



Legal literacy camps: panchayat shivir

March 2005



Introduction

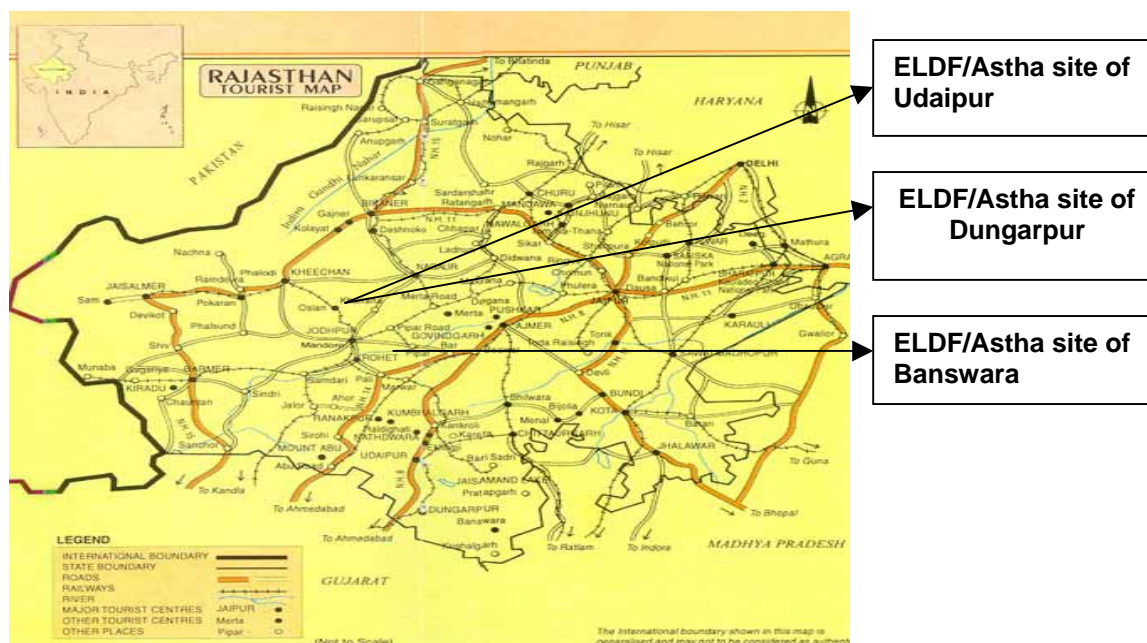
Panchayat¹ Shivir² is used here as a Hindi term for an Interactive Legal Literacy Camp. Law trainers may use it to aid tribal self-rule in India or other forms of decentralisation. Mass Tribal Organisations (MTOs) or Community Based Organisations (CBOs) may also use this approach in taking law to the people. Trainers may also use it in other countries that are progressing towards decentralised governance or in areas of special administration³.

In an Interactive Legal Literacy Camp, legal trainers use a field based training method. It is important to know the target group. For example are they village headmen, members of CBOs, local officials? Pitch the training accordingly. Make sure that the trainer can deliver. What are his/her abilities and skills – as a trainer, legal practitioner, or linguist? The trainer must know the law in depth and how it works at the field level. The trainer needs to measure how well s/he is doing and whom are they reaching. Collect information on numbers of people taking part, how involved they become, where they are from, and how much it costs them to attend. This will help prioritise needs.

Interactive Legal Literacy Camps include such techniques as role-playing, focus group discussions, pictorial representation of legal issues, triangulating incidents with legal implications and informal sessions. Such camps are a simple method to encourage interactive learning and problem solving.

Since 2002 the Enviro Legal Defence Firm (ELDF), along with a local partner NGO named *Astha*, has been using *Panchayat Shivirs* (Interactive Legal Literacy Camps) to assess and enhance the efficacy of law on tribal self-rule in the tribal districts of Dungarpur, Udaipur and Banswara in southern Rajasthan, India (see Figure 1).

Figure 1: District Map of Rajasthan, India



¹ Institutions of local self-government.

² Shivir means Camp

³ In India for example there are special areas of administration where tribals (indigenous people) live predominantly and the President of India declares such areas under the Constitution as “scheduled areas”.

The trainer must follow some key steps in conducting Interactive Legal Literacy Camps. These steps are described in three related parts below.

Part A describes the preparatory phase when it is important to pay attention to certain pre-conditions. When should Legal Literacy Camps be used? How are they used? What are certain basic concepts? When do you need to be strategic? Part A describes some basic rules to be followed while holding legal literacy camps, and some additional useful tips that help to ensure they are effective.

Part B describes short examples of the tool in action in real contexts. The focus here is to help people who have had no prior training in law to understand law. How can complex legal concepts be broken down into simple language? Part B also explains how to hold certain exercises in Interactive Legal Literacy Camps especially on law concerning tribal self-rule law or similar legislation. This section also provides a guide to devising methods to deal with real life legal conflicts.

Part C analyses the strengths and weaknesses of using Interactive Legal Literacy Camps including transferability of this tool to other contexts.

PART A: The Preparatory Phase

Prerequisites to using Interactive Legal Literacy Camps

- ▶ **Identify and collaborate with a local partner of repute.** This gives more legitimacy to the process, facilitates familiarity with the region, eases logistics and most importantly provides a better understanding of local situations to the trainer. Additionally it provides incentives to the local partner to increase their own capacity to learn about law and legal concepts from professional trainers.
- ▶ **Know the law and its field application.** The trainer must know the law in depth and how it works at the field level. Ignorance of legal concepts and inability to relate it with real field situations often act as stumbling blocks in communicating legal concepts.
- ▶ **Assess the target group.** You need to measure how well you are doing and who you are reaching. Collect information on numbers taking part, how involved they become, where they are from, and how much it costs them to attend. This will help you prioritise need and identify the emphasis required for different target groups.

