

The People's Court

... demonstrating that almost nothing can stand
in the way of a united community

by Mark Shepard

The girl sat cross-legged on the ground, a long scarf pulled over her head to hide her face. She was sixteen years old, as was the boy sitting beside her. She wanted a divorce. After three years of marriage (the girl said), the boy and his father were mistreating her, making her eat outside the house, and roughing her up. She had had enough.

The man hearing her case was short

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and stocky, with loose tan clothing and a white kerchief over his hair. He sat at a small wooden table with papers spread on it, in the shade of a large tree at one edge of a raised-earth platform. Before him and to the sides of him on the platform, sitting on the ground and facing him, were about 200 *adivasis*—tribal people of an aboriginal race found in many parts of India.

The man gently pointed out to the girl that the boy wanted her to return home to him. "Will you go back and try again if he says he won't act that way anymore?" The girl held firm. The man pressed her, still gently: "What are your

conditions? We can fine him, punish him, anything." But the girl remained unmoved. Finally the man agreed that the marriage should end.

The girl owned a few things that she had left at the boy's house, and the boy owned a few things the girl had taken away with her. The value was about equal, so the man declared it an even trade. He wrote out the decision, and the boy and the girl thumbprinted it. The *adivasi* villagers gave it official approval with a shout of "Mahatma Gandhi ki jai!" (Victory to Mahatma Gandhi) Someone started through the crowd, passing out *jaggery*—chunks of unre-



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Bh Parikh conducting the People's Court.

fined sugar, the traditional adivasi token of reconciliation.

With that case concluded, the man turned his attention to the two other cases for the afternoon: a dispute between a father and a husband over who should pay a young woman's medical expenses; and another about a saddle that had been borrowed but not returned. The man was Harivallabh Parikh, and he was presiding over the People's Court.

Gandhi had always warned his village workers not to get involved in village disputes. But sometimes circumstances call for some bending of the rules. That's what happened to Harivallabh Parikh. Harivallabh had been trained in village development work at Gandhi's Sevagram Ashram. Soon after India achieved its independence, Harivallabh decided to find a village to settle in. So he started hiking through a region of eastern Gujarat state populated mostly by adivasis. After passing through about 200 villages, he stopped at one to restock his supplies.

"I came into the village to buy some grain," he told me, "and sat down at a stone-mill to grind it. It's unusual to see a man hand-grinding, so I soon had a large audience to talk to."

The villagers hoped Harivallabh might set up a shop in their village, so they invited him to settle there. Harivallabh

accepted and left to fetch his wife and a few belongings. But while he was gone, local officials and moneylenders learned of his plans. Figuring that this could mean an end to their taking advantage of the uneducated and unorganized adivasis, they threatened the villagers, warning them not to accept the newcomers.

When Harivallabh and his wife arrived a few weeks later, they found that most of the villagers wouldn't even talk to them. They were forced to live in the open under a tree. They spent the first few days singing devotional songs, making friends with the children, and talking with a few brave adults. Though Harivallabh remembered Gandhi's advice, disputes were mostly what he heard about from the few villagers who would speak to him; so he saw no way to avoid getting involved. Quarrels were common in the villages around there and could easily lead to murder, even over minor matters. There was also much mistreatment of wives by their husbands.

"In the old days, village councils used to settle disputes," Harivallabh said. "But the people lost faith in the councils when they became tools of the corrupt government and police. That was why disputes in this area started getting out of hand."

Meanwhile, modern legal institutions didn't do nearly as good a job of maintaining order and harmony in communities. Gandhi, himself a lawyer, had been a harsh critic of the legal system intro-

duced by the British. "The lawyers have enslaved India," Gandhi wrote. The lawyers preyed on quarrels, making them worse by dragging them out and by trying to get the most for their clients—all the while draining their clients' cash.

Harivallabh convinced some of the villagers to let him try to settle their disputes. Sometimes he marked a spot equal in distance from the disputants' homes, where they could meet without loss of prestige. He was often able to settle the disputes in a way both sides could accept. It was from these beginnings that the People's Court grew.

Meanwhile, Harivallabh's patience had won out. The villagers had figured out a way to avoid reprisals on any one family by the moneylenders and officials: they lodged the couple for a short time in each of the village cottages. Later, the villagers built the couple a canopy to stay under. Several months after that, Harivallabh got a grant of government land nearby. There he built his ashram, Anand Niketan, "Abode of Joy." Over thirty years later, Harivallabh was overseeing development of 1,100 adivasi villages, totaling 1½ million people. But the heart of the program, he said, was still the People's Court. The People's Court was now the high court of a judiciary system based in the villages.

"Most cases are handled in the new village councils," Harivallabh said. "It's only the cases they find too hard to handle that are sent here." Many of the spectators at the court were village leaders who came to watch each session as a form of training. In three decades, the People's Court had handled over 30,000 cases of all kinds. Most of these were marriage quarrels, with property disputes next in number. But the court also handled criminal cases: assault, theft, even murder.

"Often it's the guilty person who makes the complaint, to keep it out of the government courts," Harivallabh said. Even reluctant villagers usually responded to the court's summonses, since the community expected them to. But not always.

"If someone doesn't turn up in two or three sessions," Harivallabh said, "we send fifty to 100 people to talk to them and persuade them. If that doesn't work, we send 500, or start fasting in front of their house." Eventually the perpetrator would come.

