

Uncommon Grounds: Dialogic Processes for Dispute Resolution in Social Sphere

Final Report

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Executive Summary

The research study on dialogic spaces for dispute resolution in the social sphere focuses on identifying, characterizing, and drawing lessons from these institutions that exist within the communities. Conflicts or disputes have been present in human society since the very existence of humankind. The issues around which these conflicts are based are primarily related to resources, access, and usage of such resources, social-cultural norms, and practices, political ideals to name a few. The conflicts are also categorized into personal, inter-families, intra-villages, inter-villages from the micro-level to macro-level conflicts between states and countries. While conflicts and disputes are generally viewed as negative occurrences with the potential of harming human life, certain scholars are of the view that conflicts are necessary for the growth and progress of the society and the occurrences may also lead to better decision making and understanding of the situations at hand. Such diverse views on occurrences of conflicts in society and thus various methods and mechanisms to resolve them makes it an interesting subject to study. The understanding of conflict and its resolution is a means to understand the societies/communities, their people, and their behavior as well the factors that influence and govern them. While mediation, arbitration, and other legal methods have been actively used for conflict resolution, dialogic approaches as a method have a limited reach in the communities. Literature of dialogic approaches for conflict resolution is limited and in the Indian context is not widely available as such. The importance of such an approach is highlighted by the fact that it places the focus on the community/people engaged in the conflict, allows empathetic listening and understanding of each other's perspectives. This shared human experience in the form of dialogues emphasizes the collective intelligence of the group and makes the decision-making centered around the community.

With this context, this research study was planned with the support of Rohini Nilekani Philanthropies as a means to understand the presence of such institutions and the processes adopted by them for resolving the conflicts in the community. The study focussed on both rural as well as urban-based institutions. To draw perspectives and experiences, we conducted a round-table discussion with the experts from various domains in the development sector. The focus was to identify whether such institutions/spaces exist within the social sphere and chart out the possible approaches to study them. For the first phase of the study, we identified six such community-based/focused institutions which were later increased to ten in number. The

pandemic situation in the country made it difficult to conduct field-based study thus we started the research process by interacting with these institutions virtually, based on a preliminary set of guiding questions developed with the support of the RNP team. This round of interaction was very critical for the research as it helped in finalizing the approach, conceptual framework as well questions for conducting focus group discussions with the people. We collaborated with a couple of scholars/practitioners to do the field-based research after finalizing the common framework for the cases. The ten cases were to be on Gram Buras in Assam, Tribal communities in Odisha and Maharashtra, Khap Panchayats in Haryana, Fishermen community in Kerala, Flood affected communities in Bihar, Trader communities, Working Group for Women and Land Ownership (WGWLO) in Gujarat, Self-Help Group Federation in Jharkhand and Legal Services to migrants by Aajeevika Bureau. We categorized these institutions as traditional and non-traditional, based on their nature of formation/foundation. Chapter 4 highlights the details of these institutions.

Traditional	Non-traditional
Gram Buras in Assam	SHG Federations in Jharkhand
Tribal Councils in Odisha	Working Group for Women and Land Ownership (WGWLO) in Gujarat
Khaap Panchayats in Haryana	Legal Services to Migrants by Aajeevika Bureau
Fishermen Panchayats in Kerala	Flood affected communities in Bihar
Tribal Assembly in Maharashtra	
Trader Communities	

The conceptual framework for any research study helps in explaining the theories associated with the topic as well as understanding the various variables at play. With the foundation of existing literature, the interactions with the institutions and the collaborators, we developed a framework for characterizing and understanding the functions of these institutions. The framework was built around the factors of insularity, shared social network, mutual trust, belief in superordinate forces, cost of not resolving, benefit from the alternate mechanism, power, and influence, identity, and legitimacy. Each of the cases is analysed based on these nine factors and their influence on the existence and functioning of the institutions is categorized as high, medium, and low. This has been explained in greater detail in Chapter 5.

We have also attempted to characterize these institutions on certain other parameters that highlight their structure, process of surfacing and addressing of issues, goals of parties involved, rules and regulations, binding and enforcement of decisions, closure, and legitimacy of these institutions. In Chapter 6, these parameters are discussed in detail and they help in giving a macro picture of these institutions with the help of a few examples from the field level interactions. A comparative chart around these parameters also helps in understanding these institutions at a glance and highlights the similarities and differences.

The scope of this research study is limited to ten cases of institutions spread in a diverse geographical context having different social-cultural contexts. The traditional institutions have some commonalities in terms of their focus on the communities they exist within and the notion of preserving the community norms and practices. Their engagement with the communities is closely-knit with the principle of centrality and importance of group identity and hence the focus is on resolving the conflicts within the domain of the community. They rarely resort to access the formal legal systems for their conflicts (except in criminal cases such as murder). The common social network and the importance/influence of these traditional institutions are high in the lives of the people and social boycott and sanctions are the serious repercussions of not adhering to the decisions given by these institutions. Whereas in the case of non-traditional institutions, the objective and issues they work on are the common thread among them. They are largely promoted by external agencies and have created a network of people to work with them (for example SHG women and migrant laborers). This artificial network has gained strength over the years and now has gained legitimacy with the power and influence to govern on the issues related to their objectives. The mechanisms for resolution are different in these institutions but they all are governed by the common goal of making justice accessible to the people they work with/for, with the support of legal discourses as well.

With the changes in the external environment, traditional institutions are facing challenges as well. The communities are in transition with outward migration becoming a common phenomenon along with the integration of modern governance systems in the form of Panchayati Raj Institutions, the relevance seems to be dwindling. Efforts are being made by various NGOs to integrate traditional systems with the workings of PRI. Like in the case of Maharashtra where Vyaam (an NGO) is working to bring communities and PRI closer and in the case of Gram Buras, who is also working with the PRIs for monitoring of development works, but then the proportion of conflict resolution work reduces significantly for these institutions.

The findings from the research emphasize the importance of community-based/led decision-making systems where people are at the forefront for resolving issues and follow a set of processes to arrive at a solution. The dialogic approaches observed in these institutions are critical in ensuring that violence is not the preferred course of action and conversations is. Such institutions and their functioning are also a symbol of the progression of the society/community where societal change and learning are happening.

Chapter 1- Conflict/Dispute Resolution

1.1 Understanding Conflict in context of communities

Conflict in a basic definition is described as a difference that prevents agreement and leads disagreement between ideas, feelings, etc. However, various scholars have given diverse understanding of conflicts and disputes. Gillin and Gillin has defined, “Conflict is the social process in which individuals or groups seek their ends by directly challenging the antagonist by violence or threat of violence”. Darwin has suggested that principles of struggle for existence and survival of the fittest are the main causes of conflict, whereas Malthus says that reduced supply of the means of subsistence is the cause of conflict. Conflicts are universally present and are often characterised by being a conscious action between the parties involved. Conflicts are often based in prejudice, social identity, emotions, ideology, values, communication styles, or resources, human beings tend to be attached to their beliefs, categorize and stereotype others into “outgroups,” and dominate others in a way that often leads to violence((Collier & Sambanis, 2002), (Dovidio, Kawakami, & Gaertner, 2002), (LeBaron & Carstarphen, 2007), (Lowry & Littleohn, 1996), (Maiese, 2006)). Although aggression and interethnic conflict are assumed to be natural inclinations of human nature, the desire for harmony and peace balances these tendencies. (Hamburg, 1993). The field of conflict resolution has arisen in response to this aspiration.

Literature on conflicts categorises them as task conflict, interpersonal, procedural while other classifications are related to conflicts in an organization (intragroup, intergroup, intraorganizational). Scholars have further classified conflicts as latent and overt conflict. Long before conflict erupts in hostile action; it has existed in latent form in social tension and dissatisfaction. Latent conflict becomes overt conflict when an issue is declared and when hostile action is taken.

While these categories highlight the nature of conflict there are several causes for conflicts. Some of them include individual differences, cultural differences, social changes and deviation from community norms. The complexity of issue at hand and presence of multiple stakeholders also influences the nature and level of conflict.

The communities where the conflicts are based are diverse in nature with varying social, cultural, economic and political environment governing the lives and livelihoods of people. The rural communities of the country, irrespective of the geographical context, are closely knit

with the socio-cultural fabric of the mores and norms. On the other hand, the urban communities are bound by more on economic values. Conflict is pervasive in any form of community, intra/inter household, sub-community level, village level or among inter-villages in the rural context. The conflicts, as documented by various scholars, is primarily for the resources (ownership and control), power dynamics between various caste-categories, religious and ethnic issues on the macro level and while micro level conflicts can be of any nature within the communities.

