautam	Section 302	Kalwalia	23	No Settlement	Contact and meetings – three meetings have taken place with both the families
29.	Ram Lal / Yaam Lal Mishra	Kunal / Narottam Pandey	Revenue	Kalwalia	7	Dec.2009	Contact and meetings – three meetings took place with both the families; also involved the disputants in different social programmes.
30.	Rajkumar/ Kalicharan	Mahesh / Agesva Varma	Revenue	Kalwalia	7	March, 2010	Contact and meetings – three meetings took place with both the families; also involved the disputants in different social programmes.

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31.	Ram Lakhan /Bhagwan Devi	Rameshwar / Bodhan Pandey	Revenue	Kalwalia	7	No Settlement	By constant contact
32.	Mahesh Singh / Jagnaik Singh	Present Chief Patwari	Revenue	Patwaria	16	No Settlement	In contact
33.	Ram Charit / Shiv Pratap Pandey	Bharma ji	Criminal	Doodoli	2	No Settlement	In contact
34.	Chander Bhan/ Shiv Nath Yadav	Rajkaran / Shiv Nath Yadav	Criminal	Doodoli	8 Months	No Settlement	In contact
35.	Mayadeen / Ram Kumar Yadav	Vidya Sagar/ Ram Kumar Yadav	Family Dispute	Bhooihari	10 Days	10 Aug 2009	By constant contact and meeting both family members
36.	Naresh Verma / Jagdev	Ram Sewak Verma / Matabadal Verma	Family Dispute	Bhaihari	6 Days	18.3.10	By contact and meeting both family members
37.	Bhayamlal / Sita Ram	Chunkona / Pooniva	Criminal	Bhabhet	1.1.07	Dec.2009	Meeting conducted by Gram Pradhan 3 times
38.	Prehlad / Jhelum	Chunkona / Pooniva	Criminal	Bhabhet	Dec.08	Dec.2009	Meeting conducted by Gram Pradhan 3 times
39.	Bhankar Pershad / Kalloo	Kaloo Pershad/ Chunkona	Revenue	Kandhai Pur	2	No Settlement	By constant contact

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40.	Mishri Lal / Ram Narayan	Balkoo/ Pooran	Revenue	Dhorhimaafi	7	No Settlement	By meetings and contact
41.	Mayadeen / Rajaram	Bhayamu / Ram Sharan	Accident-al	Dhorhimaafi	7	No Settlement	By meetings and contact
42.	Balkoo / Ram Narain	Shiv Charan / Ram Kirpal	Revenue	Dhorhimaafi	2	Jan 2010	The dispute was got compromised between both parties
43.	Chaudhary / Baggarh	Prem Chand / Jeet Ram	Caste Dispute	Dhorhimaafi	1	No Settlement	By meetings and contact
44.	Mayadeen / Raja Ram	Gram Panchayat	Revenue	Dhorhimaafi	5	No Settlement	By meetings and contact
45.	Mahesh / Ramdev	Dharampal	Revenue	Dhorhimaafi	3	No Settlement	By meetings and contact
46.	Devideen / Bhambu	Durga / Mayadeen	Criminal	Dhorhimaafi	3	No Settlement	By meetings and contact
47.	Ramadhaar / Ram Yash Payasi	Sangeet Kumar / Virender Singh	Criminal	(Panghati) Kailash Pur	2003	No Settlement	By meetings and contact
48.	Ramadhaar / Ram Yash Payasi	Bhoora Kol / Kairaa	Criminal	(Panghati) Kailash Pur	2004	No Settlement	By meetings and contact
49.	Bhayamlal/ Mehangava	Gopi/ Kishora	Criminal	(Kailash Pur	2004	No Settlement	By meetings and contact