Each side would tell its story.



Harivallabh Parikh found he had to get involved.

nesses would be called. Then Harivallabh would state how he understood the case, to check that he'd gotten it straight. If the case was fairly simple, he would then give a judgment. A harder case would be referred to a jury selected from friends of each side. In these cases, Harivallabh would step in only if the jury couldn't reach a decision. This was the basic order of procedure, but it was followed only loosely. The People's Court was very informal.

The court's judgments, like its summonses, were almost always respected. When they weren't, the villagers enforced them in the same ways. But these judgments were seldom a great burden on the guilty. They were aimed mainly at giving fair compensation for wrongs and at making peace between the two sides; often they were only token. This was because the court's power to keep peace was based not on the threat of punishment but on the moral pressure of the community, directed by the court.

For the adivasis, the court was a means to quick, efficient justice, without resort to expensive, drawn-out legal proceedings that often fueled bitterness and caused great hardship for one or both parties. And because the People's Court was so close at hand, it helped settle conflicts before they got out of control.

"When I arrived, there were two or three murders in this area every week," Harivallabh said. "Now that's down to three or four a year." The rate of marital separations too had dropped. Finally, the People's Court was a means of social education. Harivallabh used the court to promote high standards of conduct, fair play, justice, and accountability to the community.

As might be expected, the government courts were not always happy about Harivallabh's efforts to take their place—especially in criminal cases. Harivallabh told of a run-in with the government regarding one of the more than 200 murder cases tried by the People's Court.

"A few years back, a villager named Fatu borrowed a pair of chickens from his neighbor Ramji to feed a guest. Later on, Fatu refused to pay back the chickens. There was an argument. Fatu shot Ramji with an arrow and killed him, in front of Ramji's wife." Fatu rushed to Harivallabh and told him what he had done.

The case was brought before the Peo-

ple's Court. "The judgment was that Fatu would farm Ramji's land for the family, until Ramji's son was old enough to handle it. And that Fatu would eat one meal a week with Ramji's family. "In the beginning, Fatu resisted going over for his meal, because he was afraid to. When he did start going, the family at first served him his meal outside the door. But, gradually, friendly relations were restored."

Of course, none of this was legal. More trouble came when the police learned of the case and arrested Fatu. "But when they brought him to trial, no one came to testify. The police had to explain to the judge that the case had already been settled by the People's Court." The judge sent for Harivallabh. Harivallabh reasoned with the judge in private: "Ramji was killed. Now you want to kill Fatu. Who will look after the family?" He convinced the judge that Fatu should be let off. So the judge sent for Fatu and told him that when he returned to the court he should claim the killing was self-defense.

Now, even though adivasi custom accepts killing, lying is considered unpardonable. Fatu told the judge he couldn't do it. The judge turned to Harivallabh for help. "I would normally consider myself a devotee of Truth," Harivallabh told me. "But in this case, I urged Fatu to go along with the judge."

Fatu was finally persuaded. But, back in the courtroom, the effort proved too much for him. He blurted out that the killing hadn't been self-defense at all and, what's more, that the judge had told him to lie about it! The judge declared that Fatu must be a madman. He quickly adjourned the court until the next day, when the court would hear the only eyewitness: Ramji's wife.

The next day Ramji's wife took the stand. She told the court that her husband had been killed by a stranger and that Fatu hadn't even been in the village that day. (Harivallabh had supplied her the story.) "So, Fatu was acquitted. And, since that time, the government hasn't brought to trial any case settled in the People's Court."

Though the government began leaving the People's Court alone, the People's Court did not always leave the government alone. Government officials have themselves sometimes had to answer to the court. In one serious incident, the

body of a murdered boy was found in the field of a village near his own. When the police came to investigate, they lined up the village men and made them crouch on all fours for three days straight, letting them rest only at night. Any man who moved was beaten. Several nights later three police returned to the village and demanded to see a young girl said to have been in love with the murdered boy. They took the girl some distance away, and all three raped her. They thrust a stick into her vagina to make her bleed, so there would be no evidence of the rape, then left her bound and gagged. The village women found the girl soon after.

The People's Court was called into special session. When the villagers heard the story, several rose and said they would burn down the police station. The villagers were ready to do it, and Harivallabh himself could hardly contain his anger; but he finally convinced them to take a calmer approach.

Several people were sent to the village to get all the facts in the case. Then Harivallabh and others set the story before a local police official. The official assured them that action would be taken and agreed to meet with the court the next day. But, when he arrived at the court, he brought with him a local businessman and a state legislator, who joined him in asking that the villagers forget the whole affair.

The villagers were not ready to forget it. The story—along with a threat of further action—was sent to the government and to the newspapers, which gave it wide publicity. Following this, the three police who had raped the girl were removed from service. Still not satisfied, 1,500 of the villagers staged a one-day, forty-mile march to two local government centers. Finally, one of the high-ranking officers involved in the murder investigation was demoted and transferred.

Local businessmen and politicians rushed to the state capital to get the demotion reversed. But the chief minister (equivalent to a state governor) reportedly told them he didn't wish to cut short the life of his administration by letting an adivasi uprising grow to invincible strength.

Harivallabh and the adivasis were demonstrating that almost nothing can stand in the way of a united community. And building unity is what the People's Court is all about. □