



SOCIAL JUSTICE
&
FREEDOM FROM LITIGATION
An experiment by Jananeethi in Thichur village, Kerala, India



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SOCIAL JUSTICE & FREEDOM FROM LITIGATION

AN EXPERIMENT BY JANANEETHI IN THICHUR VILLAGE
KERALA, INDIA

INTRODUCTION

▶ A “litigation-free” village was indeed an impossible dream. But the people of Thichur village, a seemingly unknown, sleepy village in Varavoor panchayat of Thrissur District, in Kerala State made it happen on the 7th day of May 2000. The road to success was slow, hard and often frustrating. But at the end, it was a moment of exaltation to cherish and a history to emulate.

▶ Litigation-freeness is not a new concept. Mahatma Gandhi visualized it when he spoke of “Grama Swaraj”. The panchayat system in ancient India had well established procedures for grievance redressal and

disciplining offenders. The elders in the village who were well respected and accepted by all for their erudition and integrity, sat in judgment on all dissensions and disputes, and pronounced appropriate awards. The society fully complied with their decisions. Thus we had a well-founded people’s court which functioned extremely well. This system progressively gave way to the present judicial system where the courts, following complex procedures which are time consuming and expensive, have been made responsible for the administration of justice. One major feature of the present system is the emergence of professional advocates who occupy center-stage pushing the parties to the complaint to the background.

The present day system of justice administration leads to the avoidable loss of considerable amount of man-hours, money and human relationship. And the sad fact is that a large number of cases being dealt with in the courts are those which do not require the attention of the courts at all. An often corrupt and expensive procedure, legal assistance progressively deteriorated as the prerogative of the affluent and the influential. This must be one of the reasons leading to piling up of cases in the courts and justice being delayed to a large number of people, particularly the poor and the marginalized.

The fundamental right of the poor for free legal aid, the provisions for legal aid in the Directive Principles of State Policy, several judicial decisions, and recommendations of the 14th Law Commission, paved the way for Legal Services Act, 1987 which was subsequently amended in 1994. In 1998, in keeping with the provisions of the Act, the Kerala Legal Services Authority came into existence with the following objectives:

- a. To provide legal assistance to the needy;
- b. To help them in legal matters connected with the court of law and similar institutions, and to provide for legal advice;
- c. To organize "Lok Adalats" for mutual settlement of pending cases, including those pending the High courts, and
- d. To float a Legal Aid Forum for the benefit of the poor.



JANANEETHI, THRISSUR

"Litigation - free villages" has been a long cherished dream and objective of Jananeethi, a voluntary organization engaged in programmes to promote human rights and to provide legal aid to the poor. Advocate George Pulikuthiyil, the Executive Director of Jananeethi verbalized his dream at a seminar for the elected representatives of the local bodies in Thrissur district, jointly organized by the State Legal Services Authority and Jananeethi, to mark the "Legal Services

Day,” on 9th November, 1999. He said “under the guidance of District Legal Services Authority, representatives of the voluntary agencies and the faculty and students of the Thrissur Law college will survey the community for enlisting court complaints and petitions pending with the several courts of law, government departments, local bodies, other service institutions and business houses. Settlement of disputes will be attempted at Lok adalats to be held in the villages. Our dream is

to settle every such case once and for all, and to start a new chapter of social life of friendship, fellowship, cooperation and support to each other. The Harmony committee to be installed in the community will oversee justice administration and sort out differences as and when they occur”. The participants received this idea with expectation, debated the feasibility, and dispersed unsure on “who will bell the cat”.

Varavoor Panchayat shows the way....

A couple of days after the seminar, a delegation from Varavoor Panchayat led by Ms P.K. Saudamini, a former member of the Varavoor Panchayat met Adv.George Pulikuthiyil at the Jananeethi office and expressed their interest to work towards a litigation free panchayat. They had already shared the idea of a litigation-free panchayat with other members of the panchayat committee and had obtained their oral support and concurrence to experiment in their panchayat the idea of a litigation-free zone, of course a pioneering effort in the country. Jananeethi offered full support and leadership for the implementation of the idea.

