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INSTANT JUSTICE

Legal cases, sometimes forty-years-old, are being solved in a few minutes in Cheriyanaad thanks to the panchayat court

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Begum and Hussain (names changed) might have been leading separate lives by now had they moved their divorce petition in an ordinary court of law.

But fortunately they moved an informal court and saved their marriage. The court at the sleepy Cheriyanaad panchayat in Alappuzha district has not only saved many such marriages but also turned foes into friends.

In fact, the 'panchayat court' in Cheriyanaad consisting of elderly people from different walks of life, in a unique distinction has settled all but two cases that came before it.

"When Begum approached us complaining that her husband was having an illicit relationship we

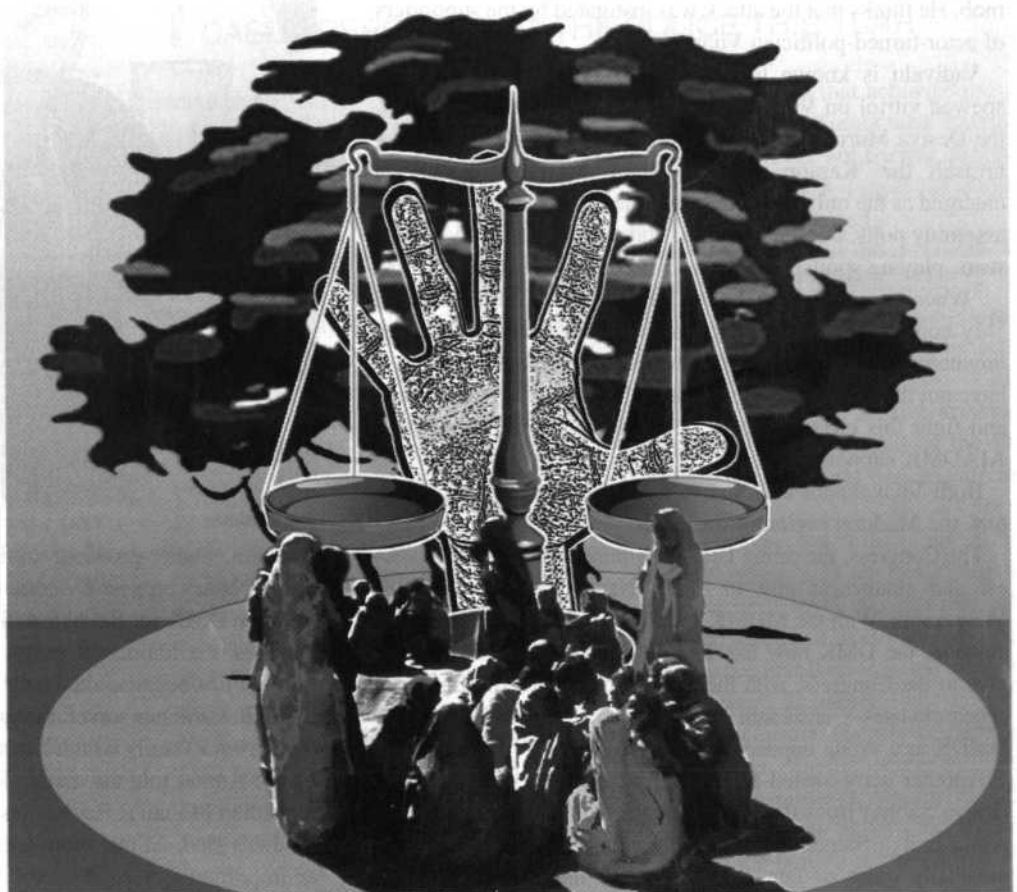
thought she had a just case. But our probe into their lives revealed that they had a unique problem", says Lalu Varghese, a member of the court.

"After counselling for a couple of hours, we found that Hussain had strayed as he was not satisfied with his conjugal life. As the couple lived in a one bedroom house, Begum shared her bed with her children aged 12 and 7", says Varghese, principal of the Chenganoor Christian College.

"We were convinced that Hussain would end his illicit relationship if he could have his private moments with his wife", Varghese said.

The court recommended financial assistance to the couple to add a room to their house. "The solution has worked well and the couple is leading a happy family life now", says

ILLUSTRATION : BUDHACHANDRA



Varghese.

