

**RJPSSS**

**RESEARCH JOURNAL OF PHILOSOPHY  
& SOCIAL SCIENCES**

*A Peer Reviewed International Journal*

## **The Inside dimensions of the Panchayat Adalat from the Enact J&kPanchayati Raj Act1989 and its Execution- A Study of JhajjarKotli Panchayat**

**Dr. Shveta Sharma**

Assistant Professor

Department of Sociology

Jammu University, Jammu

**Email: [drshveta.univ@gmail.com](mailto:drshveta.univ@gmail.com)**

---

*The present research paper aims to understand the identify suggestive aspect of the Panchayat Adalat and narrate an analytic study of the major dispute resolution mechanism through PanchayatiAdalat of JhajjarKotli Panchayat in Dansal Block of Jammu District in the state of Jammu and Kashmir. . This research paper also focuses on organisation and structure of the Panchayat Adalat, their powers and functions, procedures and methods of dispute resolution. This paper is an outcome of field research and grassroots work conducted at JhajjarKotli Panchayat .Much of the data for this study is derived from the disputed cases that are registered in the records of the panchayatiAdalat.Towards the end, the study has outlined the strength, weaknesses in functioning of the PanchayatiAdalat as well as suggested recommendations for the same*

### **Key**

**Words:** PanchayatiAdalat, HalqaPanchayat, NyayaPanchayat, Panch, Sarpanch, Dispute, Justice.

### **Area of the study**

The preliminary Pilot study has been conducted in all the development blocks of the Jammu District covering interactions with the Block Development Officers at the block level, Panchayat Secretaries at the panchayat level, Sarpanches and Panches of their concerned panchayats and villages respectively. Apart from this, various related reference material and other sources of information were also used during the course of pilot study.

The findings of the pilot study revealed that out of all the panchayats in the Jammu district, JhajjarKotli is the panchayat which stands apart where arrangement of the Panchayat Adalat was functional and has remained active in its full course by resolving a good number of disputed matters of the habitants of the panchayat. Also there were some indications that all the disputed matters were solved to the satisfaction of all the respondentss. A pilot study in Jammu District showed that JhajjarKotli Panchayat Adalat is one of the most successful Adalat as it resolved many disputed cases at the village level during its tenure of 2001 to 2006.Hence , the JhajjarKotliPanchayatiAdalat of Dansal block in Jammu District was selected for the study

### **Research Methodology**

Many case studies were analysed through in-depth interviews, Focused Group Discussions and several meetings with the Halqa Panchayat and members of the Panchayati Adalat as well as village people. The sample survey for a wider coverage of the subject being studied and for thorough qualitative survey, knowing about the quantum of registered cases up to 253, in all 150 respondents from different strata of the society were targeted for the study by using Random sampling method.

The data for the study is covered from both the primary and secondary sources. The secondary data is collected from the consultation of various books, journals, newspapers, articles, census data, government reports and other reports. The primary sources are taken from the direct field survey and participant's observations during series of formal workshops and personal interactions conducted at various levels.

### **Aim of The Study**

The present study is undertaken to highlight the working of dispute resolution mechanism through the Panchayati Adalat of Jhajjar Kotli Panchayat in Dansal Block of Jammu district in the state of Jammu and Kashmir (J&K). It is an attempt to understand and analyse the working and functioning of the Panchayati Adalat as the major dispute processing and solving institution at the Gram or *Halqa* Panchayat level in Jammu District. The paper also focuses on organization and structure of Panchayati Adalats, their power and functions, procedures and method of dispute resolution particularly in the context of Jhajjar Kotli Panchayat in Jammu District. Much of the data for this study is derived from the disputed cases and controversies that are registered in the records of the Panchayati Adalat.

The present paper attempted to study the process of transformations of disputes and way of communication processes involved in the Panchayati Adalat. The study has also explored the questions related specifically to the Indian sociology that had been asked since the British Raj-like what kinds of judicial or dispute processing institutions may have existed in Indian village in the past before the establishment of the modern system of the courts? In the view of the efforts being made by the Government of the Republic of India, village Panchayats function as an alternative to the courts. These questions are of great importance to this study.