On the 4th February, 2000 a meeting was held in the office of the Varavoor Grama Panchayat. Mrs. Seema Babu, the panchayat President, chaired the meeting. The meeting was attended by the members of the Grama Panchayat, staff members from Jananeethi, representatives of the accredited political parties, members of the social and cultural organizations, officers from the department of police and members of other service organizations. The President welcomed the gathering and explained the purpose of such a gathering. She requested Advocate George Pulikuthiyil, Executive Director of Jananeethi to explain the idea of a litigation-free village and to suggest a workable strategy towards implementing the idea. Adv.George Pulikuthiyil addressed the gathering at some length and clarified doubts and apprehensions. There were mixed reactions. Some politically charged activists could not digest the idea. There were clashes of personal and political interests. To experiment the idea of a litigation-free zone in the Panchayat as a whole was found to be quite laborious. At the end it was resolved in the

assembly that the idea of a litigation-free village would be taken up as an experiment in Thichur village which was formerly ward No 1 of the panchayat and later reallocated to wards 9 and 10.

A momentous and historic decision had been made thus by the grama panchayat of Varavoor! Those present, though unaware of what this decision involved, were sure that they had put their signatures to an epoch-making resolution and were determined to ensure that history was created in their panchayat.



THE SAGA OF THICHUR

The people of Thichur: The people of Thichur are predominantly poor. Almost every one except a few families belong to the Hindu community. Even among Hindus nearly 100 families belonged to the Marar community. This community is traditionally linked to the temple services and rituals. They are also proponents of different art forms thriving with temple patronage. This must be one reason why several

persons from the village have earned a name for themselves in the fields of such arts.

The people are generally poor. Nearly 350 families live in four harijan colonies located on the slope of the hill. The land holdings are small. Men are engaged in agricultural labour which is seasonal in nature. The womenfolk earn their living from agricultural work or working as domestic aids in well to do families in Thichur or the neighboring villages. The menfolk spend considerable part of their incomes on alcohol, tobacco and drugs. In fact, in most of these families, the poor illiterate women are the bread winners who look after themselves and their children.

Most of the litigations identified in Thichur had a bearing on their poverty. Large number of complaints were related to the colonies being denied water, electricity, sanitation facilities etc. The court cases were those related to the payment of dowry, money lending, property disputes etc.

THE COMMUNITY COMES ALIVE

On the 28th of February, 2000, the people of Thichur assembled in the courtyard of the Sree Ayyappa Swami Temple. There were about 200 persons from the village who had come to know more about how to reach the target of litigation- freeness in their village. Some of them were curious, some cynical and some others worried.





Mr. Justice K.V. Sankaranarayanan

This meeting was designed as the curtain-raiser of the project. Advocate George Pulikuthiyil and Adv.Jasmine Joseph of Jananeethi spoke on the occasion on the advantages of amicable settlements of dissensions and disputes; and more especially the positive out come in the social and cultural melieu of the people.

This public meeting was attended by Mr.P.Mohandas, senior sub-judge of the district and Secretary of District Legal Services Authority, Mr.D.Ajithkumar, Munsiff, Vadakkanchery, the field staff of Jananeethi and a host of other eminent persons. The meeting resolved to own the dream of a litigation -

free -Thichur and to work actively in pursuit of such a goal. A 101-member Organizing Committee was also formed. The following persons formed the executive committee.

- a. Shri.K Radhakrishnan, Minister for Youth Affairs and Harijan Welfare. (Chief Patron)
- b. Smt.Fatima Abdul Khader, President, Thrissur District Panchayat. (Patron)
- c. Shri.Alkesh Kumar Sharma I.A.S, District collector, Thrissur. (Patron)
- d. Shri.S.AnanthkrishananIPS, Superiendentent of Police, Thrissur. (Patron)
- e. Smt.V.B.Seema Babu, President, Varavoor Grama Panchayat (Chairperson)
- f. Shri.C.Vasudevan Nair(Vice Chairman)
- g. Shri.R.K.Jayaraj (Vice Chairman)
- h. Shri. N.Satheesan (Vice Chairman)



Dist. & Session's Judge, R. Basant



Pre-Adalath negotiation & counseling in progress

- i. Shri.C.Sankaran Nair (Vice Chairman)
- j. Shri.K.Gopalakrishna Panikkar (Vice Chairman)
- k. Adv.T.R.Unnikrishnan (Secretary)
- l. Col.Narayanan (Treasurer)
- m. Smt.P K.Saudamini (General Convenor)

Jananeethi deputed its law officer, advocate Ms. Jasmine Joseph as the project officer. Smt.K.K.Radhamani, Mr.Naveena chandran and Mr. Sudevan from Jananeethi were to help her. Prof.K.V.Mohan, Dr.M.C.Valson, Mr.A.Suhrut Kumar and nearly 40 second-year students of Gov.Law College, Thrissur volunteered to associate themselves with the project. Advocate Bijo Francis, a socially motivated legal activist and a counsel of Jananeethi also volunteered to be part of the project.