The context of the conflicts is another critical dimension in the study of conflict resolution mechanisms. The interplay of environmental, legal, political and social factors influences the formation, manifestation and resolution/management of conflicts occurring in the communities. The environmental factors are related to the available resources, ownership, access and institutions managing these resources and are often the power disparity between the parties accessing and using these resources lead to conflicting situations. Social factors/context becomes critical when issues regarding community interests, rights, norms and practices are creating situations of conflict among the people. The dynamics between various sections of the community (marginalised vs elite, influential vs vulnerable, men vs women) influence these conflicting situations and the processes to resolve/manage them. Economic factors come into play when conflict issue is related to monetary value being realised out of resources/programmes etc and the parties involved may have differential access to the same. Political factors generally imply the involvement of local government institutions such as PRIs in the conflicting situations and can influence the decision-making process as these institutions are the power centres in the community.

While conflict is generally considered as a negative situation, it can also have integrative effects on the groups/parties involved and lead to clear definition of issues, resolution mechanisms and keep interests of members aligned with the larger group. Some sociologists like Ratzenhofer and Gumplowicz regard it as underlying social evolution and progress. According to Gumplowicz, human societies are characterized by 'syngenism', a primordial feeling of the members that they belong together. (Gumplowicz, 1883) Their development was marked by a ceaseless struggle. Ratzenhofer suggests that the struggle for life takes the form of conflict in interests and help in evolving mechanisms for sustenance. Instead of regarding conflict as a static condition that must be removed, new approaches view conflict as a fluid, dynamic process that evolve and fluctuate constantly in unpredictable ways and patterns.

1.2 Dialogic Processes of Conflict Resolution

Resolution of conflicts is a multi-stage process where identification of the issue serves as the first step. There are multiple strategies for resolution and management of conflicts present in the literature that range from informal methods to legal proceedings depending on the severity of the issues at hand and the parties in conflict. In the context of communities in social sphere, certain spaces are present that are and have been promoting resolution of conflicts using dialogues and communication between the affected parties.

Dialogue as a process of human interaction and conflict resolution is an age-old yet still-evolving practice. An early form of dialogue was the Socratic method of sustained questioning and engaging participants in formulating their own theories about how the world works. Socrates' student Plato wrote "dialogues" that, although situated within a rhetorical tradition of using language to persuade, have been reinterpreted as techniques applied to situations of inequality and conflict (Zappen, 1996). Plato's dialogues initiated a practice whereby people determined their own answers to questions of concern while engaging in creation of shared meaning and understanding. The contemporary practice of intergroup dialogue has a wide purview, ranging from academic to global arenas (Nagda, Yeakley, Gurin, & Sorensen, 2012). In community, organizational, and interethnic settings, however, use of dialogue techniques has far outpaced any systematic efforts to measure the results of dialogue interaction. Further rigorous evaluation of intergroup dialogue is critical to understand the processes and outcomes involved in dialogue and to improve on the work. (Dessel & Rogge, 1996; Pruitt, 2005)

Dialogue as a method has been compared and contrasted to numerous other practices that seek to facilitate relationships and resolve conflict. Dialogue is differentiated from debate, which involves taking positions and challenging others, and from group therapy processes, which focus more on an individual's internal personal dynamics. Dialogue is dissimilar to mediation, which seeks to negotiate resolution of a dispute. Many of these other practices involve a one-sided pursuit of truth, without acknowledgment that there may be multiple valid perspectives on a particular topic. Dialogue is often portrayed as complementary to deliberation, which is a process that uses purposeful decision making. (Dessel & Rogge, 1996)

Dialogic approaches emphasize on the involvement of people coming together seeking to make positive change through conversation and agreement. These spaces promote participation of people which influences the perception of fairness, efficiency and effectiveness in the collaborative decision-making processes, which are often based on compromises. The literature

also supports the dialogic approach in the community as it brings about a constructive shared search of knowledge of the conflict in question through conversation. This approach banks on the collective wisdom of the community to deliver justice to the aggrieved parties.

With this background, this research attempted to identify such spaces and understand their structure, processes, rituals/mechanisms and the socio-legal legitimacy they command in the communities where they exist. The spaces or institutions covered under the research can be broadly classified into traditional (prevalent at community level from a long time) and non-traditional (institutions that are being promoted by NGO/CSO for specific objectives).

Chapter 2- Approach for the Research

The first step was to study the existing literature on conflicts in the communities and the resolution mechanisms, which heled us in identifying the spaces to study. With the broad understanding of such traditional and non-traditional spaces, the next step was to connect with people/organizations who are working/promoting these spaces. A first round of discussion with them contoured the image of these spaces for the team to delve deep into the study. COVID-19 pandemic affected the field work for the research and thus we collaborated with resource persons/scholars working around these institutions to conduct the field work. A structured template was designed for interaction with these institutions, which was first used b the VAF team in the first round of discussion (over virtual medium) with representatives of these institutions. The collaborators modified the template as per the context of their respective field areas with a common objective of capturing the essence of these institutions in the process of conflict resolution using dialogic processes.

The following institutions/spaces were covered in the research study:

Traditional	Non-traditional
Gram Buras in Assam	SHG Federations in Jharkhand
Tribal Councils in Odisha	Working Group for Women and Land Ownership (WGWLO) in Gujarat
Khaap Panchayats in Haryana	Legal Services to Migrants by Aajeevika Bureau
Fishermen Panchayats in Kerala	Flood affected communities in Bihar
Tribal Assembly in Maharashtra	
Trader Communities	

These institutions exist in the rural communities as well few of them have an urban coverage.

Chapter 3 Conceptual Framework for the Research

Taking the existing literature on dialogic approaches and conflict resolution mechanism in the community as the base, we identified few critical variables to study the relationship with the institutions/dialogic spaces covered in the research. These variables and their relationship thus form the conceptual framework for the research based on which we have attempted to characterise these institutions/dialogic spaces on critical parameters (as detailed in the next chapter).

Each of these institutions/dialogic spaces are governed and influenced by social norms, community structures/hierarchies, power dynamics of actors involved as well many other internal and external factors. Based on our experiences and available literature, we have identified the following variables that influence these institutions/dialogic spaces, as represented in the diagram below:



a. Insularity: Characteristic of a closely-knit community/group, that remains separate from others and lives/behaves as per their traditional norms and practice. Such communities aim to

preserve their social structures and hierarchies and do not voluntarily adopt the 'modern' ways of society.

b. Shared social network: Having a common network of norms, beliefs, practices and people around which the community functions. This network can be intrinsically present or developed by an external agency/people to keep the community/people together for mutual benefits.

c. Mutual trust: It can be defined as the confidence that each party will fulfil its obligations and behave as expected (Ring & Van De Ven, 1992). Communities/Institutions that work with people and for people need their trust to deliver the services/decisions in a fair and unbiased manner.

d. Belief in superordinate force: Very close-knit Communities tend to have faith in a common deity. For instance, the Kondhs believe in "niyamraja" and all rituals are oriented towards propitiating that deity. This deity is, cynically speaking, used as a bugaboo the same way we say "*Gabbar aa jayega*". But since everyone has faith in that deity, they all fall in line. Such deities or other collectively imagined entities are what we call superordinate force. These beliefs tend to "sanctify" the collective processes.

e. Cost of not resolving: In case the communities/groups do not choose to access these institutions/ spaces for resolution of conflict and let the issue remain as it is, the implications can range from social sanctions to legal/formal action. This factor highlights such situations in these communities.

f. Benefit/Cost from alternate resolution mechanisms: In case the communities/groups do not choose to access these institutions/ spaces for resolution of conflict and take an alternate approach for seeking solutions, the associated costs and benefits are highlighted by this factor. For example, the formal legal systems are very resource intensive for the rural communities and the time taken for decision may be very long.

g. Power and influence: This factor highlights the power and influence these institutions exert and enjoy over the community/group they are situated in. The relative power dynamics also exist where traditional power gap is high and hence without external support, mediation and resolution cannot happen.

h. Identity: Group identity is very critical and central to the existence of communities that are closely-knit and exist around a set of established norms and practices. This factor highlights

how these institutions are woven with the identity of the communities and derive their functionality, influence and importance from it.

i. Legitimacy: Legitimacy of these institutions/spaces is assessed in terms of their acceptance as an authority and their right to give judgements/decisions on behalf of the people. They draw their legitimacy from the community they exist in and the social-cultural norms in case of traditional institutions whereas the non-traditional ones, draw the legitimacy from the legal support, network of people and causes they work for.

Chapter 4 Dialogic Spaces: Brief Description

The following section briefly describes each of the spaces/mechanisms covered under the research.

4.1 Gram Buras of Assam

Gram Buras are the traditional institutions present in every village of Assam and other North-eastern states. Gram Bura is a council of 4-5 members headed by an elderly male of the community who is experienced and well respected. The head Gram Bura is supported by an assistant GB, a treasurer, priest and a messenger (barika). The position of Gram Bura is not hereditary and is decided by the village together based on the experience and skills of the person. Education has no major role in selection of Gram Buras and women are not part of this institution. The major issues that come to Gram Bura for resolution include inter-family issues, elopement, extra-marital, domestic violence etc and less critical such village functions, internal matters of committee, government programmes implementation.