In this paper, attempt is also made to find out the role of traditional institutions of dispute resolution, i.e. those that existed before the present Panchayati Adalats came into existence, like caste Panchayats, village councils, village Panchayat and so on. This helped us to understand better, the efficacy and usefulness of the present Panchayati Adalat and the manner in which the transformation from traditional to the democratic form of dispute resolving institutions have resulted in introducing the improvised method of dispute resolution at the grassroots level. In this sense, the study has explored the new pattern of power and the shift of power from caste Panchayats to Nyaya Panchayats or Panchayati Adalats.

### **Introduction**

From the Ancient period in India even Before Christ (B.C.) the system of rural local government remained unchanged up to the period of the great King Harsha. Besides village government which looked after all local matters and public amenities, there were popular panchayat courts which with the help of elders tried all civil and criminal cases. Distinct development of Harsha period was panchayat courts. Besides legislative and executive functions now judicial functions were also performed by the panchayats, which were the organized bodies of native people (Sharda, 2010: 11). Judicial function of Panchayati Adalat, by any name different from state to state and in any form, remained undisruptive. This shows the importance

of social justice from the ancient period to date for which at present the role of PanchayatiAdalat in dispute resolution at village level is significant. In this connection it is worth mentioning Martin Luther King's assertion that "*Injustice anywhere is a threat to justice everywhere*" (ISS, 2006: 309). So every time to knock the doors of our Indian courts for justice will not serve the purpose.

Our Judicial courts are already so overburdened that there are about 75 lakh cases pending for more than ten to fifteen years, awaiting decision for justice. Recently, Home Secretary Government of India has expressed his worry over the delay in justice. Accusing State Governments of showing apathy in ensuring quick conclusion of probes and criminal cases in courts, Union Home Secretary R.K.Singh said they were more focused on maintaining law and order rather than delivering justice to citizens. He said that the delay in justice delivery system was a matter of "worry" and it needed some remedies very quickly (Source: Daily Excelsior 30-9-2012). Thus defuse tension of Indian Courts by empowerment of PanchayatiAdalats, is also the best solution for easy and timely justice at the door steps to the rural population in the villages.

In the state of Jammu and Kashmir, Panchayati Raj Act-1989 envisages a PanchayatiAdalat for every *Halqa* which consists of a contiguous number of villages, as determined by the Government in Section 48(1). The PanchayatiAdalat consists of five members nominated by the prescribed authority out of the panel prepared and recommended by the Halqa Panchayat from its electorate as per Section 48(2). The term of members of the PanchayatiAdalat is fixed for five years in Sec After independence radical steps were taken to transform the complexion of the village community in the mould of a highly democratic pattern of social, economic and power structure. The primary objective of new system of power (Panchayat/PanchayatiAdalat) was to democratize the base of power on the basis of people's acceptance.

With the set-up of Panchayati Raj in 1959 after independence in India, special emphasis was given to the development of villages with the participation of people in the decision making processes. Gram Panchayats at the village level were viewed as the mechanism of development of villages with little or no role in social, economic and personal matters that led to various types of disputed cases, which were solved by traditional Panchayats.

In the course of time these traditional Panchayats started losing their significance and authority. They solved issues related to particular caste, had hereditary leadership and consisted of aged male members who used their own discretion, which many times, proved arbitrary as well as un-democratic. Therefore, the idea of incorporating the judicial aspect in the statutory democratic system became important. The structure and organization of these Panchayats were not based on the traditional and primordial criteria like hereditary or ascription, but on new and on democratic processes like election, selection, justice etc.

Panchayati Raj Act envisages a role for such a judicial institution, called by different names in different states. In the state of Jammu and Kashmir it is known by the name of 'PanchayatiAdalat', the constitution of which is mandatory at every *halqa* (area) level. Among other things, these Adalats provide assistance to the rural poor by resolving their disputes at the village level itself and more importantly in fair, just and impartial manner. The study has explored these factors.