Key steps in conducting an Interactive Legal Literacy Camp

- ▶ **Start with people's existing knowledge of legal concepts.** Create interest in words commonly used in law. The meaning of words such as judgment, order, rules, regulations, acts, policy, petition, suit, and decree, are often a good starting point

Box 1: Sample of a response when the audience was asked: What is the first thought that comes to your mind when you hear the word "law"?

Common sense, do's and don'ts, Act, Rule, Judgment, context, community, Order, written form, discipline, normative frame, protector (*Rakh wale*), hard to carry out, set of impositions/ instructions, to restrict freedom, instruments of power holder, to dominate/ rule, control mechanism, principles of governance, conditions, specialised knowledge, justifications, complication, litigation, principles of social justice, unhappiness, marriage between discipline and administration, middleman, controlling system, black and white, political interest, problem solving, anarchy, dominant, rationalising, principles governing a system, justice, court, injustice, *kachahari* (local court), judge, Magistrate, lawyers, liars.....

- ▶ **Direct the target group to keywords** on which the entire training session is based. Thus encourage the trainer to use words such as *Panchayat* or institution of local self-government, scheduled areas, and other basic concepts in law including common terminology in a session on tribal self-rule law. This approach, among other things, helps the trainer to assess the level of understanding of the participants.
- ▶ **Build on existing knowledge.** Relate law to everyday situations in a village setting. Choose a live legal conflict and break it into phases – what, when, how and the current context of the conflict.

Box 2: Relating tribal self-rule law to the village setting

For example, take the law on tribal self-rule⁴ in India. This is central umbrella legislation, and each state is required to adapt it to their state context as per the basic principles that are laid down in the central legislation. Now, you can break down this legislation into three different parts, each of which requires a different strategy:

- The first part may be those provisions which are clear, enforceable and without any ambiguity. In this case, encourage a community to assert its rights where the provisions are absolutely clear.
- The second set of provisions may be those where the law is not so clear. There are elements within it which are not defined or which may be vague⁵. In this case, go ahead and be proactive in asserting your rights, and err on the right side.
- Then there may be provisions which are directly in conflict with the basic principles of legislative drafting, or which do not reflect the spirit and intent of the parent legislation. This may require legal recourse. Approaching a court of law may be your only option.

- ▶ **Create an atmosphere where there can be a free flow of information.** Be adaptive and respond to feedback especially during breaks. In fact breaks are an essential part of using the tool. It is often useful to both start the Camp, and restart after breaks with a music session.
- ▶ **Separate out the legal issues.** Trainers usually receive information on legal conflicts in an anecdotal form often with a political and social bias. To be objective - the bedrock of an effective legal strategy - the trainer must separate legal issues from social, political and moral biases.

How do you explain legislation?

- ▶ The definition is the first component in a scheme on any legislation. Explain and make sure everybody understands definitions. Explain the basic framework of the Act only after there is clarity in the definitions.
- ▶ Explain the authorities responsible for enforcement, the functions described in the legislation and the result of not following such legislation. These elements form the basis of most legislation.
- ▶ There are unique features of any legislation, which could be resource specific, location specific or person specific. Understand and explain the uniqueness of any legislation.
- ▶ Use simple language and simple expressions of legal concepts. Break down complex scheme of legislation into simple components. Do not read out sections of law and sub-clauses and the various details that are associated with it.
- ▶ Explain the main aim of any legislation, the fundamentals on which the law stands and then explain the legislation (if necessary).
- ▶ Encourage others to speak, repeat an idea, explain to their neighbours, and explain other similar examples. This clarifies things for both trainer and trainees.

⁴ The legislation is called Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA). Details of the legislation are described in Part B – the Tool in Action

⁵ This is a typical legal methodology when States want to retain power and make legislation in order to use in their favour depending on the situation and convenience.

Points to remember during the camp

- ▶ Use live examples, preferably a recent example or one familiar to the audience, or which the trainer might have undergone himself/ herself during their respective field visits.
- ▶ Take a common example and not necessarily a complex example. This will help people understand how legislation works in the field. Often events which happen around communities, events which are talked about in the press or electronic media, and those which have an impact upon people's livelihoods, form the best basis to relate the concepts and law to the facts on the ground.
- ▶ Ensure maximum participation from the audience. Encourage participation from equal numbers of women and men. This really breaks the ice and facilitates a free exchange of ideas and suggestions from both.
- ▶ Use innovative methods to evoke responses from the audience. Always start by giving an option to the audience to volunteer. Follow up with directed questions especially to those who are less vocal in a group. Once the less vocal people in the group start to open up, an enabling environment for the rest of the people is created.
- ▶ As a new trainer you may find it difficult to get the entire group to respond in a literacy session. In such cases, create thematic sub-groups for more intensive discussions on policy and legal matters.
- ▶ Orient the sub-groups before the discussion. You may nominate or elect team leaders, or sub-group leaders. Guide them to ensure maximum participation of the sub-group.
- ▶ Encourage either the sub-group leader or any nominated persons to make a presentation of the sub-group discussion, which helps in clarifying ideas.
- ▶ Teaching is learning twice. The trainer must understand this simple rule, which is key to a good and ideal knowledge exchange. He must be open to learning from the trainees.