The broad process of resolution includes the aggrieved party going to Gram Bura's house to register the issue/complaint. GB then calls a meeting where both parties are called. One by one statements from both the parties are heard, evidences from witnesses are considered and even villagers attending the meeting can share their view points. Issues are resolved in these meetings, fines are levied and if cases have criminal component, they are referred to police. At the end of the discussions, a jury is formed and it is the responsibility of the jury to give the final verdict after considering all arguments. Quorum is mandatory in the GB meetings where more than 50 percent of the village households have to attend the meetings. It becomes mandatory to attend if the barika has informed the household about the meeting, else fine is levied on the household. Before the start of the GB meetings, the aggrieved party gives a "salami" in which he/she offers sweets/money to the attending GB and the village and then

states the issue. Meetings are recorded by the village secretary. If the secretary is not present, the GB nominates one person to write meeting minutes. Fines are the only form of punishment levied by the GBs.

4.2 Tribal Village Councils in Odisha

There is no formal council or committee in the tribal villages, however the village is headed by a “Nayak” who is supported by a priest and a messenger (barika). The position of Nayak is hereditary and goes from father to son. Male members of the community with respectable position are considered for seeking any advice. Education is not a criterion. Women do have the position of Nayak though there can be a woman priest in the community. Diverse issues are handled by the Nayak including inter-family, domestic violence, theft, all issues related to villagers and inter-village issues of marriage, elopement etc.

Small issues are dealt by Nayak and the Priest directly when approached by the aggrieved party. For critical village level issues, a village meeting is called where anyone can attend and share their opinions. Barika is responsible for spreading the date/time of the meeting and calls parties in dispute with the entire village. The group of community members discuss the issue and significant decisions are taken on the consensus of the group. The size of the group depends on the type of issue. There is no concept of quorum in these meetings and attendance from every family of the village is not mandatory. Women participate in these meetings, sitting behind the men and speak only when the issues are related to them. Final decision on the issue is made by the group and the punishment is also decided by consensus.

These meetings generally take place in an open space where two rows of houses with open street. Intra village meetings happened in the streets. meetings are not structured in nature and do not happen in controlled settings. Simultaneous discussions take place in small groups. There are no specific rituals at the start of the meeting, however if the meeting is taking place near a temple, then the deity is offered worship by the group. No documentation of these meetings and precedence are used based on recall by the Nayak. Along with levying fines, social boycott is a practiced punishment in the villages.

4.3 Khap Panchayat

Khap is an informal social institution particular to a “gotra”, prevalent in the states of Haryana, Western Uttar Pradesh. The Khap is headed by a President (Pradhan), who primarily is an older male, influential and rich in the community. Education has no role in selection of President and

it's a position based on social standing and experience. Women are not allowed to be members of Khap.

Khap used to be central to its community but with changing times, the influence of Khap is also diminishing. Different issues related to interpersonal conflicts, domestic violence, illicit relations within communities, inter-caste/religion or intra-Gotra marriage, etc are handled by the Khap. The issues are raised by the aggrieved party with the President and based on the severity of the issue, a larger meeting is called for resolution. If the Khap agrees with the aggrieved party, a letter is issued for conducting the Khap. All concerned parties are invited to attend the meeting. If they believe, one of the parties would be adamant on its stand and would not care about panchayat decision, they would refrain from calling a meeting and might advise the aggrieved party to go for other options. In case, the issue was not found worth calling Khap panchayat, the aggrieved party is advised to take it up at village or community level before escalating it to Khap panchayat. After listening to both parties, if needed, a committee of 5 to 11 members is constituted on the spot to separately discuss the matter. This committee could involve persons proposed by the two parties (called 'Saalas') to ensure fairness. Mostly, they arrive at a decision, which is announced in the panchayat.

The selection of meeting place depends upon the expected size of gathering. For smaller meeting, it could be a chaupal and for larger meetings, the venue could be a temple premises, school playground, etc. There is no concept of quorum for the Khaps. Usually, a large number of villages participate in the Khap. There are no specific rituals or formalities before starting the Khap, the meeting has a chairman and they proceed with the issue directly. The meetings end without any rituals. To keep the positivity of the outcome, both the rival parties are asked to hug each other or shake hands as the symbol of promise to work for amicable conclusion of the dispute. There is no process of documentation of these Khap Panchayats. There are no records of the meetings kept, as Khap doesn't have any statutory authority. Punishment in the form of fines and social boycott are imposed by the Khap.

4.4 SHG Federation

SHG Federation of Damodar Mahila Mandal Sangh, Padma in Jharkhand was covered as NGO promoted dialogic spaces. It is a mature federation of SHGs in Padma block, running for more than 20 years. the Federation is engaged in multiple activities of livelihood promotion, access to finance, entitlements and many other programmes directed at well-being of their women

members. The federation was promoted by PRADAN and in the last five years, it has become independent of its promoter and running its operations itself.

The platform of federation is a very active space for women to bring their issues (socio, economic and personal) for resolution. The federation leaders and members along with their various committees take care of the diverse activities and ensure that the members are heard and their issues are taken towards solution.

However, with the initiative of PRADAN, the federation in the year of 2010 started a gender and justice committee (Nyaya Samiti). From the existing pool of members, 10 members were selected to be part of this committee. The criteria for selecting these members were their activeness in participation in federation matters, their capacity to learn and willingness to engage in issues of justice. An organization “Margdarshak” provided training to the members of this committee on legal aspects including various IPC “dharas”. The number of members has been increased to 15 in last couple of years. This Justice committee is the primary body under the federation that has taken the responsibility of conflict/dispute resolution within the village and even matters outside the village boundaries.

Generally, the aggrieved party (mostly SHG member) brings the matter/issue to the federation meeting where the matter is heard and then the committee takes the issue forward. The committee calls a meeting in which both the aggressor and aggrieved party are called to participate. Both are given an opportunity to state the facts and based on the statements and witnesses, if there are any, using the dialogic approach, the issue is resolved. The aggressor is given a warning, levied a fine or handed over to police depending on the severity of the crime/issue. Over the years, the Mahila Mandal has gained legitimacy in handling member related and larger social issues through their justice committee. In the last 8-9 years, they have handled 142 diverse cases.

The justice committee handles diverse issues ranging from domestic violence, dowry, theft, social discrimination based on caste and category to rape and murder. Along with this they work with the PRIs for village development related issues. The JC meets regularly twice a month with participation from minimum 10 members (from a total of 15). The meeting place is fixed as the office premises of Federation. However, in case of emergency situations they can meet anywhere convenient to all. The decisions are mutually taken by the committee members. Critical cases are referred to police and court. The strength of the federation and its long presence in the area ensures that the decisions are enforced and people responsible are

accountable to their actions. Documentation of meeting proceedings are maintained in a register at the federation level. Fine is a form of punishment and is levied on the abuser. The fine generally goes to the corpus of the federation. However, if there are issues that are jointly being resolved with the PRIs, the fine is divided between the two.

4.5 Fishermen Communities

The fishermen communities have a system of informal group called Panchayat responsible for resolving all conflicts within the fishing village. These panchayats are called as "Ur Panchayat". It is a 21 members Panchayat, where representatives from Wards are selected to be the members of the panchayat. The panchayat has 2 office bearers; Cashier and Deputy Cashier. All adult males, who are married (hence head of their nuclear family, and paying the village "tax"), are eligible to Panchayat members. Membership is based on periodical elections that take place once in every two years.

The panchayat handles any issue or dispute of some relevance to the village community. Matters of morality, domestic disputes, marriage and betrothal, non-payment of local borrowings, property disputes, livelihood disputes, actions of individuals affecting reputation of village, dealings with the outside world, etc., are all taken up by the panchayat.

Tarangambadi village has a two-tier system for dispute resolution. The village is divided into five 'wards. The disputants directly approach the individual panchayat members to seek an intervention. Panchayat needs a formal complaint to intervene and does not take suo moto cognizance of the issue.

Once one party approaches the Panchayat, the other is also forced to approach the Panchayat. If one of the parties to the dispute does not approach the Panchayat (meaning at least a majority of members), he is banned from fishing for an immediate 24-hour period. If the 24-hour ban does not result in the concerned party approaching the Panchayat, the fishing ban is extended to other members of his paternal lineage, compelling them to intervene and get the concerned person to fall in line.

Smaller, minor or "less serious" issues are resolved by approaching the Ward members who will convene a ward level panchayat meeting to resolve the issue. The ward level panchayat follows similar procedures but is more informal and mostly works for reconciliation and pronounces judgement only if this does not work out. It also does not have the power to impose penalties/punishments, which only the Ur Panchayat can do.

Anyone dissatisfied with the ward level process can approach the Ur Panchayat. Unless the matter has larger village level relevance, the Ur Panchayat is most likely to ratify the ward level decision. On issues that appear to be serious and requires the larger village community involvement, the ward members will recommend the parties to approach the Ur Panchayat, rather than start their usual process.

Another opportunity for any village community member to approach the Ur Panchayat members is to visit the Ur Panchayat office in the evenings when most members turn. This makes it easier to make complaints and even get some advice.