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50.	Dinesh/ Dashmat Singh	Rakesh / Baboo Yadav	Criminal	Kailash Pur	2003	No Settlement	By meetings and contact
51.	Daddoo Lal / Chottey Lal	Dasrath / Ram Kripal	Criminal	Kailash Pur	Mar 2008	No Settlement	By meetings and contact
52.	Ram Baboo/ Jagoo Raj	Dev Raj / Baboo	Criminal	Kailash Pur	Mar 2008	No Settlement	By meetings and contact
53.	Rambi Vaas / Ganga Prashad	Diwakar / Swamideen Kushwaha	Revenue	Tigra	3	14.12.09	With the cooperation of Village Development Samiti
54.	Som Nath / Munni Lal Kushwaya	Ramkhalawan / Bhagwandeem	Revenue	Tigra	12	No Settlement	By meetings and contact
55.	Raj Kumar / Kamla Prasad	Raj Kumari / Jagannath	Dowry	Tigra	1	19.8.2009	With the help of Mahila Mandal
56.	Bankey/ Kamla Prasad	Ghadaria Jagannath	Criminal	Tigra	2	No Settlement	By meetings and contact
57.	Raj Kumar / Ram Lal	Jhaloo / Jagannath	Revenue	Tigra	7	No Settlement	By meetings and contact
58.	Gulab / Pooran Vivkarma	Thakur Sahib	Motor Act	Kachiatola, Tigra	8	No Settlement	By meetings and contact
59.	Baboo Lal /Bandey	Ram Bai/ Krishan Pal	Revenue	Kachiatola, Tigra	7 months	No Settlement	By meetings and contact

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60.	Krishan Pal / Mohal Lal	Baboo Lal/ Badiram	Revenue	Kachiatola, Tigra	1	10.3.2010	By meetings and contact with all the three members of the families and social gatherings
61.	Ram Prashad / Jagatdev	M.P. Bhaskiya Vidayalaya	Revenue	Kachiatola, Tigra	1	No Settlement	By meetings and contact
62.	Ram Lal / Ram Kripal	Ram Kirpal / Ram Vahori	Revenue	Kachiatola, Tigra	8	No Settlement	By meetings and contact
63.	Sunita / Dinesh	Rohinii/ Bhai Lal Verma	Criminal	Sannatola, Tigra	1.5	19.2.2010	With the help of Mahila Mandal
64.	Janender Mishra	Lal Ji Yadav	Criminal	Kachiatola, Tigra	10	No Settlement	By meetings and contact
65.	Ramji / Raja Ram Khushwaha	Ram Kirpal / Dillip	Sect.144	Kachiatola, Tigra	7	No Settlement	By meetings and contact
66.	Lalman Vis Karma / Karigar	Sunita / Dayanidhi	Criminal	Kachiatola, Tigra	1	26.10.2009	With the help of Mahila Mandal
67.	V. Gopal / Kaloo Kushwaha	Chander Bhan	Criminal	Kachiatola, Tigra	5	No Settlement	By meetings and contact
68.	Raj Kumar / Ram Bal	Jhalloo	Revenue	Kachiatola, Tigra	7	No Settlement	By meetings and contact
69.	Krishna Devi / Bhagwati Prashad	Baladutt / Mool Chand	Revenue	Lalapur / Sejwaar	10	No Settlement	By meetings and contact

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70.	Rajender / Mathura Patel	Gita Devi / Rajender	Dowry	Bhagra (Sejwaar)	6 months	No Settlement	By meetings and contact
71.	Ravi / Prem Lal Payasi	Gayanender / Kamta Payasi	Criminal	Pagarkala	Oct 08	No Settlement	By meetings and contact
72.	Laloo / Yaamlal Bhakula	Rama Roman / Bhayamal Bhakula	Revenue	Pagarkala	2	No Settlement	By meetings and contact
73.	Phool Singh / Bade Singh	Dadoola / Chunbad Pandey	Criminal	Kandar	4	Sept.2009	With the constant efforts and meetings of Village Development Samiti, Mahila Mandal and Tarun Mandal
74.	Ved Bahadur / Raja Ram	Birbal / Ram Charan	Revenue	Pachit	1988	No Settlement	By meetings and contact
75.	Smt. Birtia / Sudha	Kamta / Birja Mawasi	Revenue	Pachit	1989	No Settlement	By constant contact
76.	Kaloo / Gaya Patel	Babu Lal / Gaya Patel	Revenue	Naubasta (Paldev)	5	20.9.2009	By constant contact and meetings with respected persons. Embraced each other and exchanged sweets at Pal Dev Baba, to end the dispute.