7 An office for the Thichur Litigation-free village campaign started functioning in the

village from that day. Space for the office was provided rent-free by Mr.N.Satheesan, Vice - president of the organizing Committee. Incidentally, this room was being used by Ms.Saudamini, the General Convenor who was also in charge of the ongoing literacy mission in the area.

The Community Survey

i. The Executive Committee in its first meeting decided to conduct a community survey among the people of the village. The objective of this exercise was to understand the people, their resources and take stock of the nature and details of the cases, disputes or complaints pending with the different agencies.

ii. A questionnaire to record details of the families was prepared by Adv.Jasmine Joseph, and Mr. Suhruth Kumar. Student

volunteers were assigned as investigators for the survey. The student volunteers were given a three-day orientation at the Law College and Jananeethi on issues related to the nature of cases to be expected, the implications of the same, recording them accurately etc. As a learning experience the students were appraised on the legal implications of the likely cases and the manner of dealing with them. They were also equipped to initiate negotiations for amicably settling the cases among themselves.

iii. The student volunteers broke up into 10 teams of 4 each. Each team was to cover 50-60 households. Each team was assisted by a group of 2-5 local members of the Organizing Committee. They were required to visit the houses prior to the students' visit and facilitate easy interaction. Needless to say that the involvement of the local leaders was very helpful. The survey process however, proved to be extremely difficult. Some of the problems experienced at this phase were the following:

a. The general lack of confidence among the people about the potential success of the campaign and the consequent unwillingness to give information about the cases.

b. Hesitation to co-operate with the process for the fear of being exposed.

c. Fear of the wrath / retribution from the opposite party or police or local authorities

who were likely to be implicated in the cases.

d. Discomfort in divulging details of the cases where intimate personal details and marital relations were involved.

e. Non-availability of the persons who were fully conversant with the details of cases to which they were party to the dispute. Repeated visits to the same family was sometimes needed.

f. The family members themselves not knowing the details of the cases.

g. Sheer ignorance and insensitivity of the people.

h. Political maneuvering and manipulations by interested groups like lawyers.

i. Conflicts of vested interests and bias of people involved in the campaign

j. Lack of enthusiasm to settle the disputes.

iv. The data gathering proved to be time consuming and difficult, but very

rewarding. Data thus generated were analyzed. A total of 264 cases were identified. They were categorized as follows:

Table No. 1. Cases identified by categories, quantum, and percentage

No.	Category	No.	%
1.	Civil	35	13.3
2.	Criminal	14	5.3
3.	Family related	5	1.9
4.	Panchayat	175	66.3
5.	Government offices	29	10.9
6.	Miscellaneous	6	2.3
	Total	264	100.0

The table shows that the major agency contributing to the litigation status in Thichur

is the Grama-panchayat, itself. As many as 175 complaints (66.3%) out of 264 were against the panchayat. The complaints related to non availability of civic amenities like drinking water, electricity, sanitation facilities, road, street lights etc. 29 complaints were against the different departments of the government. Among them were Kerala State Electricity Board and Kerala Water Authority. There was no provision for drinking water in the four colonies inhabited by the backward castes. They had to walk miles to fetch water. So was the case with electricity.

v. It is surprising that in a community like Thichur, the major causes of people's complaints are against the acts or omission of the panchayat and the State / Central Government Departments. It can also be stated with confidence that many more persons who have grievances against the local bodies and the government have not



yet been able to file written complaints for several reasons known to them alone. The fact that vast majority of complaints originate from the bureaucracy and not from the people points towards the need for periodic intervention to expedite the process of the accumulated grievances. It also shows that there is an urgent need to evolve a mechanism whereby the people's grievances against the government and the local bodies be speedily remedied. The 'grama sabha' (assembly of villagers, specifically convened to discuss issues relating to the welfare of the people) also can be activated to facilitate this process.

vi. It is also significant to note that Thichur community had 17 cases filed in various courts of law. They may be classified into the following categories:-

Out of the 11 suits pending before civil courts, there were disputes over landed properties, inheritance of ancestral properties, money claims, breach of contracts, petitions for specific performances, claim petitions for compensation, sexual discrimination in the matter of family properties, partition suits etc.

There were six suits pending trial before various criminal courts. The main cause of criminal offences was assault – may be because people mostly get intoxicated at the

late hours of the day and pick up a quarrel with someone on flimsy grounds. Many of such offences belonged to the category of compoundable offences. One of the criminal cases belonged to the category of offences against scheduled castes and scheduled tribes. Special permission of the respective criminal court was required to settle such case and parties concerned were required to appear before the criminal court to satisfy the procedural formalities.