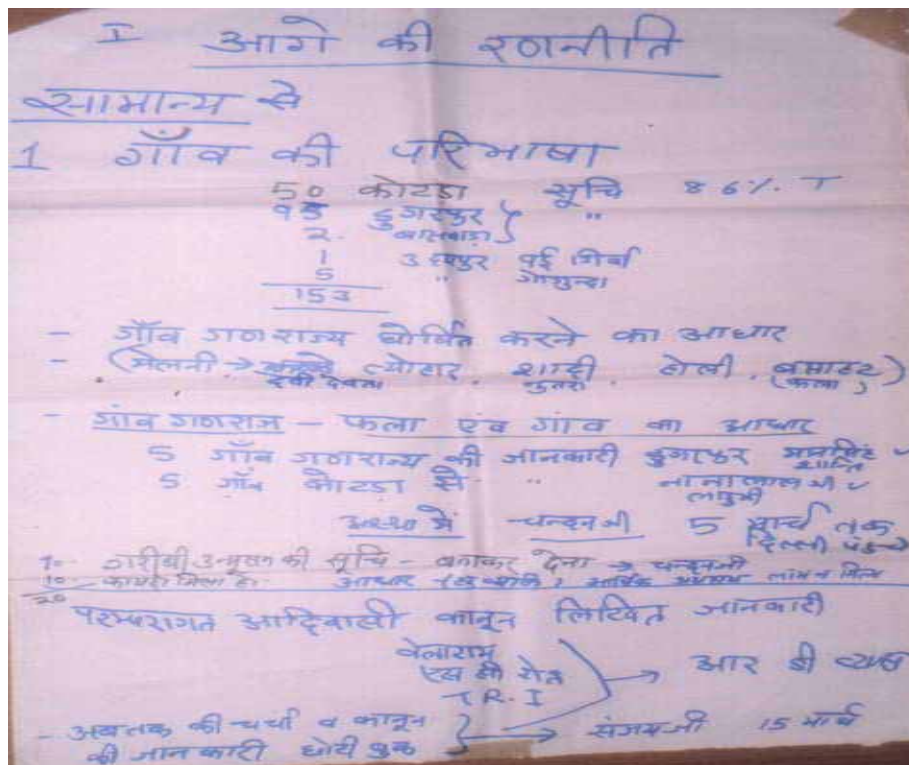
Next action steps

- ▶ Always end with action-based *next steps*. Fix responsibilities, timelines, and fora for further clarifications and exchange.
- ▶ Conduct sessions over several months. Reinforce learning, as law and legal concepts are not easy to understand.

Insights from the Literacy Camps: An example of next action steps

In one of the literacy camps, future strategy for action was decided, wherein responsibilities were fixed on both the trainer and the trainees. They were given specific targets to achieve. Likewise timelines were set for completing various tasks; for example how a community would define a village; in how many villages the exercise would be performed; platform for clearing of legal doubts, etc. This example is presented below in Hindi (Figure 2).

Figure 2: Future strategies for action



Working translation of Figure 2.

I. Future Strategies

General Provisions

1. Define village as per traditional understanding. It was decided to carry out the exercise in 152 selected villages.
 - 50 Kotda,
 - 95 Dungepur
 - 02 Banswada
 - 01 Udaipur Pai Girva
 - 04 Udaipur Godunga
- Develop criteria for declaring village republics. (For example, marriage, festivals, and habitat, common God)
- Develop criteria for village and habitations. It was decided to carry out this exercise 10 villages
 - 5 villages in Dungepur
 - 5 villages in Kotda
- Identify criteria to determine beneficiaries for poverty alleviation programmes. (Criterion for identification of beneficiaries: Financially dependent, have not received the benefits before.)
- 10-lists of beneficiaries of poverty alleviation programmes;
- 10-Beneficiaries having received benefits of a programme or scheme.
- 20
 - Collect literature on traditional and customary law on natural resource management.
 - Preparation of a handbook on the self-rule law.