According to the Jammu and Kashmir Panchayati Raj Act-1989, PanchayatiAdalats enjoy both criminal and civil jurisdictions. The criminal jurisdiction is extensive and covers a substantial range of offences under the Ranbir Penal Code, *Samvat* 1989 (The Ranbir Penal Code

is equivalent to Indian Penal Code, but applicable in J&K only). Civil jurisdiction is confined to claims of the value of Rs. 3000 involving suits for ascertained sums, for damages for breach of contract not effecting immovable, and compensation for wrongly taking or injuring immovable property. A PanchayatiAdalat shall not be competent to impose on any person convicted of an offence tried by it, any sentence other than a sentence of fine not exceeding one thousand rupees. The Government is empowered to enhance the jurisdiction in civil cases.

*The study also undertook qualitative survey, which included focused group discussion (FGD), in-depth interviews (IDI) with the Chairman, Secretary and other Members of the PanchayatiAdalat including Sarpanch, Panches and Panchayati Secretary. Moreover for a wider coverage of the subject being studied it is preferred to bring in the Senior Citizens of the village (taken for research study), i.e. teachers, village leaders, NGO and there Co-Workers and Volunteers, farmers, local government official, political leaders, housewives and students for a more knowledge based relevant data.*

The table below shows the respondents profile by study methods and here IDI and FGD in-depth interviews and focussed group discussions were made.

#### **Respondents profile under qualitative Study out of 94**

S. No.	Types of respondents	Number
1	Teachers	6
2	Government employees and service class	10
3	Businessmen	4
4	Village leaders	9
5	NGO workers	6
6	Farmers	13
7	Students	7
8	Political leaders	3
9	Housewives	22
10	PanchayatiAdalat members	5
11	Other elected Panchayati representatives	9

Source: Field Based Data

#### **Table (1.1) Working of PanchayatiAdalat in JhajjarKotli**

No. of registered cases	Types of cases	No. of compromises	No. of convictions	No. of appeals	No. of unsettled
253	8	178	69	Nil	6

Source: Field Based Data

#### **Table (1.2) Types of Cases Handled By ThePanchayatiAdalat Out of 253 Total Cases**

SR. NO.	TYPE OF CASES	NUMBER	PERCENTAGE (%)
---------	---------------	--------	----------------

	Land Dispute	65	26
	Domestic Conflict	08	3
	Property Dispute	71	28
	Local Quarrel / Disputes	19	8
	Cattle Trespass / Cattle Pound	18	7
	Theft Cases	06	2
	Village Social Obligations	29	11
	Crop Loss	37	15

**Source:** JhajjarKotli Panchayat

During the workshop conducted at JhajjarKotli the members of PanchayatiAdalat and a group of complainants and accused were called for, to express their views on the working of PanchayatiAdalat during the tenure in the year 2001- 2006. All the sections of society were satisfied with the working system of PanchayatiAdalat. As a whole, people in general have good notions toward Adalat. It is very much clear that majority of the people who approached PanchayatiAdalat for resolving their disputes are quite happy with its decision.

This research study is largely qualitative and in all, 200 respondents were interviewed. Although there was a difference in age-distribution, caste, occupation, land holdings of the respondents. More matured people were included in the present study. So, we can reasonably assume that our obtained research findings have come from experienced, sensible and matured people. From responses on various issues, respondents appear to provide sensible and reasonable answers.

The current justice delivery system is perceived as expensive, time-consuming, procedure-ridden, technical and difficult to comprehend, which prevents poor from approaching the legal system with their grievances in the Judicial Courts.

To mitigate such hardships, the active PanchayatiAdalat at rural level is the only solution to the people living in the villages.

The PanchayatiAdalats can ensure participatory and people-oriented system of justice with greater scope for mediation, conciliation and compromise. Being closer to the people geographically and psychologically, the PanchayatiAdalats could be the ideal institution to save time, trouble and expenses of parties and witnesses. It would also reduce the workload of judiciary.