PRE-ADALAT COUNSELING

After the exhaustive stock taking of the disputes, dissensions and discords prevailing in the families, between families, between individuals and groups of people, and also the pending cases in various courts of civil and criminal judicature, the next phase was to prepare all parties to the respective disputes / cases for amicable settlement. This was a laborious exercise. The project officer and her team and also the representatives of the village community were deeply involved in the process. The majority of the inhabitants of the village are daily labourers who go to work in the early hours of the day. It was practically very difficult to meet them at home during the day time. Many of them indulge in drinking country-made liquor after the day's hard work. There again, they will not often be in normal sense to deal with controversial / disputed issues in a

peaceful manner. Hence, the volunteers and the staff of Jananeethi often had to meet them at their work places.

Another practical difficulty was the lack of awareness among the people. This was

reflected in their inactivity or indifference towards expediting the process of settlements of disputes. Majority of them were unaware or not interested to know the legal, social or economic consequences of a long pending suit / litigation

in a court. Jana neethi staff and the volunteers had to meet them several times and explain to each one of them the need,

urgency and the importance of settling cases out of courts.

In the mean time, the Executive Director of Jananeethi was in constant touch with the District Judge, the District Collector and

the District Superintendent of Police with respect to the progress of the project in Thichur. The district judge, Mr. R. Basant who was also the Chairman of the District Legal Services Authority was personally very keen and was in full support and

appreciation of the concept of 'Litigation Free Village' and in the democratization of the process of administration of justice. He



had directed the senior most Sub-judge of the district, Mr.P.Mohandas who was also the secretary of the District Legal Services Authority to provide all necessary guidance to Jananeethi and to ensure that the procedure adopted was consistent with the guidelines of the State Legal Services Authority. The District Collector Mr. Alkesh Kumar Sharma and the District Police Superintendent Mr.S. Ananthakrishnan were also very cordial and co-operative. All the three administrative heads of the district sent word to their concerned subordinate offices in the district to take heed and cooperate with Jananeethi in the process of settling cases and complaints of people of Thichur village. The banks, other financial institutions, the various departments of civil administration, the local bodies and such other corporate bodies who were connected with pending petitions / complaints in the village of Thichur also joined hands with Jananeethi in sorting out such matters and settling them in an amicable manner.

Pre-settlement Adalats

As mentioned earlier, the pre-adalat counseling was a herculean task which required a lot of hard work and patient hearing. The next stage was negotiations. By now, all the complaints / petitions received at the campaign office were classified. Each petition was taken into a file. The project officer sat down with the District Legal

Services Authority and discussed possible action on each file. In the mean time she contacted the opposite parties / respondents in each file and got their consent in writing to negotiate options and possible actions on their files, and their willingness to settle the matter between the parties concerned amicably.

After completing this process, the pre-settlement adalat was scheduled to be held on the 2nd, 3rd and 4th of May 2000 at Saraswathi Vidya Nikethan, Thichur. Files were allocated to each day based on the matter in issue and the number of parties involved. There were three Benches, each headed by a retired judge, a senior lawyer and a social worker as a minimum requirement. A team of three law students was assigned to each bench to assist in the process of negotiations. They prepared the texts of agreement and made carbon copies of judgements / agreement deeds. They also got the signatures of the parties and the mediators (presiding officers) on the documents which were sealed by the District Legal Services Authority then and there. The Secretary of the District Legal Services Authority, Mr.P.Mohandas, was present through out the three days, ensuring that every thing was done in proper order and as per law.

The school and its surroundings wore a festive look. Hundreds of people were gathered at the spot and remained there



watching the proceedings and assisting the organizers. Police officers were deployed for all the three days to help peaceful negotiations. The organizers arranged lunch and tea for the presiding officers, the volunteers and the students and also to some of the petitioners who were not able to travel home for lunch.

The dynamism and enthusiasm of the students who did the pre adalat counseling works deserve special mention. They, by that time, knew who's who and their weaknesses and strengths as well. They were smart enough to penetrate into the minds of the parties and obtain their consent for settlements. This in fact made the job of the presiding officers rather easy and saved considerable time.

In three days' time all the 264 petitions were examined by the presiding officers and all parties concerned were heard in sufficient detail and settlements were arrived at and were agreed upon by the parties without any external force in 253 files, leaving 11 files to the Harmony Committee to complete the process, as there was lack of time to complete the work.