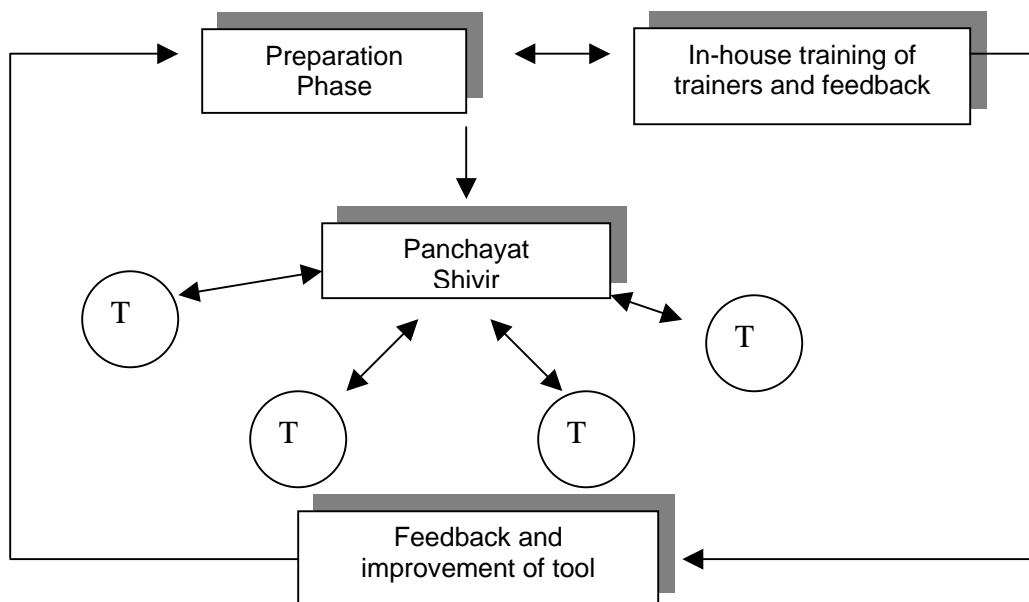
Some useful tips

- ▶ Conduct camps at the village level in the local environment. This has proved to be far more effective as tribal (indigenous) people find themselves in familiar surroundings and participate more comfortably.
- ▶ Use local examples to illustrate complex legal situations.
- ▶ Use humour and local vernacular to help get across complex points.
- ▶ Use easily identified objects and situations to help create a better atmosphere for free exchange of knowledge.
- ▶ The trainer should behave like a student rather than master of the subject. This strategy, where people feel less pressurised, encourages open expression of ideas.
- ▶ The time of the year and length of the camp are important. Avoid the harvesting season.
- ▶ The trainer must retain the attention and interest of the participants.
- ▶ Include such techniques as role-playing, focus group discussions, pictorial representation of legal issues, triangulating incidents with legal implications and informal sessions.
- ▶ Selection of the target is key to a successful Legal Literacy Camp. Strategies, language and content must differ according to the type of audience. So a strategy for Executive Heads of MTOs should be different from that for mid-level functionaries or village people.

In a nutshell

Figure 3: Diagrammatic representation of Panchayat Shivar tool

T= Target Audience



PART B: The Tool in Action

Interactive Legal Literacy Camps on tribal self-rule law in action – An example from southern Rajasthan, India

ELDF uses the Legal Literacy Camps to assess the impact and implications of law on Tribal Self-Rule. This unique legislation is technically termed the Provisions of *Panchayats (Extension to Scheduled Areas) Act, 1996*, commonly known as PESA. The PESA seeks to empower the lowest unit of governance, the *Gram Sabha* or the Village Assembly under the local self-governance system⁶. ELDF conducted three types of Legal Literacy Camps in a span of one year (2002-2003). These three literacy camps catered to three target groups; namely Executive Heads of Mass Tribal Organisations (MTOs) at the State and district level, second line functionaries/ trainers at the district and block level, and the village assembly or *Gram Sabha* itself.

The process

- ***With MTO/CBO leaders –***

- ▶ The first type of Training Camp was organised with the Executive Heads of MTOs such as *Astha, Adivasi Vikas Manch* and *Wagad Mazdoor Kisan Sangathan*.
- ▶ The idea was to convince the leaders of the need and the benefits such training would have, in order that they could convince their own trainers at the field level about the usefulness of such interactive legal literacy sessions.

- ***With trainers of MTOs***

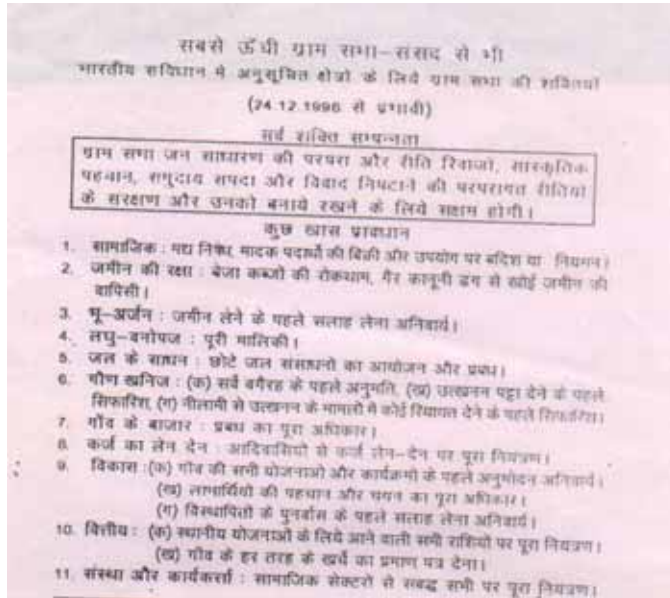
- ▶ We organised the second category of training camp with the trainers who were identified by the MTO Heads and who comprised the more articulate members of the partner organisations.
- ▶ Such camps used more simple language and we conducted the training in *Hindi*, (the national language). Note that in India most legislation is drafted in English and the arguments in Courts are primarily in English.

- ***With Gram Sabha Village Assemblies***

- ▶ The third type of training was with village assemblies that had been previously identified. We aimed to choose those villages which were experiencing conflicts or villages where specific instances or innovative methods have been used by the members of the village in giving effect to the provisions of PESA.
- ▶ Such camps were eye openers in a number of ways. The manner in which the people had organised themselves, and the innovative strategies they used to understand the law was remarkable. One example is the manner in which the village members used symbolic structures such as the *Shila Lekh* (stone edict) (see Figure 4) where the provisions of PESA have been engraved and established at a public place to spread awareness of the law on tribal self-rule. The language used in such meetings was a mixture of *Hindi* and local *Wagadi* language.

⁶ The 73rd Amendment to the Constitution of India introduced the *Panchayati Raj* System (or local self-government) in 1992.

Figure 4: Shilalekh (stone edicts) inscription declaring village republics under tribal self-rule law



Working translation of Figure 4

**The village assembly is higher than the Parliament.
Powers of the village assembly in scheduled areas under the constitution of India
(Operative from 24.12.1996)**

The village assembly is competent to protect and ensure its tradition, cultural identity, community resources, traditional modes of dispute resolution.

Some important provisions

1. Social: Regulate and prohibit consumption and sale of intoxicants.
2. Protection of land: Prevention of illegal alienation of land and restoration of illegally alienated land.
3. Land acquisition: Consultation before land acquisition.
4. Minor Forest Produce: Complete ownership.
5. Water resources: Control and manage minor water bodies.
6. Minor minerals: (a) grant permission before surveys (b) recommendation before grant of prospecting licence or mineral lease (c) recommendation before concession for exploitation of minor minerals by auction.
7. Village market: Complete powers over their management.
8. Money lending: Complete control over money lending to scheduled tribes.
9. Development: (a) Approval for all plans and programmes in the village is mandatory. (b) Right to identify and select beneficiaries. (c) Consultation before rehabilitation of displaced people.
10. Financial: (a) Control finances allocated to local plans (b) Certifying the utilisation of money for the village.
11. Social sector and its functionaries: Control over their functioning.