For making the final decision, panchayat schedules the case for their next weekly session. Serious cases are given immediate attention. Women rarely participate unless they are called in as witnesses. Final decision is made by the 21-member panchayat and announced in public. The meeting setting is the formal sitting of a court of law. It ends when the Panchayat members complete their tasks. The Kudi-pillai (village elder) announces that the meeting has ended. No vote of thanks or any concluding remarks are given. All meetings including the ward level meetings are recorded in the Panchayat Minutes Book. The Cashier and Dy.Cashier are responsible for this. Hence, only persons with adequate education and skills are elected to these positions. The panchayat levy fines as punishment, ranging from 5000 to lakh of rupees depending on severity of issue. Social ostracization is another form of punishment. For non-critical matters, apology to the aggrieved party is also announced as punishment.

4.6 WGWLO (Women Land & Farming rights)

WGWLO is a formal but unregistered network of 18 NGOs, 19 CBOs and 10 individuals working across 17 districts of Gujarat. WGWLO is a product of dialogue between academia and social change agents working towards the common objective of women land and farming rights. The network has a functional secretariat and a steering committee. The steering committee has 3 thematic groups, constitutional governing board, with positions of convener, coordinator and mentor to run the operations of the network.

WGWLO works for securing land rights for women along with providing access to government schemes related to agriculture to promote "sajiv kheti". The average cost of securing land was little more than a thousand rupees. WGWLO has made a major impact on the cost by reducing it by a factor of 10 to 15 times.

There are 3 broad processes adopted by WGWLO-

- a) Processes internal to the network
- b) External processes related to grassroots level interventions
- c) External processes directed at creating general awareness in society

The intervention goes through several rounds of "awareness-action-advocacy" with the beneficiaries. Reflection on the action led to identification of difficulties/constraints affecting all/most potential beneficiaries, which in turn demanded advocacy work in order to relax the constraints. The network works with partner organizations. From the community, women para legal workers (PLWs) have been identified and trained. Swa-Bhumi Kendras have been established in 15 villages which are run by the PLWs.

WGWLO has also partnered with the bureaucracy and established dialogue to include women rights as modules in training of "talathis" along with creating systems for inheritance documents for women and including block and district level officials in the dialogue. The approach of dialoguing has made the PRIs also aware and cooperate in the processes. Legal clinics have also been established since 2019 that working in these areas. Documentation of these processes take place at various levels of interactions.

4.7 Legal Services to Migrant Workers and Employers in the informal sector by Aajeevika Bureau

Aajeevika Bureau (AB) has created spaces for engaging in dialogic processes for the migrant workers and the employers of the informal sector. The context is set in Mumbai, the large hub of recycling and small manufacturing in the Kurla-Saki Naka area, and a collection of 15 Nakas spread across the city.

The disputes are primarily around wage thefts, fire accidents, crush injuries and death and unrest over random reduction in piece wage rates. These issues become complicated in nature owing to the informal nature of the sector with lack of written documentation to establish worker-employer relationship. Access to labour administration is limited and the working conditions are dangerous for the migrant workers, which offers a ripe ground for these disputes to arise.

With the background of these issues, AB became active in this area and established a walk-in resource centre inside the labour market as a space to facilitate conversations between workers and employers in the year 2015. Under the umbrella of Kaamgar Sahayata Samiti (KSS)- a committee of workers, employers and select local stakeholders interested in issues of local

stakeholders interested in issues of local labour economy. This centre was created with an aim of creating a platform which would help surface conflicts and grievances and thus help in creating an environment of working towards solutions in a collaborative manner. AB's interventions also included creative experiments to facilitate dialogue between workers and employers in a manner that was non-threatening. The cases reach the legal aid team of AB through multiple channels-workers directly registering their disputes, co-workers facilitating the process, paralegals workers network, sharing of disputes during outreach processes, workers using the telephone help-line service. The most dominant mode is team outreach where workers share their issues directly with the team. The team follows a standard protocol and processes that starts from formal registration of the case using a written format, followed by verification of claims by taking all relevant documentation, creating formal documentation in case they are missing based on the available work records, reaching out to the contractor/employer representing the worker. The AB team follows two stages for resolution of disputes; follow up with employer and mediation. Some cases get resolved at the follow-up stage itself. In case a mediation is required, both parties come together on a common platform and issues are discussed in presence of AB team members. These physical mediation meetings have decreased in number as the team has now become proficient in undertaking mediation over phone calls. Failing attempts of counselling and mediation, the cases are finally taken to the court.

4.8 Tribal Communities in Maharashtra

In the Palghar district of Maharashtra, an organization 'Vayam' is working with the tribal communities since 2006. Each tribal village has a committee that is responsible for handling all issues, decisions and disputes. These committees are formal traditional mechanisms of tribal communities, which have been active since many years. Elders of village, a group of 5 to 7 individuals constitute the committee. They are called Panch committee. In all tribal societies the families are organised around a clan or a Sub Clan. The committee is representative of each and every clan or sub clan. Women are also part of this committee and attend the assemblies. These positions are not hereditary and are selected by the consensus of the village, though preference is given to elder members of the community.

Issues of common interests such as availability of seeds or informal arrangements between families to work on each other's fields, wage rates, marriage, family issues, family property, land boundaries and forest land are some of the issues that come to the committee for resolution. All these public hearing or dialogues are initiated only at the instance of one of the

aggrieved parties bringing the issue to the attention of the Panch committee. The committee does not take Suo Moto for discussion on any issue. All disputes come to the village assembly where every issue is discussed in detail. Members from each family (one at least) is present in the meeting. The statements from all involved are heard and then the Panch give the final verdict. The verdict is binding on all parties. Customary laws are followed for some issues such as marriage. There is no system of quorum for these meetings and the local deity is offered worship at the beginning of the meetings. The members of the committee are compensated for their time. Typically, they are given compensation in kind such as one bottle of home brewed liquor costing approximately 20 to 40 rupees. This has been replaced by aerated drinks now in some villages. The expenses are borne by the parties involved in the dispute. There is no process of documentation of these meetings. Fine is the only form of punishment levied by the committee.

4.9 Flood Affected Communities in Bihar

The flood affected communities of Paschim Champaran in Bihar were covered as the informal dialogic spaces. These communities comprise of individuals, village group, people's collectives that come together to provide relief and assistance to flood affected households and engage with them in resolution of diverse issues. Generally, male members of the community are part of these informal groups.

The context of these communities is very different as they face disasters almost every year. Resolution process depends on the nature of the issue at hand. The issues range from flood relief, farming, common grazing land, community owned water bodies etc which are all affected because of the disasters. The household in need of assistance often approach these groups and sometimes the group also take cognizance of the issue and intervene to provide support. Conflicting situations such as ownership of water bodies have manifested in physical confrontation as well but through discussions, they were able to save the water body. The nature of issues is different in the 8 villages under study where different groups have interacted with their responses. The approaches to resolve or handle issues are differing in these areas.

4.10 Trader Communities

The trader community is very dominant and affluent section of the society. To gather understanding of their functioning and handling of disputes, the study attempted to focus on the Marwari community. In case of Maheshwari community, it is a small yet extremely rich and powerful community in the country. A close-knit community traditionally has been

engaging in rural money lending, trade and business. Being in business and often working to the extent possible within the community network, the chances of trade disputes arising between two parties is always a possibility. There are two major types of disputes prevalent in the community. The first is within parties in the community, but not within “the family or the extended family”. The second pertains to issues that arise within the family. The business issues concern supply of goods of poor quality and adjusting the payment accordingly, or about delayed payments for goods and services rendered or about default on payments or on loans. While resolving these disputes, the consideration of the community as a whole being that of “outsider minority” always remains at the back of the mind of the disputing parties and their supporters. The effort is always to remain united in the face of the potentially hostile host society.

There are two or three ways in which the business disputes are resolved. In the first place, the “affected party” whose goods have been rejected or short payment made under the pretext/ cause of the quality of goods; figures out the relevance of that action within the perception of importance of the business. The source said, “if we believe that the counterpart party will have large and remunerative business for long time, then we simply absorb the loss. At the same time, if we believe that the other party is a minor part of our business, we may simply write off the loss and “blacklist” the party and have no further dealings.”. The second way is direct negotiation with the concerned party to narrow the differences in perception in the interest of continuity and arriving at a mutually acceptable solution. The final one comprises involving a third party whose voice would be heard. Such arbiters are always within the community and usually persons of substance with whom both the disputing parties have close familial or business relations. These arbiters usually combine their own financial standing, social and political connections and demonstrated participating in addressing community issues. The attempt is always to steer clear of formal legal procedures and the other attempt is to contain the matter within the community.

Another view for how business disputes is resolved whether within the community or between members of different communities. There are three possible approaches. The first is direct negotiation between parties as suggested above. In this the offending party is made aware of likely negative consequences arising out of their adamant behavior: services may not be given, payments withheld, purchase orders may be canceled. Essentially the normal business operations of the offender are seriously threatened. The second is the way of taking it to the dispute resolution committee of the Trade Association or Chambers of Commerce. These

bodies try to amicably resolve the matter by enabling and encouraging disputing parties to sit together and sort matters out. The third and perhaps the final stage before matters go to Courts is the intervention by “power centers”.