Retired district and sessions judges Sri.N.K.Vijayan, Krishnankutty Warriar. Govindan Nair and retired first class judicial magistrate Sri.O.K.Namboodiripad, advocates Sri.N.K.Unnikrishnan, Bijo

Francis, Seby J.Pullely and A.L.Johnson, members of the faculty of Law college, Thrissur Sri.K.V.Mohan, Dr.M.C.Valsan, A.Suhrut Kumar and Mercy Thekkekara were among those who were deeply involved in the



settlement of disputes. They rendered their services absolutely free of cost. The District and Sessions Judge Sri.R.Basant and the senior sub-judge of the district Sri.P.Mohandas who were the Chairman

and Secretary respectively of the District Legal Services Authority were constantly in touch with every stage of the programme so that every step taken was perfectly consistent with the provisions provided in law.

GRAMOLSAVAM (Festival of Life in the village)

Sunday, May 7, 2000 had been scheduled to be the DAY of jubilation and gaity, being the declaration day of Thichur as the FIRST LITIGATION – FREE VILLAGE IN INDIA. The organising committee had resolved to celebrate the day as Festival of Life in Thichur. Roads were decorated, colour lamps were put up in front of houses, banners and posters appeared every where and big cut-outs were fixed at the entrance of major routes into the village, announcing the birth of a village without hatred, hostility, and court cases against another. God was glorified and manifested in human relationships and by mending strained relationships the society was elevated to a realm where every body lived in perfect harmony and tranquility as Fr. George Pulikuthiyil rightly called the village ‘the Kingdom of God’, where love and friendship reigned in the place of disputes and discords.



The forenoon was devoted to the adalat. The parties of 253 cases who had agreed to settle their disputes amicably were required to present themselves before the Sub-judge who was also the Secretary of the District Legal Services Authority to sign the agreement in the presence of two witnesses. As the agreement was stamped with the seal of the District Legal Services Authority, the agreement was elevated to be a decree of competent court upon which no appeal will stand as the settlement was arrived at by consensus with out any external force. Hence this agreement was deemed to be the final verdict as far as the matter was concerned. While the original copy of the agreement was kept with the District Legal Services Authority, the carbon copies were made available to the parties concerned.

At 2.00 p.m. special lunch was served to all including the judges, the staff of Jananeethi and District Legal Services Authority, the

students of the government law college, the local volunteers and the members of the organizing committee by the villagers as part of the celebration. The lunch was hosted by the Sree Ayyappa Swami Temple Committee, Thichur. On behalf of the people of the village had started thinking that it was their privileged duty to make the day a great event in the history of the village.

The most colourful event of the day was the public meeting that was scheduled to be held at 3.00 p.m. at the premises of the Sree Ayyappa Swami Temple. The distinguished guests of the day were to be ceremoniously received at the junction of the village which was nearly 500 meters away from the venue of the meeting. Honourable Minister for Youth Affairs and Harijan Welfare and also the member of the State Legislative Assembly from the area Mr.K.Radhakrishnan, Hon'ble Mr. Justice K.V.Sankara Narayanan of Kerala High Court

who was also in charge of the district of Thrissur, Hon'ble Mr. Justice K.P.B.Marar, the chairman of the State Legal Services Authority, the District & Sessions Judge Mr.R.Basant who is also chairman of the district legal services authority, Smt. Fathima Abdul Khadar, the President of the District Panchayat, Sri.Alkesh Kumar Sharma IAS, the district collector, Sri.A.Anantha Krishnan IPS, the district superintendent of police, the judges and court officers of the various courts in the district of Thrissur, the civil authorities and panchayat officials, the subordinate police officers, the members of the Executive and Management committees of Jananeethi, the staff and students of the Law College, the distinguished personalities of the village who made great contributions to the history and civic society of Thichur, and a large crowd of all ages and avocations were received with

traditional pomp and gaiety at the junction and were taken in procession to the venue with the accompaniment of nadaswaram and other traditional fanfare. Women of the village offered aarati to the guests.

The public meeting started at 3.30 p.m. The children of the Saraswati Vidyalayam intoned a devotional song to mark the beginning. Mrs. Seema Babu, the President of Varavoor Grama-panchayat and the Chairperson of the Reception Committee, welcomed the galaxy of distinguished guests, other celebrities and the enthusiastic assembly of people who had come even from outside the village to witness the event of THICHUR VILLAGE being crowned with the title LITIGATION – FREE.