The panchayat court has come as a boon to those who cannot afford to move a judicial court. Take the case of 16-year-old Rajeev and his younger brother Rajesh who were ill-treated and denied food and shelter by their ex-serviceman father, Ramachandran (names changed) who had turned alcoholic after the death of their mother.

With no income of their own and no one to help them, they were not in a position to approach a judicial court. Therefore, they complained to the panchayat court against their father without realizing that it will lead to his transformation. The move has not only brought their father back to sobriety but also saved the service benefits of their mother, a government school-teacher.

"We summoned and made him aware of the consequences of his reckless drinking. Ramachandran realised the danger, quit alcohol and transferred the money and property to the children", said Varghese. "It took us only a few hours to convince him. It would not have been easy for Rajeev and Rajesh to approach a normal court. Even if they managed to do so they would not have got this result", he added.

"Only one party can win in a court of law; in the panchayat court both parties win through conciliation. The disputants leave the panchayat court without any ill-feelings", said Varghese.

The panchayat court at Cheriyanad has evolved from a dispute settlement forum floated by P K Vasudevan after he was elected president of the panchayat way back in 1988.

"I was concerned when I saw a large number of people, especially the poor, spending their time and money in the courts for resolving even petty disputes", says Vasudevan. The forum consisting of elected members of the local body was able to arrest this trend. "I was convinced that people will not go to court if there is an effective forum to deliver justice in time", he added.

Vasudevan expanded the forum in 2000, when he was re-elected as the

president, by involving a former superintendent of police and four social workers. The forum later came to be known as the panchayat court.

The panchayat president is the presiding officer of the court and the vice-president, the deputy presiding officer. Ward members are included in the court whenever a case pertaining to their ward comes up in the court.

The court, with a term of five years, takes up disputes involving people both within the panchayat area as well as outside it. It can be moved for all types of disputes except murders and excise violations.

"We don't have the powers of a normal court of law. We can neither summon parties nor are our decision binding on them. We try to reach a decision acceptable to both parties", says

A POSITIVE OUTCOME OF THE MOVEMENT HAS BEEN A REDUCTION IN CRIMES IN THE PANCHAYAT AREA, WHICH HAS A TOTAL POPULATION OF 30, 000... THERE HAS BEEN A 70 PER CENT REDUCTION IN CASES REPORTED TO THE POLICE THIS YEAR

Vasudevan.

He pointed out the disposal of more than 1000 cases, including 325 cases pending in various courts, in the last few years as the barometer of the trust the people have reposed in the panchayat court. The cases before the court were withdrawn following the settlement.

The majority of the cases are related to property disputes, marital discords and financial deals. "A normal court would take years to resolve these cases. We dispose off them in few hours", Vasudevan said.

The panchayat court took only half-an-hour to settle a 40-year-old property dispute between Kuttappa Panickar and Sreedhara Panickar. The settlement made both happy as one got the land and the other the compensation. "We have settled all the cases through conciliation. The people come to us as foes and leave as friends shaking hands over a cup of tea. They have

realized that it is a wastage of time and money to fight the cases in court", the panchayat president said.

A positive outcome of the movement has been a reduction in crimes in the panchayat area, which has a total population of 30,000. Advocate P Jayachandran, convener of the media committee for the legal literacy campaign, said there has been a 70 per cent reduction in cases reported to the police this year. "No grave crimes like murders have been reported from this area since 2005. The legal literacy drive we launched will further bring down crime. We have visited all houses and made people aware of their rights and the forums available for protecting them", he added.

Jayachandran feels that the drive would sustain the panchayat court. "A

few village wards that achieved litigation-free status in Kerala have relapsed because they were not backed by legal education, which is a must for ending exploitation", he added.

The initiative has been lauded by jurists and social activists alike. "It is a shining example for the entire country, where people go to courts to settle even minor disputes", says Chief Justice of India K G Balakrishnan, who declared Cheriyanad as the first litigation-controlled panchayat last week.

"The cases are piling up in the courts. There is a 23 per cent rise in the filing of cases over the last one year. Every five out of 100 persons in the country are involved in some litigation or the other", he added.

Kerala Chief Justice H L Dattu has appealed to other panchayats in the state to emulate Cheriyanad. The KELSA is willing to help them if they can ease the burden of the courts. ■