The disputes within the family appear to be far more prevalent and often reach public spaces since the families are usually very rich. These businesses generally run on the principle of Hindu United Family, which is an income tax entity and is headed by a *Karta*. The karta is usually the eldest brother of the family who is the primary decision maker and delegates work to other family members. The businesses run on cash-based transactions that are recorded informally and are usually handled by the Karta. Disputes within the family arise when the Karta passes the position to his son rather than his brothers and the son becomes the new head. Or when new partners are introduced in the business and with such huge cash-based transactions, the process becomes more and more opaque. The disputes are fueled by familial pressures and sense of injustice towards other members to the extent that division of property and business is sought by the family.

At this point, things have become messy: accounts of formal business and of informal business both are opaque from them, they may or may not have signed documents that undermine their own interest and they still have residual feelings of having to keep family spirit alive. To resolve the matter amicably, the traditional system was to call a family senior. He had to be one who had solid material worth as well, else, he would not be respected. Such a man would conduct proceedings with all stakeholders present. There were some ground rules for solving these issues:

- It was understood that what that respected intermediary or arbiter decided would be agreed by everyone;
- That no one would throw a tantrum, all would speak in polite language,
- There would be no direct or implied threat of any kind whether verbal or through body language by any one;
- Decorum of mutual respect had to be maintained.

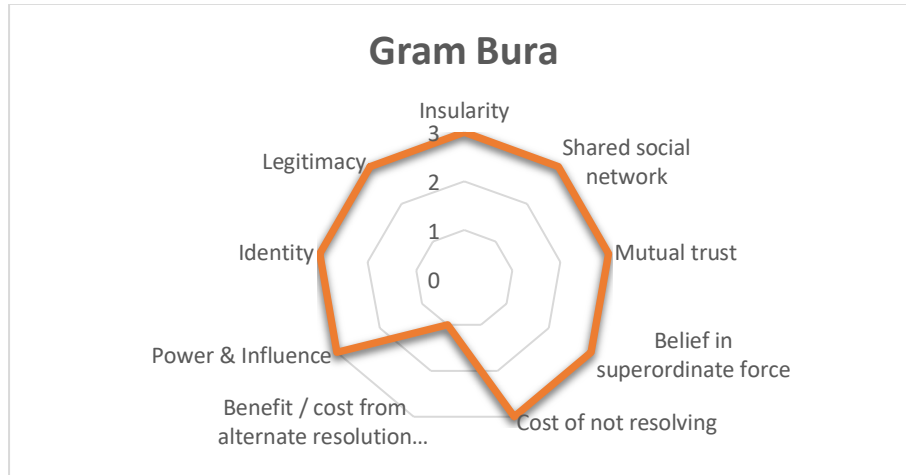
The proceedings could take days since the labyrinth of imaginative accounting both for formal and informal transactions had to be unraveled and current market values of assets generated during the long years had to be agreed upon and adjusted for arriving at the total size of the pie. There often remain heart burns caused by issues of distribution but the social position of the arbiter and the community norms make every one fall in line.

Chapter 5 Application of Conceptual Framework

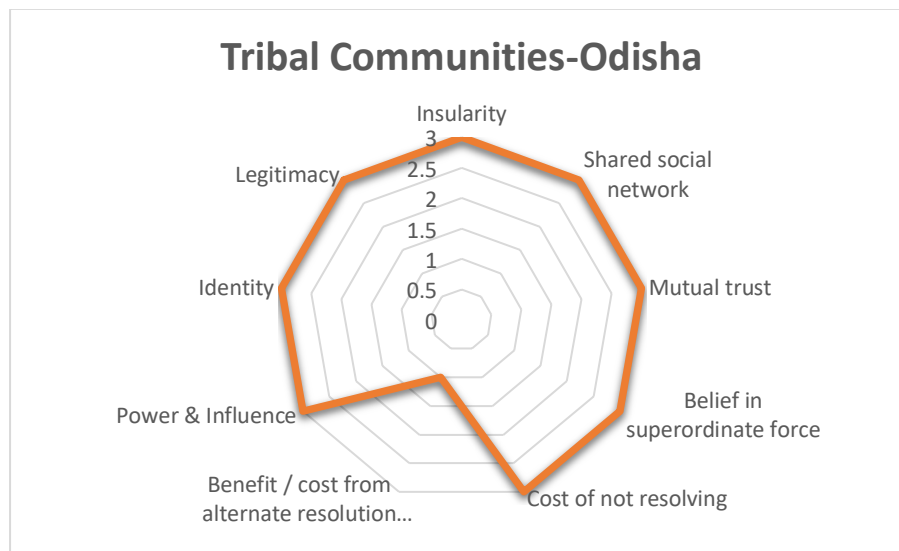
Based on the factors identified in the conceptual framework, we have then mapped them in terms of their influence on the institutions/spaces. They have been categorised as high, medium and low against each of the studied institution/dialogic spaces. The categorisation in terms of high, medium and low is based on our interactions with these institutions/spaces and the community/people/organizations associated with them. The following table highlights the same:

Factor	Gram Bura	Tribal-OD	Flood affected communities	Traders' Community	Khap Panchayat	WGWLO	Tribal community-MH	SHG Federation	AB	Fishermen Community
Insularity	High	High	Low	Low	Low	Low	High	Low	Low	High
Shared social network	High	High	High	High	High	High	High	High	High	High
Mutual trust	High	High	Medium	High	High	Medium	High	High	Medium	High
Belief in superordinate force	High	High	Low	Medium	Low	Low	High	Low	Low	Medium
Cost of not resolving	High	High	High	High	High	Low	High	Low	High	High
Benefit from alternate resolution mechanism	Low	Low	Low	High	Low	High	Low	Low	Low	Low
Power & Influence	High	High	Medium	High	High	Medium	High	High	High	High
Identity	High	High	Low	Low	High	Low	High	Medium	Low	High
Legitimacy	High	High	Medium	Medium	High	High	High	High	High	High

For the diagrammatic representation of these factors against each institution/space, the low, medium and high is converted into code of 1,2 and 3 respectively. The following section describes each of these institution/space with respect to the factors-

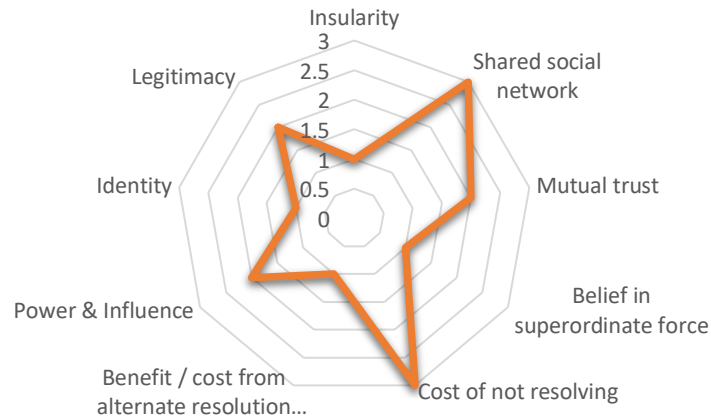


Gram Buras are very community-centric and embedded in the social-cultural norms since time immemorial, all the factors are high. The insularity of the community and the shared social network enables the mutual trust to prevail along with giving importance of the identity part of the community. Cost of not resolving the conflict is high in terms of the social repercussions. The Gram Bura members hold great influence and power over the community which has been giving them legitimacy to given decisions and enforce them. The only factor that has low influence is the benefit from alternate resolution mechanism as they prefer keeping the issues within the community to preserve the prevailing norms and practices



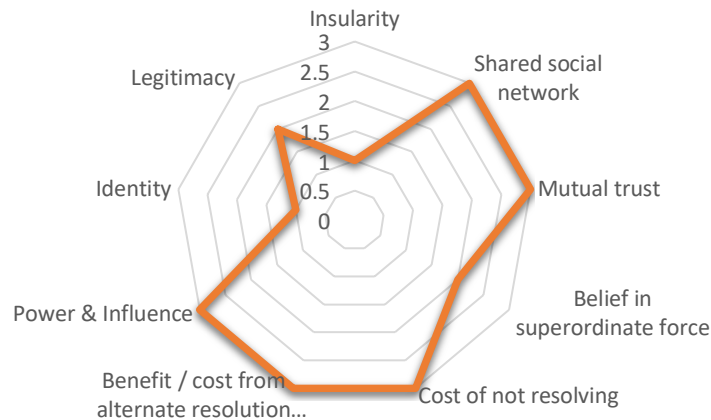
The Kondhs of Odisha are very similar to Gram Buras as their tribal councils are community centric and active since long. All the factors are high for the tribal councils of Odisha as well. The communities are close-knit giving them insularity and shared social network. The councils exist in this insular environment and draw their legitimacy from the influence and power over the people. The shared identity is central to their existence and hence they do not prefer taking the conflicts outside the community for resolution. The formal procedures are long, costly and necessarily do not result in resolution. The social repercussions are high for not resolving the issues as well not following the decisions given by the council members.