Ms.P.K.Saudamini, the general convenor of the organising committee presented a detailed report of the 6 months long campaign to translate a dream, seemingly unrealistic, into a reality in Thichur village. Sri.Vasudevan Nair, the vice chairman of the organising committee and the vice-president of the Varavoor Grama-panchayat read out the message from his Excellency Mr.Justice Sukhadev Sing Kang, the Governor of Kerala. The message reads as follows:-



Governor of Kerala
Raj Bhavan
Thiruvananthapuram
April 29, 2000

MESSAGE

I am happy to learn that Thichur village of Varavoor Panchayat, Thrissur district, is being declared 'Litigation free' on 7th May, 2000, perhaps the first of its kind in the whole country.

Litigation is something the people may find difficult to escape from; there are, however, occasions when they have to resort to litigation, to appeal to the arbitration of courts. That we have crores of cases pending before our courts suggests how cumbersome and time-consuming may be the legal processes. Against this rather bleak background, the example set by the Thichur village is quite exemplary, and worthy of emulation by others.

Let me congratulate the people of the village on getting for themselves this enviable title, 'litigation free village'- I hope the message the Thichur village now transmits will reach every village in the State, and even out side the State.

I send my best wishes to the people of the village Thichur.

Sd/-
(Sukhdev Singh Kang)

Hon'ble Mr. Justice K.P.B.Marar in his presidential address observed, " it is always good and advisable to settle a dispute or discord between the parties before it reaches a police station, a lawyer or a court of law. Therefore local administration (gramasabha) should see or make arrangements that all disputes and quarrels are sorted out in an atmosphere of friendship and trust. By the time the parties reach a court of law, they become obstinate and abhorrent and refuse to come to negotiation." The judge was all in praise of the people of Thichur for their daring initiative and hoped that many more villages and panchayats in future would come forward to imitate this glorious example.

Hon'ble Mr. Justice K.V.Sankara Narayanan inaugurated the meeting. He said, " most of the litigations are unnecessary and hence avoidable." According to him, the arrogance and audacity of people due to ignorance of legal system / material affluence are basic causes of accumulation of cases. He also referred to the two million cases pending in the high courts of India and said that delayed justice is no better than denied justice. " In litigation," he observed, "the person who wins the case is financially drained off and the one who loses is ruined in every sense". Further he noted with sadness, "many who approached courts of law are painfully convinced that truth would never come out".

Sri.K.Radhakrishnan, the honourable minister for Youth Affairs and Harijan Welfare, formally declared THICHUR, LITIGATION-FREE by unveiling a plaque. Crackers were fired, trumpeters rose on their heels and blew to the tune of a delighted and rapturous mob and there was a pretty long ovation which marked the overwhelming joy of the people. An apparently overjoyed Minister said, "disputes and disharmony among people are quite normal and natural; but to enable them to sort out their problems in an atmosphere of mutual trust is something great and unusual. The villagers of Thichur has set an example for the rest of the country". He also hoped that inspired by the example of Thichur, many more villages and local bodies will come forward to pursue social harmony through people's participation.

HARMONY COMMITTEE

Mr. R. Basant, the District and Sessions Judge announced the formation of a Harmony Committee to ensure the continuance and stability of social harmony in the village. The Harmony Committee is to look into complaints received by them from the people of Thichur and to redress them without a recourse to police stations, lawyers or civil courts. The Committee was consisted of five members of the village who have clean image and wield high moral

integrity. They were selected by Jananeethi through a secret opinion poll among those who were deeply involved in the campaign.

The members of the Committee are:

- a) Sri. N. Satheesan-Chairman
- b) Smt. T.P. Radha Teacher
- c) Sri. K.P. Gopalakrishna Panicker
- d) Sri. C. Sankaran Nair, and
- e) Sri. K. Parameswaran

will not bring peace in the society. Redressal of complaints and provision for adequate reparation by people's committees, are the true indicators of development”.

‘STORY OF THICHUR’

The ‘Story of Thichur’, edited by Sri. N. Satheesan (Chairman, Harmony Committee), was released by Sri. P. Mohandas, the secretary of district legal services authority



Harmony Committee in session

The judge also informed the assembly that the Committee would evolve a strategy for its smooth and effective functioning. Pointing to the importance of the Harmony Committee, Mr. Basant said, “the court cases which create winners and losers in the mind

giving a copy of the book to Mr. R. Vijayarajan, Block Development Officer, Wadakkanchery Block, Thrissur. The book unveils the history, culture and milestones in the lives of the people of Thichur.