### **PROBLEMS AND EVALUATION OF PANCHAYATI ADALAT**

There are number of problems which have been created in running the system of PanchayatiAdalat effectively in the State of Jammu and Kashmir. Unless these problems are solved, the dream of rural development at the grassroots level can never be fulfilled. In the Panchayati Raj Act of Jammu and Kashmir, there is a special provision of PanchayatiAdalat which is constituted with the objective of resolving small disputes at the local level in the rural areas. It is a redressible mechanism that tries to bring Adalat or Government to the people at their doorstep so that they get speedy, cheap and effective justice. However, the analysis of the data in the study shows that despite settling and resolving certain cases, there are weaknesses that continue to persist. This paper also brings out the weaknesses, strengths and recommendations in the working of the PanchayatiAdalats.

### **WEAKNESSES OF THE PANCHAYATI ADALAT OBSERVED IN THIS RESEARCH STUDY ARE:**

1. There is lack of awareness among the people.

2. There is no reporting mechanism related to the functioning and non-functioning of PanchayatiAdalat to the higher authority which is very essential on regular basis to make sure that this system works smoothly and has a sustainable future.
3. Gender perspective is missing; there is less participation of women members in the PanchayatiAdalat.
4. There was no counselling, awareness or advocacy programmes for the villagers, related to the knowledge of PanchayatiAdalat, its functions and its benefits in dispute resolution.
5. There is no proper knowledge of legal aspects of the Panchayati Raj Act 1989, which also incorporates the PanchayatiAdalat system, the Chairman PanchayatiAdalat and other members. Therefore, the capacity building of the PanchayatiAdalat and its members emerged as a burning need in this study. It was revealed that the Chairman PanchayatiAdalat and other members have confused knowledge about the legal jurisdiction of the role and powers of the PanchayatiAdalat.
6. PanchayatiAdalat should get high priority. There should be an earmarked programme every year for organising training and capacity building implemented through the Block Development Office on regular basis. And the curriculum should be designed by an expert group comprising of both legal experts and judiciary officers.
7. It has also been observed that if the accused is absent in hearing, the case gets delayed. So there should be proper mechanism to make sure that the accused is present on the day.
8. There is no proper manpower for documentation of the cases and maintenance of the records relating to process and proceedings. As the whole burden is on the Panchayat Secretary, who is already overburdened with other office works concerning development functions in different *Halqa* Panchayat/Panchayats allotted to him by the Block Development Officer.
9. There is no proper fine collection system and also there is no proper documentation of the receipt of fine etc.
10. People are afraid of payment of fine in the PanchayatiAdalat.
11. In the present study people reported absence of any legal assistance and counselling. There is need for legal assistance both for the petitioner and the defendant.
12. The NGO working in the area, which has been taken for study is not paying much attention in making efforts for giving legal assistance to the public, in case of any dispute, assisting them to lead a path towards the PanchayatiAdalat for their dispute resolution.

### **STRENGTHS OF THE PANCHAYATI ADALAT**

1. PanchayatiAdalat has legal validity given under the Panchayati Raj Act 1989 as being enacted by the Legislature of J&K State and Government of India. In-fact there is a separate full-functional ministry both at the centre level and the state level. Also the system of PanchayatiAdalat is well tested and proved in some other states.
2. As the complainant and accused submit written petition to the Chairman, PanchayatiAdalat they cannot change their version in future. That written letter or petition become a legal document and is properly filed and kept in security.
3. Implementation of the PanchayatiAdalat is easy and feasible as it is very conveniently located locally and within the reach of habitants of the villagers of that Panchayat area i.e.*Halqa*.
4. Cases are settled easily; again the local location of PanchayatiAdalat comes as an advantage. Also there are no delays in proceedings and further processes.
5. There is minimum financial involvement in running and maintaining the PanchayatiAdalat and because of this general rural public is benefited out of this.