▶ **Understanding the law on Tribal Self Rule⁷.**

The initial sessions focused on the following for a clear understanding of the law.

- How was the umbrella legislation of PESA or tribal self-rule enacted? How has the state of Rajasthan responded? How have the powers been vested in the different tiers of local self-government?
- What are scheduled areas, the historical significance of scheduled areas, the role of the Governor, the mandate of the Tribes Advisory Council (TAC)?
- A comparative understanding of the Central law on tribal self-rule versus the state's response.
- The government orders that have been issued, the legal propriety of the same, and the other local laws that are on the same subject areas.

▶ **Practical exercises in *Panchayat Shivirs***

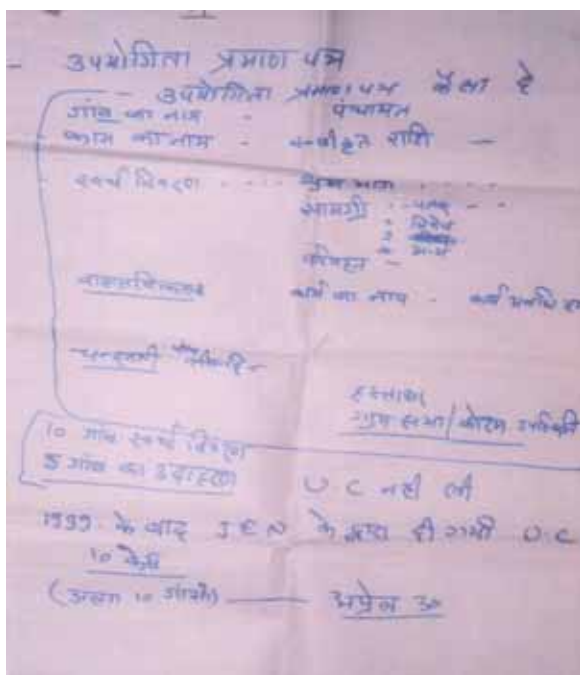
- Apart from the above there were some real incidents and exercises that were carried out during the *Panchayat Shivirs*. Let us see whether these exercises were comparative in nature. Presented below are a few illustrations of exercises that were conducted during the *Panchayat Shivirs* and used as a means for facilitating dialogue, especially on matters which are not clear in law.

▶ **Drafting of Utilisation Certificate**

- One of the provisions of the PESA gives the Village Assembly or *Gram Sabha* the power to give a certificate of utilisation of funds for the works that are implemented at the *Panchayat* level i.e. at the level of the elected village council. The PESA does not prescribe any format or procedure. Thus the *Gram Sabha* decided, through consultation, to draft their own format for such certificate. This format is now being used for certification processes. This is one of the outcomes of the Literacy Camps where some basic principles were applied in areas where there is a clear mandate but lacking in details. This is an example of a case where the village people should proactively use it to their advantage (see Figures 5 and 6).

⁷ ELDF has also published a Hand Guide to Tribal Self-Rule Law in Rajasthan, India. For a copy please contact eldf@vsnl.net; admin@eldfindia.com

Figure 5: Utilisation Certificate (UC): A model developed by village people



Translation of model UC

Certificate of Utilisation

Model format for utilisation certificate

Name of the village and Village Council-
 Name of the Works- Approved Budget

Description of Expenses

- Cost of labour
- Material Used
 - o Stones
 - o Cement
 - o Others
- Transport
- Actual state of Work
 - o Name of Work
 - o Date of Completion

Signature of village
 assembly
 Quorum present

Note: A time was fixed to obtain information from 10 villages on the various types of work and accordingly a format was developed (See Figure 6).

Figure 6: A Model for the Utilisation Certificate (Refined Version)

Project Director,
District Rural Development Department,
Udaipur, Rajasthan

Sub: For certifying the utilisation of money sanctioned in first and second instalment by the Rural Development by X, *Gram Panchayat* (village council) for repairing a public well in the village Y

Dear Sir,

Details of the work

1. Name of the work: Public well in Y
2. Village: Y, *Gram Panchayat*: X
3. Sanctioned amount: Z

First Instalment	Amount	Date
Second Instalment		
Total		

4. Depth of the well:
Before the said work - A Meters,
After - B Meters
5. Length and breadth of the well - C Meters
6. Present status of the work - Incomplete/Completed
7. Water made available after completion of the work - D meters
8. No. of beneficiaries - E

Details of the expenditure:

Out of the total amount allocated in the first and second instalment the following has been spent under the following heads:

Item	Amount
Labour:	(a)
Materials:	(b)
Total (a)+(b)	

We the Village assembly members hereby certify that the abovementioned work has been completed satisfactorily. A Utilisation Certificate is enclosed.

Utilisation Certificate

Sr. No. Letter -----

Certified that out of Rs. -----

1. No. amount & dated ----- of grant-in-aid sanctioned during the year ----- in favour of ----- under the Rural Development Department letter number given in the margin and Rs. ----- on account of ----- unspent balance of the previous year/s sum of Rs ----- has been utilised for the purpose of ----- for which it was sanctioned and that the balance of Rs. ----- remaining un-utilised on the ----- end of the year shall be utilised during the next financial year with the consent of the Village Assembly of the local self government.

2. We the members of the Village Assembly certify that we are satisfied that the conditions on which the grant-in-aid was sanctioned have been duly fulfilled/ are being fulfilled and that we have exercised the following checks to see that the money was actually utilised for the purpose for which it was sanctioned.