THE PRIDE OF THICHUR

Though remote and rustic, the village of Thichur has its prominence in the cultural map of Kerala. Thichur has produced several stalwarts of national and international repute in the fields of performing arts, traditional medicine and athletics. To pay homage to the legacy and talents of the village, five of them were honoured at the public meeting in a traditional style with ponnada. They are :

(1) Kavungal Chathunny Panikkar who won National Award for Kathakali, the most revered traditional performing art form of Kerala. He is also winner of Kalamandalam and State Awards.

(2) Ponnuveetil Ramakrishnan Nair who stands top in the Country in Thavil, an accompanying instrument in Karnatic music. He has over one thousands disciples all over the country and outside.

(3) M.S. Ayyappan Vydiar who over the years has been acknowledged as a legendary figure in traditional Ayurveda medicines, particularly in the field of child care and child diseases.

(4) Thichur Vasu Warriar is an eminent scholar and protagonist in Pancha Vadya and Maddhala who championed the fields in theory and praxis for many decades.

(5) Krishnan Athikkunnu, holder of a national record and gold medal in Cross Country Race.

The lessons from Thichur

The idea of a litigation-free zone was considered to be utopian in the beginning. Efforts were made from 1993 in Chapparapadavu panchayat in Kannur district to declare the panchayat legally literate and litigation-free. Jananethi has been involved in the efforts from its beginning. The desired result has not been achieved yet.

The environment in Thichur was very much conducive for the purpose. The people of Thichur are simple, unbiased and politically less manipulated. Fortunately the people of Thichur had a strong desire to get-rid-of all court cases, hostilities and long pending disputes among the people. They were quite impressed with assurances given by Jananeethi and they had given free-hand to Jananeethi in the matter of executing the project.

Settling the pending cases/disputes by mutual consent was easy. What about the future? Will the people accept the Harmony Committee? Leave assumptions; let's talk facts. There were 84 petitions received by the Harmony Committee during last 12 months. The committee was able to dispose all petitions to the satisfaction of the parties concerned. In two of such petitions,, the parties went to the local police station without approaching the Harmony

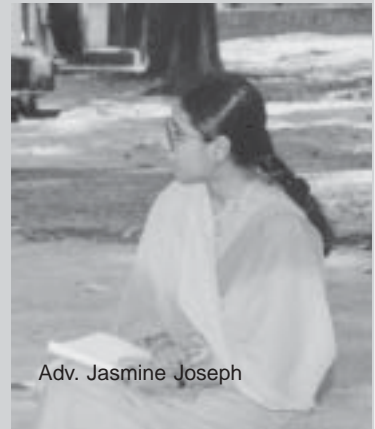
Committee. The station officer, on the other hand directed the parties to approach the committee and the petitions were later disposed of amicably.

It is to be noted that during the last 12 months, no one from the village had to go to a court of law or to consult a lawyer or to have recourse to a police officer on a complaint / petition. Today, the people of Thichur are confident that their problems can be sorted out and solutions are at hand without a litigation – they need only to believe in themselves and in the inherent goodness of all others.

The message of Thichur is simple. If there is a problem, there must be a solution. With people's participation, there is nothing like 'utopia'. The experiment in Thichur was a success



George Pulikuthiyil, *Exec. Dir.*



Adv. Jasmine Joseph

only because of the good will of the people.

We live in age of alternatives. The quest for judicial alternatives has been a subject for national and international debates, academic discussions and political juggleries. Justice delivered through judicial mechanisms has become inaccessible to a common man.

This is the reason why dozens of representations are being received from organizations and people's councils at Jananeethi office seeking help of Jananeethi in their town / village / panchayath as it did in Thichur. The destiny of India, we believe, rests in the deliverance of the people from ignorance and insecurity to deep sense of self-reliance and self-help.

ACKNOWLEDGEMENT:

Mr.K.Radhakrishnan, the Hon'ble Minister for Youth Affairs and Harijan Welfare who formally declared THICHUR as THE FIRST LITIGATION-FREE VILLAGE IN INDIA.

Hon'ble Mr.Justice K.V.Sankara Narayanan of Kerala High Court who inaugurated the Festival of Life in Thichur on May 7, 2000.

Hon'ble Mr.Justice K.P.B.Marar, the Executive Chairman of the State Legal Services Authority for his encouragement and support.

Mr.R.Basant, the District & Sessions Judge who was also the Chairman of the District Legal Services Authority for his unflinching and consistent support, guidance and moral persuasion.

Mr.Alkesh Kumar Sharma IAS, the District Collector and District Magistrate who sent word to all civil authorities in the village to co-operate with Jananeethi's litigation-free campaign.