6. There is less exploitation in PanchayatiAdalat.
7. There is enough space to express public opinion in PanchayatiAdalat.
8. As the complainant and accused sit face to face, there is less opportunity of false statements.

Overall, it can be said that there are certain problematic areas but on the other hand positive aspects seem to be the rise in overall general awareness of villagers about the need of early establishment of Panchayatiadalats and their eagerness for participation in PanchayatiAdalat activities. Education, awareness, training and economic helps in the form of some salary or honorarium would be great help in this work. Thus the change is now towards positive side, though the problematic areas must be looked and dealt with more seriously to make the PanchayatiAdalats and their success stories in the field of justice popular among other PanchayatiAdalats within the State and country as a whole. For more active participation in deliverance of justice the enactment of the provisions of 73<sup>rd</sup> Constitutional (Amendment) Act in the J&K Panchayati Raj Act-1989 is also the need of time as per demand of public at large.

### **SUGGESTIONS AND RECOMMENDATIONS FOR IMPROVING THE SYSTEM OF GOVERNANCE OF PANCHAYATI ADALATS**

1. Panchayati Raj Act 1989 needs reforms and moderations with respect to 73rd Constitutional (Amendment) Act.
2. There should be proper representation of women in PanchayatiAdalat.
3. Services of the trained legal professionals should also be taken from time to time in the functioning of the PanchayatiAdalat.
4. There is a need to enhance the legal and administrative powers for better functioning of the PanchayatiAdalat. Better examples from other states, suited to local environment should be incorporated.
5. There has to have firm policy for the speedy implementation of the PanchayatiAdalat in all the new formed Panchayats to make this system work at a wide level and at large scale as per the Act.
6. Warrant system should be introduced in the PanchayatiAdalat to call the witnesses and the accused so as to make the proceedings faster and deliverance of justice without delay.
7. There should be arrangement of regular trainings for the Chairman and other nominated members of the PanchayatiAdalat on conducting the cases in PanchayatiAdalat, towards its effective functioning and implementation of Justice.
8. There should be wider publicity of the existence of PanchayatiAdalat. Rural people should be sensitized about the functioning of PanchayatiAdalat through awareness generation programmes, posters, street theatre and advertising success stories of PanchayatiAdalat on radio and television and other modes of Media.
9. There should be dissemination of relevant resource material in a very simplified, easier to understand local language regarding acts, rules etc. to the concerns persons connected with the Panchayat and PanchayatiAdalat.
10. NGOs and VOs working both at the national and state level and even at smaller level like Block or Panchayat should take-up a lead role in developing collaboration with the PanchayatiAdalat for enhancing the smooth functioning of PanchayatiAdalat and as well as conduction of training and capacity development activities.
11. There is a big lacuna in a specific time limit for decisions making process in the judicial system of nation and more over it is also a well debated issue and requires an attention “*as justice delayed is justice denied*”. An effort should be made at the local

PanchayatiAdalatlevel to make sure to ensure a specific time frame for the deliverance of justice and decision. This will also help to create an example and can be replicated as a model at higher level of justice delivery agencies.

12. Finance is the foremost necessity of any institution for its successful working. It is important to make PRIs financial sound and self-sufficient (Sisodia, 2005: 80). During the study it is observed that one of the major reasons for declining of the PanchayatiAdalat and disinterest among the members of the PanchayatiAdalat in other Halqa Panchayats was that of absence of any honorarium or any kind of sitting fee. There is also a continuous demand being raised by the Village Panchayat as well as the Chairman PanchayatiAdalat at various Forums to make some arrangement for the payment of honorarium or sitting fee. All the political parties and other organisations are putting pressure on the Government for release of Honorarium/Sitting Fee to the members of PanchayatiAdalats (Source: Daily Excelsior, September 8<sup>th</sup>, 2012). The state Government should re-think in this matter and make a separate budget for the payment of such honorarium or sitting fee. This shall help in encouraging the proper and effective functioning of the PanchayatiAdalats.
13. Monitoring and Evaluation (M&E) is an essential tool in the development process. So in case of PanchayatiAdalat, a proper Monitoring and Evaluation strategy should be adopted so as to enable the people sitting at the helm of affairs and planning to know the effectiveness of this system, they can also recommend and plan some improvements to make the PanchayatiAdalat perform more effectively.