### **A Few Instances from Village Kui**

These instances of actual disputes which have been resolved, have been supplied from the team of Deendayal Research Institute from Village Kui, District Chitrakoot, Uttar Pradesh.

#### **I**

There was a land dispute between Sukru Prasad s/o Sh. Gulaki Prasad and Shri Dukhi Ram s/o Sh. Siphai Lal. At that time, there was no information but later on, it transpired that there was a fight using sticks resulting in severe head injuries to each other which is when we came to know about this dispute. Immediately, we took some village folk along with us and got the dispute compromised. Police report was not registered and the land in dispute was resolved domestically itself by mutually deciding that Sukru Prasad would cultivate till a particular point, after which Dukhi Ram shall carry on cultivation. In this manner, the matter was got compromised and the parties have now good relations with each other. The dispute ended in February, 2004.

Sd/- Dukhi Ram

#### **II**

Budh Raj is the fourth son of Sh. Keshan Prasad and he had been fighting with his father for getting his share partitioned from the family properties. When we came to know about this, then we, accompanied by respected persons of that village, went to their house and got a partition done between all the five brothers. Now they are living peacefully and there are good relations with each other. They are earning their independent livelihood instead of

fighting with each other in courts for their shares in family property. This dispute ended in November, 2002.

Sd/- Keshan Prasad

### III

There was a land dispute between Kedar Nath and Laxmi Prasad. The land of Kedar was right opposite to Laxmi's house and Kedar wanted to construct a boundary wall there, which was strongly opposed by Laxmi. When we came to know of this, we went along with the respected persons of the Village and got the entire land measured and demarcated before both the parties. It was decided that by leaving some space in front of Laxmi's door, Kedar could construct the wall. The same families which were intensely fighting with each other, are today living peacefully and have very friendly relationship between each other. This dispute ended in February, 2003.

### IV

Ganesh Prasad constructed a wall in the common passages of the village. The entire village raised a hue and cry and got a report registered in Police Station, Raipura. However, the police did not do anything, and there was unrest and dissatisfaction in the village. We went to the village along with the respected people of the village such as the village chief and other elderly people, in order to get the passage reopened which is when the public of the village calmed down. Now, the entire village is living peacefully and that same passage has now become a lifeline for the village. This dispute ended in December, 2003.

### V

Ram Pal s/o Sh. Ram Bhawan had encroached upon the main road of the village and constructed a wall there due to which the entire village was up in the arms and reached Police Station Raipura for getting a report lodged. SHO and other police officials came to the site in order to obtain the details. We were not present at that time but when we reached the village in the month of January and came to know about this, we along with the chief of villages Naudi and Kui and former chiefs along with some elderly persons went to the site and got the passage opened. Then the villagers got a well dug up, fitted taps so that water can be filled up easily and there is no further dispute. Now everybody is living peacefully. Though both sides spent a lot of money, yet there is peace in the village. This dispute ended in January, 2001.