Kinds of Check Exercised⁸:

1. -----
2. -----
3. -----
4. -----
5. -----

Signature of the Village Assembly representative

Members of Village Assembly -----

1.

2.

.....

Dated -----

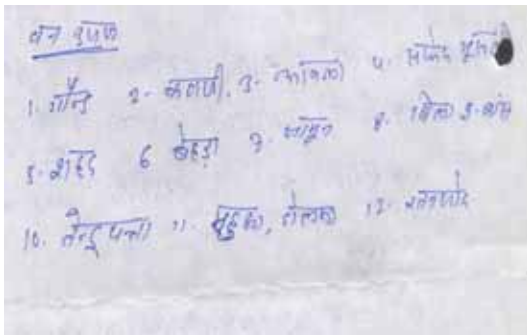
⁸ For instance, in case the money had been sanctioned for construction of a road, the kinds of check would be seeing whether adequate quantity and quality of material has been used, whether the workers have been paid adequate daily wages, whether the work has been done within the time frame and whether the end product is workable.

► **Defining Minor Forest Produce (MFP)**

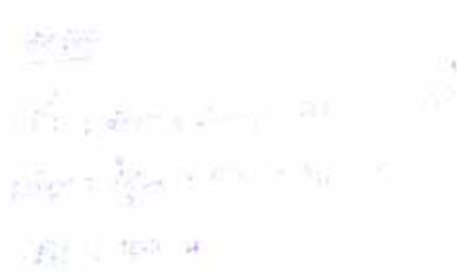
Neither the Central nor the Rajasthan PESA define Minor Forest Produce. The State Government merely lists certain forest products as ‘minor’ through an Executive Order. Since the ownership right of MFP is now transferred to the Village Assembly, it decided that Minor Forest Produce would be defined as per the common understanding of MFP. A sample ten villages were taken and a list of Minor Forest Produce was prepared. Some of the villages now trade in certain Minor Forest Produce, which is as per their definition (see Figure 7).

Figure 7: Examples of minor forest produce as declared by the Village Assembly

Village: Ghodamari



Village: Kaucha



Village: Ghodamari

Village: Kaucha

Item	Item
Gondh (Gum)	Gondh (Gum)
Karanji	Karanji
Amla	Ratanjot
Safed Musli	Mahua, Dolma
Shahad (Honey)	Amla
Behra	Jamun
Jamun	Tendu Patta (Tendu leaves)
Bila	Bans (Bamboo)
Bans (Bamboo)	Behra
Tendu Patta (Tendu Leaves)	Safed Musli
Mahua, Dolma	Shahad (Honey)
Ratanjot	Bila

Note: The above lists are not exhaustive. Apart from the MFPs enumerated above there are a number of other items, which are *considered* to be MFPs by the villagers like *Imli* (Tamarind), *Seetafal* (Custard Apple), *Lanwara* and *Aritta*.

The principle behind this strategy was to use the absence of definition of MFP in people’s favour in meeting their livelihood requirements.

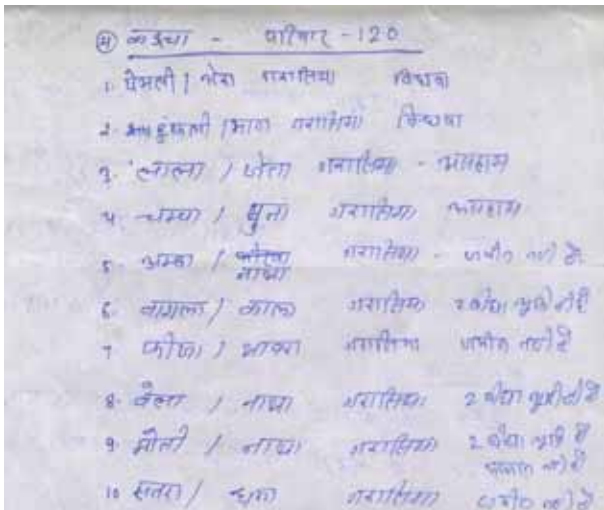
► **Identifying beneficiaries for poverty alleviation programmes**

A similar ambiguity exists regarding identification of beneficiaries for poverty alleviation programmes. Therefore it was decided the Village Assembly would use the power vested in it to define and identify beneficiaries. They should draw up their own list and mandate the benefits to flow to such people and not subscribe to a list of beneficiaries prepared at the discretion of the State, which has been the practice so far. In this manner a workable procedure could be carried out which would ensure benefits to the most marginalised. (see Figure 8).

Figure 8: Factors to be considered while selecting beneficiaries of any developmental plan or programme

Village: Kaucha (120 families)

Factors considered: There are two major criteria: social status and economic status.

		Translation	
4. <u>Kaucha- families 120</u>			
	<ol style="list-style-type: none"> 1. पेमली / भेरा गरसिया - विधवा 2. हंकली / मना गरसिया - विधवा 3. लाला / जेता गरसिया - भ्रमरहाम 4. चम्पा / बुना गरसिया - भ्रमरहाम 5. अम्बा / नाला गरसिया - जमीन नहीं है 6. बागला / काला गरसिया - 2 बीघा भूखेती है 7. पहेसा / भानवरा गरसिया - जमीन नहीं है 8. मोती / नाथा गरसिया - 2 बीघा भूखेती है 9. सातारा / घना गरसिया - 2 बीघा भूखेती है 10. सतरा / धना गरसिया - जमीन नहीं है 	<ol style="list-style-type: none"> 1. Pameli /Bhera Garasiya Widow 2. Hunkali/Mana Garasiya Widow 3. Lala/ Jeta Garasiya Helpless 4. Champa/ Buna Garasiya Helpless 5. Amba Nala Garasiya Landless 6. Bagala/Kala Garasiya Landless 7. Pheesa/Bhanwara Garasiya Landless 8. Vela/Natha Garasiya Land less than 2 hectares 9. Moti/ Natha Garasiya Land less than 2 hectares/ Homeless 10. Satara/ Ghana Garasiya Landless 	