Flood affected communities

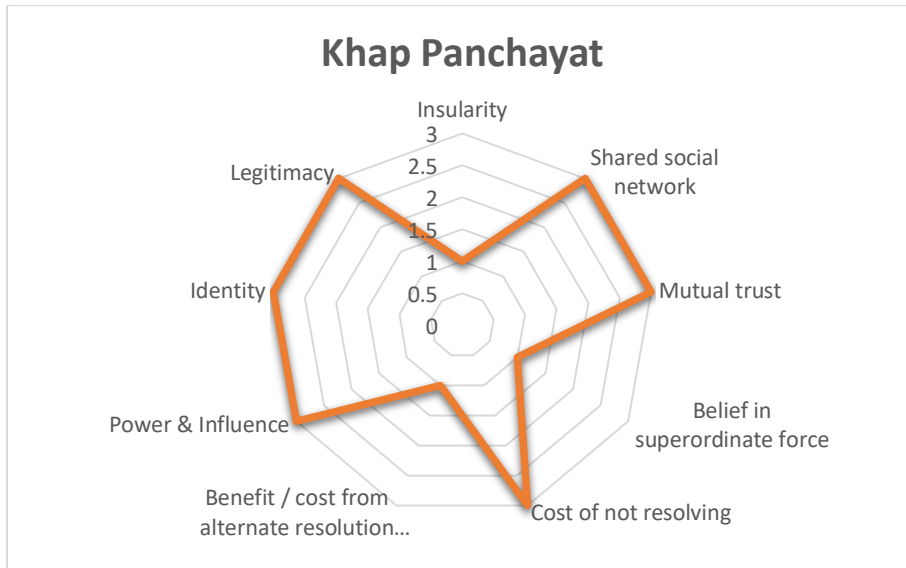


The informal group that becomes active during disasters in flood affected regions of Bihar has the characteristics of sharing a social network and exhibiting a high cost of not resolving the issues. These two factors dominate in this case, giving the informal nature of groups there is issue-based action and not a sustained existence for them. Thus, factors such as mutual trust, power and influence are medium as the objective is of providing disaster relief to the communities. The communities/group are not insular as in circumstances of disaster relief, learning from others plays a role in resolving the issues.

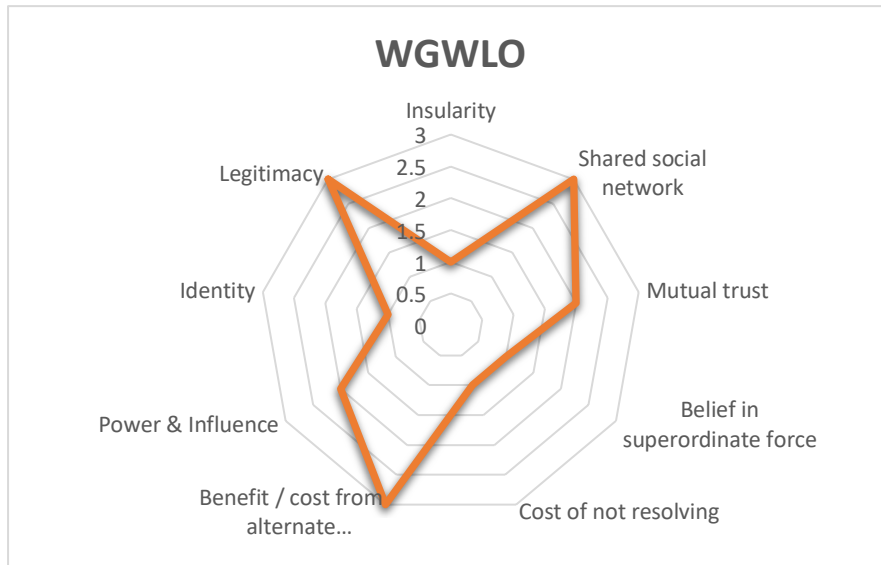
Traders' Community



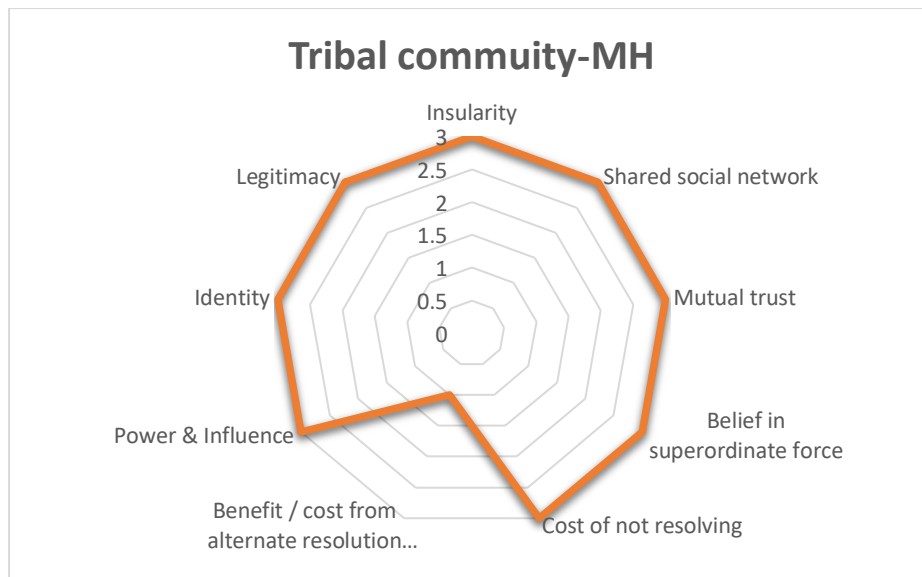
Trader communities are again close-knit and their business/family activities are also close-knit. This gives them a high shared social network where mutual trust for both business and family activities are high. The family level conflicts are preferred to be kept within the community and taking the legal recourse is the last option. Hence mediation by a social elder who is influential, rich and powerful is the usually the adopted method for resolution. The power and influence exerted by this social elder is high and generally the decisions are accepted by the families. The cost of not resolving is high as it may lead to losses in business as well high cost of taking the alternate legal recourse.



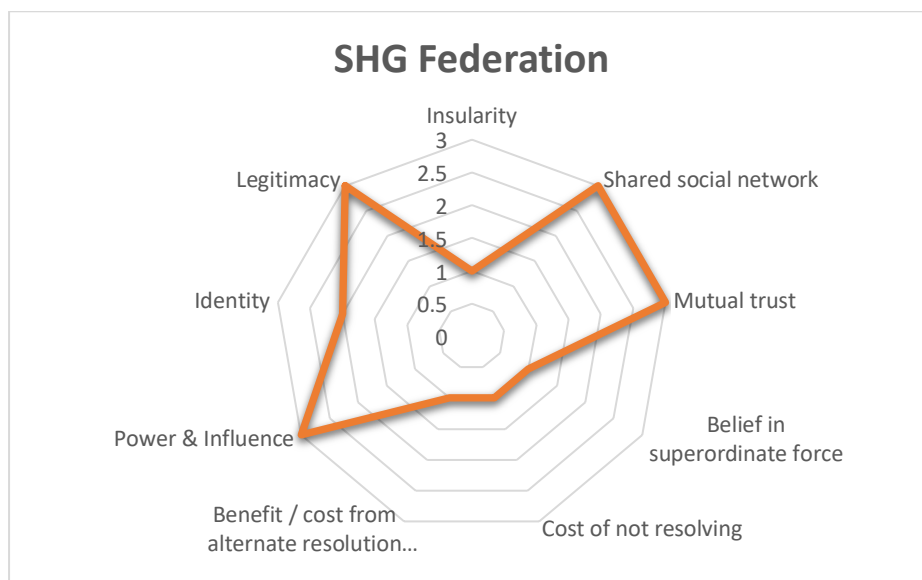
Khap panchayats are core to the “Jaat” communities in Haryana and are prevalent since many years. The close-knit community provides a very strong shared social network for these panchayats to exist in. Mutual trust and importance of group identity is high in these panchayats. Hence, they derive high power and influence in the communities and in most of the cases, their decisions are binding on the community/parties involved. The cost of not resolving is high in terms of social boycott and sanctions. All these factors working together give the panchayats legitimacy to function and resolve the conflicts.