## VI

Chander Pal and Suraj Pal are the two sons of Aaddi Prasad but they are now living separately although once they used to live together. One day, Arjun son of Suraj Pal was grazing animals of both the families, which included a cow belonging to Chander Pal. It used to be extremely difficult and irritating so Arjun's mother, realising her son's problems, chided the sons of Chander Pal for not contributing in grazing the animals. This resulted into verbal abusing with each other and gradually, the fight intensified. When we came to know we reached and we calmed down their tempers. After some time, they started fighting again and this time the fight lasted for several days. We went to the village again and after calling the village chief, we got the dispute resolved between the two families by telling them to part ways so that the dispute may not further aggravate. Now those persons live independently and are not on talking terms. If this dispute had further aggravated, the same could have led to a complete ruination of the two families and nothing could be salvaged then. This dispute ended in May, 2003.

## VII

In 1980, Salkha had left the village and had gone abroad. At that time, Lekh Pal manipulated the village records to show that Salkha had died and got his land transferred to Gulab Singh Daryapurva. When Salkha returned, he came to know that his land has been sold to Gulab Singh by Lekh Pal. Thus, he filed a case in the Tehsil Court. The case went on for several years. When the Samaj Shilpi Dampatti came to the village in May, 2002 and during survey, we came to know about this dispute, we made strenuous efforts and got the dispute resolved in August, 2003. Now, this entire land belongs to Salkha, who is peacefully cultivating the said land.

Sd/- Salkha

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## PREVENTING LITIGATION THROUGH SOCIAL CONCILIATION

*This is an account of an interview that Sh. Abhinav Parthasarthy, Advocate, Madras High Court (Madurai Bench), an associate of Sh. G.R. Swaminathan (then Assistant Solicitor General of India Madras High Court Madurai Bench) had at Vellalur Village, District Madurai, Tamil Nadu.*

*This 350-year old system prevalent in certain villages of Tamil Nadu shows how respected people from society can effectively contribute towards preventing disputes from reaching Courts.*

### Background

Another fascinating system of informal dispute resolution can be seen in Madurai District of Tamil Nadu. Ambalakarar is a position in the Kallar sect of Thevar community and they follow the tradition of adjudicating and settling disputes in panchayats within their territorial jurisdiction. The present is an account of an interview with an Ambalakarar who has graduated in Zoology from Madurai American College. His only profession for bread and butter is agriculture.

### I

There are 11 types of Karais (similar to *gotra*) in the said Kallar sect and each Karai is represented by two Ambalakarars. Ambalakarars are represented by Ilankatchi and each Ambalakarar

has two Ilankatchis who represent the Ambalakarar for passing of information and other public activities.

The Ambalakarars are appointed for lifetime and are duty bound to make sure the people in their villages are living in harmony. The Ambalakarar is appointed by all the families of the Kallar sect. There is no mandatory educational qualification to hold the said post. They should be God-fearing and lead a moral life and should act as a role model for others. The main qualifications of the Ambalakarars are that they should have a sound mind to arrive at impartial verdicts. These Ambalakarars are also important in smooth conduct of the temple festivals. People of other castes also approach them for settlement of disputes. They are vested with the responsibilities of settling disputes in a fair and impartial manner without any kind of delay. Irrespective of existence of disputes, the Ambalakarars summon the village people for meetings every fortnight to discuss issues pertaining to their respective villages. During the course of these meetings, vibrant discussions are conducted on topics as wide-ranging as from local agriculture to world politics.

The dispute settlement mechanism of the Ambalakarars in the Vellalur village began approximately 350 years ago and exists till date with the same vigour. Settlement of disputes and rules for harmonious living was initially conceptualised by one Veeranan Ambalan who is believed to have been instructed by the Goddess Elaikaatha Amman. The system followed by the Vellalur area can be compared to judicial hierarchy. Every village has a person holding the post "Oorkatti" who will be first informed about the problems that may arise among the people, who in turn would disseminate information about the said dispute so as to bring the whole village for adjudicating the dispute. Oorkatti is also responsible for the

maintaining accounts pertaining to villages that are under direct control of the Ambalakarar. At first, Oorkatti tries to resolve the disputes on his own by mediation. If he is unable to amicably settle the dispute, he will refer the said dispute to the Ambalakarar. There are 22 Ambalakarars for the Vellalur area and they appoint a chief by themselves who is called the Periya Ambalakarar.