Mr.S.Ananthakrishnan IPS, the District Superintendent of Police who directed the relevant police stations and the concerned police officers to lend all necessary help and assistance as required by Jananeethi during the campaign.

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The President, committee members and executive staff of Varavoor Grama-panchayat for their co-operation and good will for the successful campaign of the litigation-free village.

The Members of the Teaching Faculty, and the students of Government Law College, Thrissur for the splendid services rendered by the students at all levels of the campaign.

Mrs.P.K.Saudamini, the General Convenor, Advocate Babu, the Secretary and all chairpersons and convenors of various committees that worked very hard for the success of the campaign.

The Press and Media of Thrissur who extended whole-hearted help and support by allotting considerable space in their media for the campaign at different stages.

The retired judges, court officers and advocates of Thrissur Bar who were always of help to Jananeethi being mediators, negotiators and consultants through out the campaign.

Of course, the People of Thichur village without whose good will and co-operation the idea of litigation-free village would have remained only wishful thinking, and

More importantly, the executive staff of Jananeethi, the Members of its Board of Directors and its Friends who laboured day and nights without rest until the target was achieved on May7, 2000.

‘Litigation-free’

A geographic area or a community of people where there are no court cases / civil disputes / pending petitions. A litigation in this context implies disputes of civil nature and compoundable criminal offences. It can be a dispute over property, money matters, conjugal rights, or any other matter except that fall under the head non compoundable offences in Indian Penal Code. ‘Litigation-free’ is a status or recognition bestowed over a community or an area of civic activity where all pending disputes / conflicts / quarrels / cases are settled / disposed off / withdrawn / sorted out in an atmosphere of mutual trust or friendship or co-operation. It doesn’t mean that there won’t be a dispute in that area / community. Rather, it ensures that every dispute will be disposed off amicably at its source by effective negotiation / mediation by a Harmony Committee, constituted of highly respectable elders of the place.

Jananeethi

A registered NGO accredited by the State Legal Services Authority, devoted

for the protection & promotion of human rights, free legal aid and assistance, public interest litigation, environmental advocacy, gender justice, consumer rights, prevention of suicides and defending the rights of the sexual minorities, the children, the dalits, and the unorganized labourers.

Panchāyat : (Also as grama-panchayat) Basic unit of local self-government. With the introduction of the much acclaimed Panchayat Raj Act, the decentralization of powers and the People’s Plan, 40% of the State budget has been allocated to Panchayats.

Ward : A panchayat is divided into many small segments for administrative convenience, based on the population, area and other geographical features. Each Ward will have a representative called a Ward Member and all Ward Members together constitute the Panchayath Council.

Nadaswaram : A wind instrument (an Indian version of bugle) used on very auspicious occasions like marriage, celebrations, temple festivals, solemn public receptions of very important persons etc etc.

Ārathi : A traditional form of welcoming highly distinguished personalities, often by girls in traditional costumes holding lighted camphor and flowers on a platter in their out-stretched hands.


Ponnāda : A long cloth bordered with golden panels used for honouring especially distinguished celebrities as a symbol of public homage.

Kathakali: A much acclaimed traditional performing art form of Kerala, the legendary and mythological characters being presented in dance style.

Grama Swaraj : A concept propounded by Mahatma Gandhi who envisaged an Independent, self-ruled system of local governance.

Legal Services Authority:

A system introduced by the Union Government of India to provide legal aid to the poor and needy, to promote legal literacy and to organize Lok Adalats in the villages for fast and inexpensive disposal of suits and civil disputes. Every state has a State Legal Services Authority



with a retired high court judge as its chairman and a district judge as its secretary. Every district has a District Legal Services Authority with the district and sessions judge as its chairman and the senior most sub-judge as its secretary. Every district will have an accredited voluntary organization to help the district legal services authority in implementing the aims and objectives of the Authority.

Lok Adalat : Settlement of cases / disputes outside the court. Complainants and respondents of cases are invited to negotiate in the presence of judicial officers / retired judges / senior lawyers / social workers who are appointed / deputed for the purpose and who will help the parties to the case to arrive at amicable settlements. The Lok Adalats can be organized in villages or wherever it is required with the help of the local civil administrative bodies. The motto of Lok Adalat is that 'justice is delivered at your door-steps'.

Thavil : A traditional percussion instrument used for religious rituals and such other performances.

Maddhalam : A traditional percussion instrument used for religious rituals and festivities.

Panchavadyam : Five major musical instruments of temple arts played together to mark the splendor of a celebration.

Ayurveda The Indian system of medicine and treatment.



Jananeethi
peoples initiative for human rights

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