#### **Introduction of Law and Acts in PanchayatiAdalats:**

Before close of the subject, it is worth mentioning that when the Respondents inclusive Members of the PanchayatiAdalat, Sarpanch and Panches were asked about the knowledge of the following Acts, they all remained mum except the Chairman who has some idea about these Acts but not sure of their contents. So for judicious functioning of the PanchayatiAdalats and Panchayats in their respective areas either they should be provided a set of Acts or at least synopsis to enhance their knowledge about the implementation of these Acts for decision taking in PanchayatiAdalats.

1. The Dowry Prohibition Act, 1961 and 1998; with the dowry prohibition (Maintenance of lists of presents to bride and bridegroom) Rules 1985
2. The Dowry Restraint Act, 1960
3. The special Marriage Act, 1954; with rights of women for intercaste /registered marriage Rules.
4. The Hindu Succession Act, 1955, which prohibits polygamy, polyandry and child marriage and equal rights to women to divorce and to remarry
5. The Hindu Widows Remarriage and Property act, 1989 (1933 A.D.)
6. The Suppression of Immoral Traffic of women and Girls Act, 1956
7. The Medical termination of Pregnancy Act, 1971, 1973, 1974
8. The J&K Hindu Succession Act, 1956
9. The Child Marriage Restraint Act, 1929
10. Indecent Representation of Women (Prohibition) Act, 1986
11. Commission of Sati (Prevention) Act, 1987

Some of the Acts defined above are from the Centre but in J&K State there are versions available in one or the other forms in Ranbir Penal Code and J&K State Acts. There are cases which are to be dealt by the Police or Judiciary in the enacted Courts but at least the PanchayatiAdalats should have the *prima facie* knowledge of the Acts and Section of RPC to

differentiate as to which case is to be decided in the PanchayatiAdalat and which case is required to be informed to the Police for action under the enacted Laws.

Above all, the awareness among the people is necessary. In awareness programmes, the characteristics of social values shall be explained. Social values are the general principles of controlling behaviour in daily life. Dispute, conflict and crime rises when one forget one's culture and traditions i.e. social values widely spoken as *Sanskriti* and *Sanskar*. When the small scale society in villages or large scale society in cities and towns, follow the customs, culture, traditions, religion and positive mores; enforcement of enacted law becomes negligible. It is rightly said by E.B.Tylor that, "Culture is that complex whole which includes knowledge, belief, art, moral, law, custom and any other capabilities acquired by man as a member of society." (Surroch, 2006: 156)

However, during the conclusive days of stay in the field when a group of respondents from teachers and service class were asked a last question, "Why they are advocating for PanchayatiAdalat in every village"? In reply to that question they simply stated that the Munsif Court, the District Court or High Court are not accessible to rural people, especially those who need to cover longer distances to reach at their Block Office and Tehsil Office where all subordinate courts are situated. But one more important factor which emphasize the importance of PanchayatiAdalat is that a long list of cases are pending in the High Court and Subordinate Courts and other lower courts for the past decade or even more .

*Description few narrative examples of cases as observed during the field study are drafted below:*

In this case of crop loss by animals, though of a very small value, it resulted in a severe quarrel, abusive language. The lady (Karma Bakerwal) who suffered a crop loss threatened to hit another accused in the face with her sandal- a grave insult. Though the concerned accused whose animals entered her field told her that animals are animals but she remained adamant to her arrogant behaviour. However, Tuli took his animal back to his house but on the other days whenever he faced her in the street or field she raised the dispute without any fresh cause. Fed up by this deliberate ill-behaviour of the woman, he complained the local to Panchayati who called the lady and asked her as to how much loss she suffered so as to compensate her, the value of that loss, but she rejected this solution. The framework of argument of disputes, as they proceeded through different forms and stages of proceedings could not be settled. Ultimately when the claim is rejected, the grievance becomes a dispute and Panchayat itself referred the case to the PanchayatiAdalat.