Box 3: Criteria for identifying beneficiaries (as gathered from the slide above)

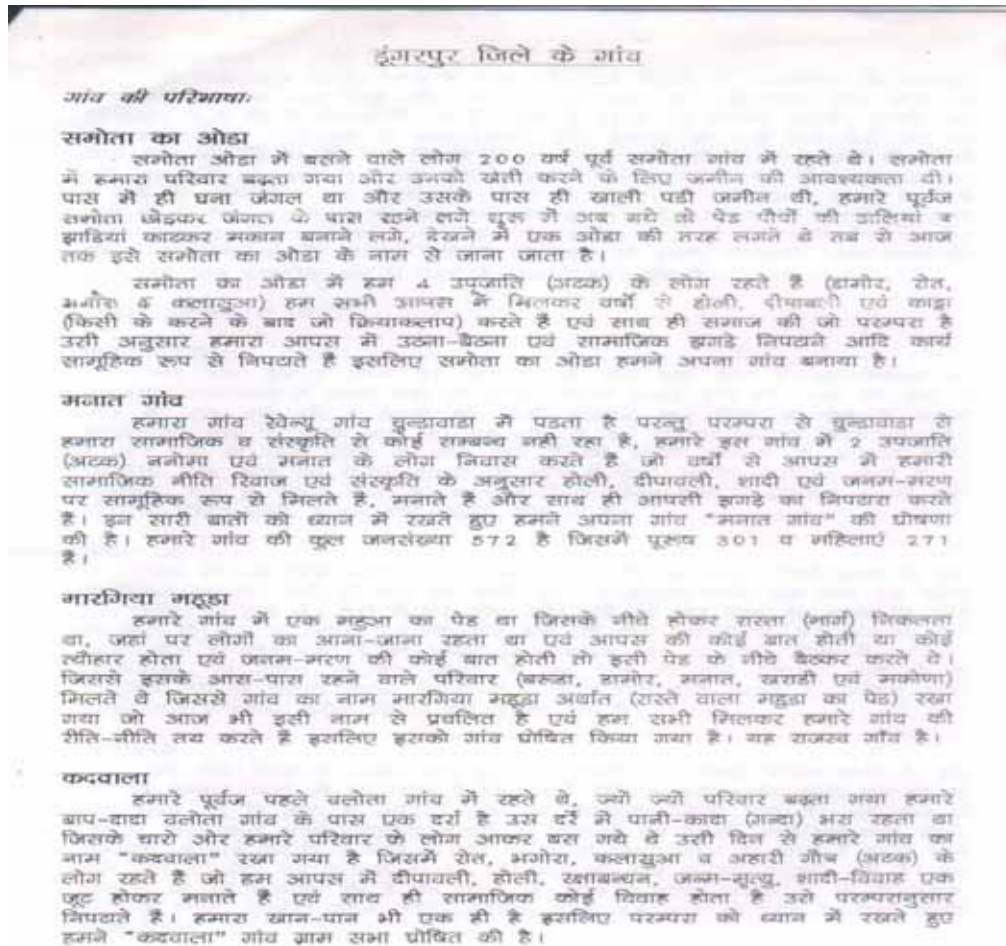
- | |
|---|
| <p>Criteria for identifying beneficiaries</p> <ul style="list-style-type: none"> • social status (widow) • helpless and homeless • economic factors (landlessness) • less than 2 hectares of land |
|---|

After several such exercises the following criteria were developed for identification of beneficiaries for developmental programmes and people below the poverty line: social status (widow, dependent), economic status (landless, land less than two hectares, no shelter, labour as the only source of income), others (physically disabled), homeless etc.

▶ Drafting criteria for defining the village

The definition of the village itself is crucial in establishing the competence of the village assembly. The standard definition that is used is as per the revenue boundaries, which is notified by the Governor of the State. This procedure of declaring villages is now sought to be changed by going back to traditional village boundaries, which are based on customs, festivals, marriage associations etc. in tribal societies. ELDF carried out an exercise in ten villages to establish the criteria used for defining the village. This will help in the formal court procedure where the powers to the village assembly, especially regarding natural resources, are going to be allocated based on their jurisdiction (see Figures 9 and 10, and Box 4).

Figure 9: Villages in Dungarpur District, Rajasthan



Translation of Figure 9

Samota Ka Odha: In the village *Samota ka odha*, mainly four sub-castes reside, i.e. *damor, rot, bhagora* and *kalasua*. All the villagers celebrate festivals like *holi, dipawali* together. The social disputes in the village are resolved by all of us collectively, as per our traditional practices and customs. Therefore we have declared *Samota ka odha* as our village.

Manat village: Our village falls with the boundaries of the revenue village *Chundawala*, however our traditions and culture have no semblance with that of the village *Chundawala*. In our village people belonging to mainly two sub-castes exist, i.e. *Nanoma* and *Manat*, and for years we have been celebrating festivals like *holi, dipawali*, and social functions on births and deaths, together. We resolve the disputes as per our traditional practices and law. Considering these factors, we have declared *Manat* village as our village. The total population of our village is 572, out of which there are 301 males and 271 females.

Margiya Mahua. There was a *Mahua* tree in our village, and the way (*marg*) to the village passed through the *Mahua* tree. On every occasion, festivals or social gatherings, the families residing nearby (*Barua, Damor, Manat, Kharadi* and *Makoda*) used to meet under this tree. Therefore the village came to be known as *Margiya Mahua (the Mahua tree on the way)*. In our village we take all the decisions collectively and therefore we have declared it as our village. This is a revenue village.