It is also possible that the parties in dispute directly approach an Ambalakarar for settlement of dispute without having to go the Oorakatti. In such a case, the party intending to take it to the Ambalakarar should inform about the same, for which the term used is “Thaavaa”, which means that the Ambalakarar has been seized of the issue. The disputes are usually heard in temple premises or at the Ambalakarar's house and they sit in such a manner that the village elders and Ambalakarars sit in the centre surrounded by the village people standing with the disputant parties standing right opposite the Ambalakarar. This helps in the entire crowd observing the expressions of the parties when evidence is produced. If a decision arrived by an Ambalakarar is not satisfactory by either party, the said party can request all the 22 Ambalakarars to adjudicate the dispute which is called as “Naatukootu” presided by the Periya Ambalakarar. When the matter is taken up to the Periya Ambalakarar, the Periya Ambalakarar decides the place of hearing the dispute and gives his verdict *in the name of the village deity* which becomes final and binding. These Ambalakarars are looked up as sons of the respective village deities and hence people believe that the verdict provided by them is a direct verdict given by the Almighty.

For the last 30 years, issues relating to recovery of money and other criminal offences are not heard by the Ambalakarars as they fear summons from Court. The parties in dispute can bring representatives to appear and argue on their behalf. They follow

customary legal principles and do not apply the formal laws to settle disputes. The decisions arrived at are usually respected by the parties and are followed without any discontent. Judgments are delivered orally. To ensure the presence of parties, no summons are sent by post, but parties are summoned only orally and parties bind themselves to the same. The Ambalakarars do not take money for this as the same is considered an honorary position. On the other hand, Rs. 48/- is paid for general hearing which can be compared to Court Fee.

The Ambalakarars do not force people to bring their disputes for adjudication and it is only on the volition of the parties they approach the Ambalakarars. Very few disputes are taken up to the Court directly and 50% of the disputes arising in this village are adjudicated before the Ambalakarars. The Ambalakarars do not sign as witness anywhere. The Ambalakarars do not hear divorce cases. Evidence is allowed while the dispute is being heard which are usually brought by the parties to the dispute and there a system followed for adducing evidence. All evidence is adduced in the name of God which is called as "Naatu Pazhakkam". Hearing dates are based on each case and its circumstances.

## II

The Ambalakarar, who had been interviewed, narrated a recent case that he had resolved. The dispute was between brothers for partition of their ancestral property wherein the deceased father of the parties had died writing a family arrangement.

The affected party, i.e. the elder brother approached the Ambalakarar and the younger brother was called by the representative of the Ambalakarar orally. Since the parties resided in



and around the jurisdiction of the Ambalakarar and had the privilege to approach him directly, the parties did not feel the need to approach the Oorkatti. The Ambalakarar, when approached directly, weighs the gravity of the case and decides if it was appropriate to be heard by him at the first instance or if the parties should approach the Oorkatti. In this particular dispute, since the parties also were distant relatives of the Ambalakarar, he took up the matter without referring it to the Oorkatti.

The hearing happened in the premises of the Ambalakarar and there did not seem to be any evidence adduced since the Ambalakarar pointed out that he had known the deceased father of the brothers and also the property in dispute. The only evidence was the family arrangement drafted by the deceased father. The Ambalakarar had perused it and felt it would be unjust to part with the lands following that settlement and hence dispensed with it in settling the dispute. Instead, the Ambalakarar suggested that the properties be distributed as per customary norms that were being practiced in the village for centuries. This was done by the Ambalakarar by thinking of the future of the children of the respective parties, and the possibility of further litigation, and hence he distributed a fair share for each party so as to keep them happy. The Ambalakarar had worked out this decision which was accepted by both the parties, and the parties signed a compromise deed to that effect.

This goes to show the respect the parties have for the dispute settlement mechanism in their village.

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