In the very first meeting of PanchayatiAdalat when both the parties were present, she was reprimanded by the Adalat that when one party is ready to pay the compensation of loss, if any occurred, why she remained adamant of keeping the dispute alive. She was answerless. PanchayatiAdalat directed that as per her explanation, the cattle entered her field but did not cause any heavy loss of crops. Only the entrance of cattle over the crops damaged few plants of wheat which were not more than Rs. 50/- on the other hand the person cattle owner, faced insult and humiliation, so for that she has to pay Rs. 50/- to the aggrieved person. Hence the case is decided to its full and final settlement with "zero" financial liability and both were asked not to remain revengeful to each other.

It is ascertained in the field study that this dispute and then settlement brought both the families close to each other, who started enjoying all social gatherings equally.

The pattern that emerges in this case just surveyed was extremely important and very common for the present consideration of themes and issues in the discussions of the PanchayatiAdalat.

Quarrel arose between two brothers Kuldeep and Sandeep over the issue of land after the death of their father. To settle the dispute their relatives intervened in the matter, but could not resolve it as both the sides did not reach at common conclusion but kept on imposing the views of their side only. Thus the case became more complicated. The elder brother Kuldeep instituted the case before the PanchayatiAdalat by putting up an application. The Applicant was informed about the time and place fixed for the next meeting of the Adalat in which his application would be heard. And he was directed to attend at that time and place. After hearing the Applicant on that particular day, his brother Sandeep was called in the next meeting but he did not appear in the next two meetings.

However in the fourth meeting when both were present, it was announced by the PanchayatiAdalat that the father has not put his "Will" before his death, and both sons had themselves already separated in the same ancestral house. So now instead of involving in dispute, let the land be divided into equal share. There is also one married sister who is well settled and decided to leave her share in favour of her both the brothers, with a desire that she wanted to visit her parents house and have a smooth and cordial relations with both her brothers. Her sister played an important role and stood as an evidence of good social cause for relationship in the PanchayatiAdalat. PanchayatiAdalat was encouraged to settle the case in favour of both the brothers, towards equal distribution of their parental land. Adalat called the local Patwari who distributed the land in two equal parts, by using the measuring tool. In this way Adalat had managed to get this case settled with mutual consent of both the brothers as well as satisfying their relatives. In this way, PanchayatiAdalat played a very important role in settling the land dispute at local level and also encouraged the binding of social relationships among the villagers.

Sham Lal was caught red handed while stealing mangoes from the trees of Ram Lal. Being caught red handed with mangoes, he abused Ram Lal with obscene language. Ram Lal lodged written complaint to the Chairman of the PanchayatiAdalat on 5<sup>th</sup> July 2005 about the theft, misbehaviour and compensation of loss. The Chairman sent notice to the complainant and accused to be present before the Adalat on 25<sup>th</sup> July, 2005. Both of them were present in the Adalat on that day. After hearing both the parties, the Adalat warned Sham Lal not to repeat theft in future, failing which he will be given severe punishment and was also asked to feel sorry for his misbehaviour to Ram Lal, in presence of the Members of the Adalat and other villagers. Verdict was given in the presence of members of the PanchayatiAdalat and the Chairman Adalat requested the complainant to forgo the case of compensation. The complainant was satisfied with the verdict of the Adalat. The case was settled amicably. Everyone in the village praised the passionate hearing of the Chairman of the Adalat. As a whole, people in general have good notions towards PanchayatiAdalat irrespective of their level of involvement.