Kadawala: Our ancestors used to reside in the village *Valota*. There was a drain (known as *Kad* in the local language) near the village *Valota*. With the expansion in families, our ancestors started settling near this drain, and from that day our village has been known as *Kadwala*, in which people belonging to *Rot, Bhagora, Kalasua* and *Ahari* caste reside. All the villagers celebrate festivals, social functions on birth, deaths, marriages together and as per our tradition and culture. Our eating habits are also similar. Considering these factors we have established the *Kadwala* village assembly.

Box 4: The criteria for defining villages as gathered from the above four villages

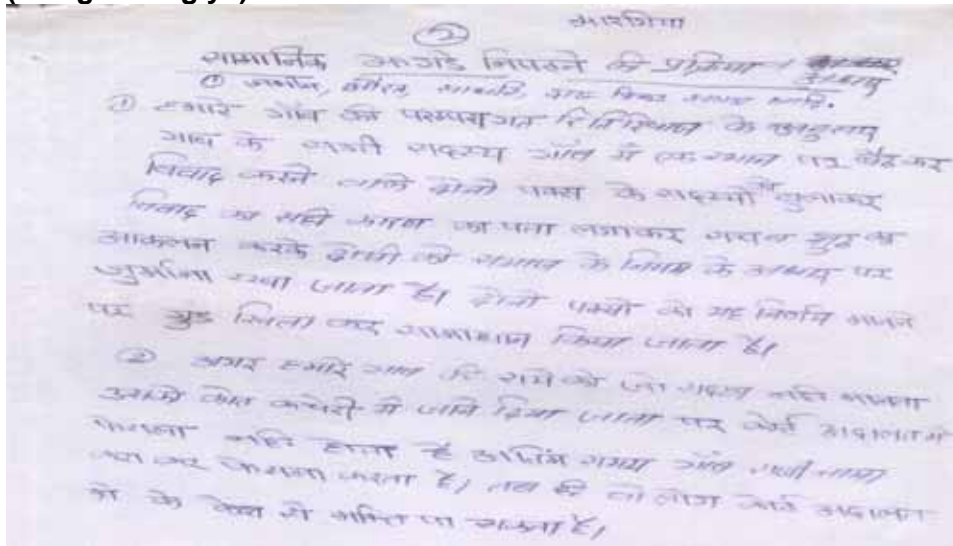
Uniqueness of the tribe; common festivals such as *Holi* and *Diwali*, common birth and death ceremonies, marriage ceremonies, type of food, traditional social functions, traditional modes of dispute resolution, similar cultural traditions, similar sub-caste, economic support to each other in times of distress, traditional land marks such as pathways, important physical and natural areas such as trees, canals, traditional pathways.

► Combining traditional justice system with modern Jurisprudence

- **The use of Nyaya Samitis or Justice Committees.** In the past clan heads and religious heads played an important role in the justice system in tribal societies. However, some sections of tribal societies feel that in the modern era, such blind faith on individuals may not be prudent and thus certain villages have constituted Justice Committees to resolve conflicts based on local wisdom at the local level to avoid the formal legal process. Here the Justice Committee constitutes village elders and traditional leaders as well as educated youths (see Figure 10).

Figure 10: Mapping traditional modes of dispute resolution

(Village: Margiya)



Translation of process of Dispute Resolution

(2) Margiya

Procedure to be followed while resolving the social disputes

(1) Disputes relating to women, land and property.

1. As per our traditional dispute resolution process, all the villagers meet at a common place in the village and invite the parties involved in the dispute to present their case. Firstly we attempt to know the causes of dispute and then accordingly we fix the amount of fine to be levied on the erring party. Agreement to a solution ends up in eating something sweet by both parties.

2. If somebody prefers to go to the formal judicial process, he can approach the formal courts however it is the village assembly that finally decides whether the party can go to the court or not.

PART C: What are the strengths and weaknesses of Panchayat Shivirs, and how easily can this tool be transferred to other contexts?

Strengths

- ▶ *Panchayat Shivirs* – Interactive Legal Literacy Camps touch on real conflict situations and place them on the policy map so that effective strategies may be built around them.
- ▶ Panchayat Shivirs help people brainstorm complex legal issues in a local setting where the intimidating environment of formal policy process is absent.
- ▶ The court system as well as the administrative system is built around numerous procedural aspects especially in the context of justice delivery system. *Panchayat Shivirs* help to clarify unnecessary procedural requirements; this is learnt both from the trainers as well experience sharing.
- ▶ It is also a tool, which simplifies the language of law, which is often complicated and based on juridical concepts.
- ▶ Addressing situations which are bound up in legal complexities and discussing legal strategies with competent legal professionals in rural settings often results in deep understanding of the constraints as well as opportunities in using legal strategies for redressal of conflicts.

Weaknesses

- ▶ Every tool has its limitations. In India and perhaps in third world countries, the biggest challenge in using this tool is the capacity of both the target individuals or organisations as well as the trainer to understand this legal tool.
- ▶ The use of such a tool could be impeded by factors such as illiteracy, fear of using legal strategies due to the often-intimidating court environment, expense and lack of legal acumen.

Transferability

- ▶ *Panchayat Shivir* as a tool is replicable with minor adaptation as per the local settings.
- ▶ A good knowledge of local laws and local settings are the preliminary requirements to test this tool and judge its efficacy.
- ▶ The biggest strength of this tool is that the formats used both in terms of schedule and content can be iteratively improved as and when such tool is used.

Further information

You can obtain the simple and useful *Hand Guide on Tribal Self Rule Law in India* from

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