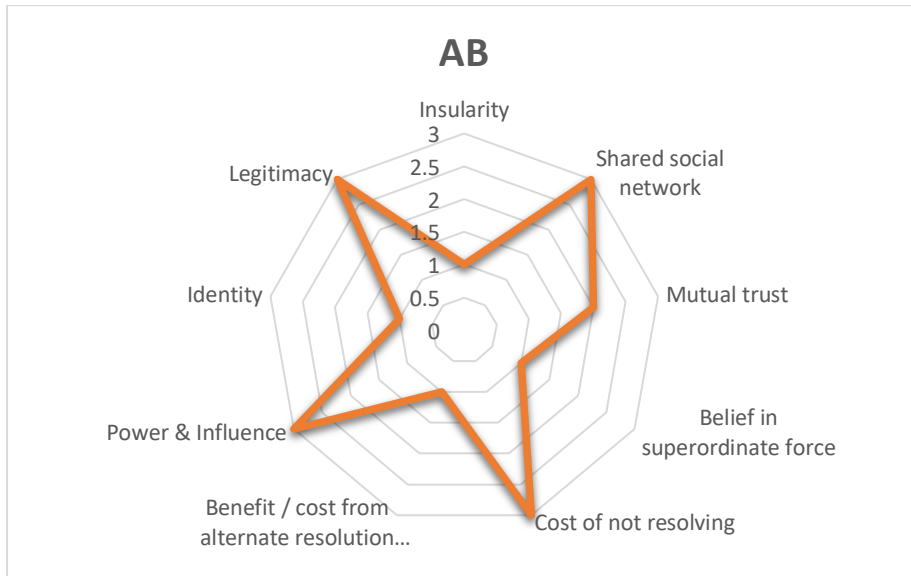
WGWLO has created a network of organizations as well the women they work with having a shared objective of land rights. This shared social network along with the support from legal discourses has given WGWLO a legitimacy to exist and function to make land rights accessible to the women. The benefit or costs associated with alternate mechanisms for resolving the land related conflicts is high as the women come from vulnerable backgrounds with limited means and without the support of WGWLO, they cannot access such mechanisms.



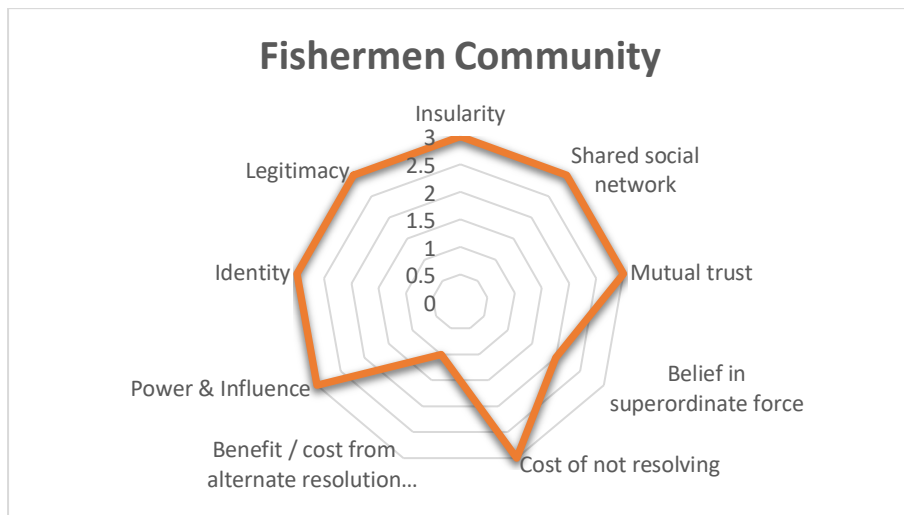
The tribal communities of Maharashtra are very similar to Kondhs of Odisha. Their tribal councils are community centric and active since long. All the factors are high for the tribal communities. The communities are close-knit giving them insularity and shared social network. The councils exist in this insular environment and draw their legitimacy from the influence and power over the people. The shared identity is central to their existence and hence they do not prefer taking the conflicts outside the community for resolution. The formal procedures are long, costly and necessarily do not result in resolution. The social repercussions are high for not resolving the issues as well not following the decisions given by the council members. The support from an external agency/NGO is helping them bridge the gap between the traditional mechanisms and formal legal mechanisms for resolving issues.



SHG Federation has a strong social network created by coming together of thousands of women from the rural areas. This shared social network of women has high degree of trust in the institutions and the power and influence they can yield in social as well political issues at their village/block/district level. The federation is working with the issues of livelihoods as well women empowerment for more than two decades hence has gained credibility in the community. The justice committee gains legitimacy from the federation and its position and perception among the various stakeholders.



Aajeevika Bureau through the worker collectives and their engagement with the workers and employers have created a strong social network. The trust among the stakeholders (worker/employer) is present but is not very high given the power dynamics between them but the workers through their engagement with AB has developed trust in the functions of AB. The cost of not resolving the disputes, e.g., wage related ones is high for the aggrieved party. Over the years, AB has created a legitimacy to operate among the migrant workers and employers with the support of govt. department as well has provided access to legal course of action. These activities has increased their power and influence in the workers' network.



The Ur panchayats in fishermen community of Kerala exist in the closely-knit, insular communities which have a strong social network. The common livelihood activity is the binding force in these communities. Thy Ur panchayat, over the years, have enjoyed trust from the people and thrives on the importance of group identity and culture. Their power and influence among the community gives them the legitimacy to resolve conflicts and give decisions that are binding on the community. The cost of not resolving the conflicts is high as social boycott and sanctions on fishing activity is imposed on the households.

While these institutions differ in their context, communities they exist in and the methods of resolution of conflicts, the above analysis shows that there are few similarities between the traditional systems. The deep engagement with the communities and the idea of preserving the social-cultural norms seem to dominate their existence and functioning. Whereas the non-traditional institutions, that are primarily promoted by external organizations/agencies are based on the issues they intend to resolve and have strong linkages with the formal legal system of justice. The above analysis also helps in understanding the belief system of the communities around these institutions and the social/economic pressures in accessing them versus accessing the formal legal systems. In the next chapter, we have taken few other critical aspects to highlight and contrast these institutions.

Chapter 6 Features of Dialogic Spaces

Each of the spaces/institution studied exists in a different context of socio-economic, cultural and political domains. The formation of these spaces/institutions has been driven by the community norms, practices, rituals and overall fabric of cohesiveness in case of traditional spaces. Whereas the non-traditional, externally promoted spaces are governed by rules, norms, vision and mission of the promoted agency/network. The following section attempts to lay out the various elements on which these spaces can be compared and contrasted upon along with few examples from the field interactions.

4.1 Structure of spaces/institutions

The traditional spaces such a Gram Buras, tribal councils, Khap Panchayats all have a common structure in terms of a group of elderly male members of the community forming the committee/council. These village elders are powerful, respectable and perceived to have strong life experiences to guide the village in times of disputes and deliver fair and just decisions. The cases are heard by these groups and using the collective wisdom judgements are passed after giving equal opportunities to the parties in dispute to share their perspectives. The audience of community members present in the hearing meetings are also allowed to share their points, if they want to say something. In case of trader communities, similar elder but well-endowed and powerful member from the community is called for conducting the negotiation and mediation within families. These traditional groups are male dominated and women find no representation in them. Education is secondary to social respect and experience of elders.

Whereas in cases of non-traditional spaces, such as in the flood affected communities, a social leader takes initiative and creates a synthetic organization which pools peoples' resources and labour to help those in need. The SHG federation has created a separate justice committee with women as its members to address the issues of conflict. In case of WGWLO, initially campaign occurs to create awareness about the legal situation on land rights. Subsequent efforts are placed at individual household level, and a para-legal worker works with the families. The space created by Aajeevika Bureau is based on the tri-partite negotiation between worker, employer and Legal Aid Cell of AB.

4.2 Surfacing and recognising the issues

Another aspect which gives purpose to these institutions is of identification of issues, their surfacing and how they are recognised by these spaces as well the parties in dispute. In all the cases studied under the research, issues surface only when the aggrieved party registers the complaint or approached the leaders with the issues. They recognise it only after this formal process has taken place. Community awareness programmes and workers meetings are the two mechanisms through which issues surface in case of WGWLO and AB respectively. Based on the severity of the issue, next course of action is decided and a village meeting, a Khaap, justice committee meeting etc are called upon.

The resolution process as detailed in the above section for each of the case, follows largely a similar approach of calling affected parties, giving them opportunities to share their view points, creating an environment where other participants in the meeting can keep their points as well and then collectively either using a separate 'jury' or 'elders' a decision is given. These spaces function on the principle of creating a conducive environment where compromises can be reached without any threats and enforced using the social-cultural norms and principles of community. Even in the non-traditional spaces, promoted by external actors, the ultimate goal is to reach a point where individual rights are ensured and following a fair process, justice to the aggrieved party is delivered.

Example of Khap Panchayat's resolution of conflict between two Khaps of Malik and Hooda in Sanghi village of Rohtak district, Haryana.

Two families from these Khaps had engaged in a violent conflict and a compromise between them was sought in the Khap.

The issue was related to distribution of canal water for irrigation of crops. The farmers are heavily dependent on the canal water and has put in place systems of distribution of water between the villages. Farmers of each village get a time slot for taking water from the canal through the passages called 'Mori'. Sometimes, to draw more than allotted water, farmers put rubber pipes in the canal out of turn and steal water, which reduces the flow of water for the downstream villages.