During the study of books on the subject, especially relating to the politics and administration of justice and the evolution of judicial system in J&K it is worth to quote the description given by Bhushan, "As said earlier Maharaja Gulab Singh inherited a kingdom. He was not a reformer but a founder and 'the present Jammu and Kashmir state is his monument'. He had hardly any time left for setting up an administration of justice; there was no court, nor any code of procedure for guidance. To administer justice was the duty of no one, yet everyone, who held any responsible post throughout the State, was responsible to administer it both in the civil and criminal cases" (Bhushan,2008: 107). Though Maharaja Ranbir Singh gave a new touch

to the judiciary and established regular court of justice with defined powers, later on judicial system was decentralized and Panchayats were given the Administration of justice in rural areas which proved to be a result oriented system in judiciary. Maharaja Hari Singh's government took a special care to see the administration of justice was cheap, expeditious and pure" (Ibid: 108-109).

The research has been approached from conflict perspective with an emphasis on the point that conflict and consensus are the two side of the same coin. It also suggests that when conflicts and disputes at the small and local level are mitigated at the same or nearby place, it prevents in the escalating of the problem to a larger and wider level i.e. there are functions of conflict. On the whole, such cases of dispute resolution as were recorded and discussed in this study, suggests the establishment of overall consensus, harmony and peace in the villages. The study, as an important theoretical input in the field of political sociology points out that the present form of Panchayati Adalats as a part of statutory Panchayats, if work effectively, are far better than the traditional caste, sub caste, clan (Khap) or Village Panchayat. They are democratic, open to discussion and decisions based on achievements criteria: consisting of members irrespective of caste, clan, gender, age; and deal with cases in just and fair manner.

### **Conclusion:**

This research basically has been a detailed and in-depth study of one Panchayati Adalat of Jhajjar Kotli Panchayat in Jammu District of Jammu and Kashmir State. After a pilot survey of the district, this Panchayati Adalat was found to be doing comparatively better than the other Adalats which became the prime objective to take up this research to understand the reason for this on the one hand, and to show that such experiences can be replicated for other Panchayati Adalats as well. In conclusion I would like to quote the sum up of my research and study that "The cause of conflict/dispute is antagonism, dissatisfaction, differences and the end of conflict/dispute is by agreement/consensus/communication/compromise/counselling. So Panchayati Adalat is the suitable instrument/tool for settlement of conflicts/disputes in rural areas and let the evacuation of crimes in the hands of judicial court. Panchayati Adalat as well as suggested recommendations for the same.

### **References**

- Alice Jacob and M.C. Mehta*, "Panchayati Adalats in the Jammu and Kashmir Legislation" in George Mathew (ed.) *Panchayati Raj in Jammu and Kashmir* (Institute of Social Sciences, New Delhi, 1990).
- Bhushan, Vidya. 1989.** *The Evolution of Democratic Institutions in Indian Polity*, New Delhi: EssEss Publishers.
- Institute of Social Sciences. 2006.* *Sociological Bulletin*, (55)2, May-August 2006; Book of L.C. Jain (ed) on 'Decentralization and Local Governance' Reviewed by Anup Dash; New Delhi: Rashtriya Printers. pp.323-25
- Jacob, Alice and M.C.Mehta (ed.). 1990.** 'Panchayati Adalat in the Jammu and Kashmir Legislation' in George Mathew (ed.) *Panchayati Raj in Jammu and Kashmir*, New Delhi: Institute of Social Sciences.
- Sharda, Mridula. 2010.** *Evolution of Panchayati Raj in India*, New Delhi: Kanishka Publishers.
- Surroch, Surjit and Anita Surroch. 2006.** *Principles of Sociology*, Dharamshala: Modern Publishers.

***Acts and rules Published by Ranbir Government Press, Jammu.***

*Jammu and Kashmir Panchayati Raj Act 1989.(Abbreviated as J&K P.R.A.)*

*Jammu and Kashmir Panchayati Raj Rules 1996.(Abbreviated as J&K P.R.R.)*

*Jammu and Kashmir village Panchayat Act (Amendment) 1941.*

*Jammu and Kashmir Village Panchayat Act 1951.*

*Jammu and Kashmir Panchayat Act 1958.*

*Jammu and Kashmir Village Panchayat Regulation Act No.1 of Samvat 1992.*