The conflict between farmers of Khedi and Sanghi happened when a group of youth from Sanghi village, patrolling the canals, found Khedi farmers on the wrong side of the canal. This led to a violent conflict between them and one person from Sanghi village was grievously injured. An FIR was filed by the Sanghi family. Fearing retaliatory action and legal action, the Khedi family approached their Malik Khap for solution. The Malik Khap approached the Hooda Khap to conduct a joint Khap for resolution of this issue. The first meeting remained inconclusive as some new inputs were provided by the affected party. Another meeting of the joint Panchayat was scheduled. The Malik Khap tendered an unconditional apology on behalf of the faulting family of Khedi (Malik) village and sought pardon. While the discussions were going on, few members of the other family walked away without telling the Panchayat. This indicated that compromise was not acceptable as proposed. The meetings were put on a break and Khap leaders approached the family members.

The family was not ready for compromise and the issue moved towards a deadlock making the Khaps uncomfortable as the issue had the potential to escalate and become more violent. The Khaps made efforts to recall a similar incident in the past between these two Khaps where after a conflict, pardon was issued after a member was killed to keep the honor of the Khap. After three hours of deliberations in the second session, Hooda Khap sought some time to try and get the family to accept a compromise. In other words, this Panchayat could not achieve the purpose of the meeting and remained inconclusive. However, by the end of the meeting, the leaders of Hooda Khap looked upset and angry with the Sanghi family (of their Khap). It was proposed that another joint Khap panchayat be held soon to conclude the issue.

4.3 Goals of community and parties involved

Engaging with these institutions for resolving conflicts by the community at large and the parties involved in the disputes is another critical aspect to understand the function of these institutions. Both in the rural and urban sphere, modern legal systems of justice have become prevalent and dominant and yet the communities have continued to engage with the traditional systems and with the support of external actors, have promoted non-traditional institutions at their level. The common goal of communities to engage and strengthen these traditional institutions is to promote stability, social cohesion, harmony, social structure, continuation of norms for governing lives and behaviour of people as well maintain the existing power structures within the communities. In case of non-traditional spaces such as Aajeevika Bureau there is no community at large but the goal of the promoting organization is of creating a platform for migrant workers. In WGWLO, providing land rights to women in the prevalent patriarchal systems of villages becomes the major goal. In the flood affected communities, the social group leading the efforts focusses on saving life and minimising damage to property of others affected and thrives on the principles of mutuality.

Whereas when we consider the goals of the parties involved in disputes for accessing these spaces, the ease of access and cost effectiveness emerge as the dominant reasons. The parties approach these spaces with the objective of redressal of their issues in a fair and just manner. The close-knit rural communities are bound by their social fabric which for living together in harmony is critical to preserve. Hence approaching these spaces for solving individual issues is widely prevalent in the traditional communities. However, in Khaap Panchayats, the issues come when individual's desires do not match with the community norms and there is a tendency to break free of rigid norms (such as in cases of marital matters) which leads to clashes between the individual and the community. It is possible in such situations, that the individual has no personal choice to engage with the Khaaps but fear of ostracization of family and life threats make them comply to the traditional practices. Whereas in non-traditional spaces, such as AB's platform for workers, the goal of workers is payment of their wages and other remunerations and the employers wants to minimise their cash flow.

Example from Gram Bura of Assam, where the conflict was resolved within the community than taking legal course of action to preserve/maintain the community traditions, norms and institutions

This case is about Maneswar Rabha, whose mobile phone was stolen from his broiler farm located inside the village. Now, the petitioner, Maneswar was also cognizant of the fact that the person who stole his mobile phone is his close acquaintance. Knowing this he approached the gaon bura and narrated his version of the incident. Maneswar was adamant and wanted to resort to police to catch hold of the person who stole it. According to him, the culprit has been engaging in such practices in the past too and no action was initiated to rectify his behavior. Upon listening to the petitioner's version of the incident, gaon bura persuaded him not to resort to police but proposed that this incident can be discussed with the core group of the village. Accordingly, three days were given to the petitioner to appear before the core committee and the Barika/messenger informed the family of the culprit too that they all need to be present during the meeting.

On the day of meeting, the core committee members assembled in the "namghar". The standard protocol of such meetings remains that though the gaon bura knows about the incident, he again asks the petitioner about his reason to call everyone on that day for the meeting. The petitioner offers 1 Tamul and 1 Paan leaf along with a small contribution of INR 10/20 in a bell-metal utensil and narrates the entire incident. This offering symbolizes taking permission from the committee to proceed with the meeting.

After listening to the entire incident, the family of the culprit was also invited to express their opinion on the same, the culprit was fleeing. The family agreed that all allegations which were raised against the culprit are true. The family was given five days to bring the culprit in front of the committee. If they are not able to do it, threat of coercive actions and social boycott would linger on them. Concluding this round of meeting, the proceedings were documented in the minutes' book, the petitioner offered one set of Tamul and Pan to everyone along with tea and refreshments.

The meeting was resumed after five days where the culprit was also present. He was asked to commit/accept his crime in front of everyone. He accepted his wrongdoing. As a compensation to the petitioner, the culprit was asked to pay a sum of INR 5000, as the price of stolen mobile phone. In case the mobile is returned, then the amount was not required to be paid. The meeting was concluded with offerings to be made to the committee by the culprit's family.

The conflict was resolved within the community though legal recourse was possible for the actions of the culprit. However, such close-knit communities prefer to keep these small matters within their network to preserve the social norms, respect and legitimacy of the institutions.

4.4 Rules and regulations

The processes followed by these institutions for conflict resolution are broadly similar to each other, as highlighted above. The group/committee of leaders/social elders/women members are supported by a set of rules and regulations which strengthens the structure as well as functions of these institutions. The traditional institutions have well laid rules that are in synchronisation with the social norms prevalent in the community. The norms of behaviour by the parties involved are set by the group/committee/council where each party gets a chance to speak, in a respectful manner to maintain the social decorum. The place of the meetings is fixed mutually with participation from other village households. Rituals are performed before the start of the meeting, like in the case of Gram Buras, where “Salami” is offered to the group with a ‘tamul’ leaf and some offerings. Participation of women is allowed except for Khaap Panchyats however menstruating women are not allowed to be part of the resolution meetings.

In case of non-traditional institutions, the rules and regulations are governed by the process of claiming rights as per the law, where land rights of women are considered. The wage disputes of migrant labours follow the process to claim and defend the claim for the lost wages or compensation for other matters. Persuasion and an implicit credible threat of legal action together are used by AB. The informal groups in flood affected communities are loosely formed hence no such rules are applicable, only expectations of mutual support for disaster relief are prevalent in the community. The Justice committee of SHG federation follow similar rules of providing equal opportunity to distressed parties to share their views but also ensures that women involved in disputes are guarded in future.

4.5 Binding of decisions and their enforcement

The traditional institutions are central to the communities they exist in and command respect and reverence among the people. This gives them the authority and power to decide on the issues brought to them for resolution and the decisions are binding to the parties in dispute. Often a village elder will take the role of ‘guarantor’ to ensure that the decisions are complied by the parties. The fear of social boycott and ostracization and loss of respect of the family within the community is another factor by means of which the decisions given become binding. In case of WGWLO network, the legal decisions by the Revenue officer makes them binding to the parties, for migrant workers, though it is a negotiated settlement but the parties agree to it and comply to it. SHG federations do not have backing of legal precedence in all the cases pertaining to the women members, hence through social force and community collective

strength the decisions are made binding but at times the families of aggrieved women may not comply completely. The informal groups in flood affected communities, are by virtue of their nature, have no bindings.

These decisions are enforced by means of implicit threat of social sanctions and pressure and fines are levied on the offender to be paid within a specific time, in the case of these community centric traditional institutions. Whereas legal mechanisms such as formal registration in women's name, police cases for violence against women and mechanisms to maintain cordial relations with the worker communities to not lose credibility as an employer makes the decisions enforceable in WGWLO, SHG federation and Aajeevika Bureau's spaces respectively.

4.6 Closure process

The dispute resolutions process ends with the final decision achieved using the dialogic method of resolution by the head/leader of the institutions and in-principal acceptance by the parties to obey the decision. In the traditional institutions, a sermon or advice by the headmen is given to obey the decision, follow the rules and behave neighbourly to both the parties.

In WGWLO network, the issue is considered closed when the woman has both the possession and document of her right. In case of migrant workers, payment of due wages is made and documented closes the matter. For informal groups in flood affected communities, the action stops when initial rescue is affected and some help provided till Government relief reaches. the cases dealt by SHG federation can be complicated to close as the community dynamics are unpredictable and choices may be influenced by dominant cultural norms. For example, a victim of severe domestic violence may have no choice than to go back to her husband's house even though the justice committee has found him guilty of violence and have been given warning to improve the behaviour. The family may choose not to comply.

4.7 Legitimacy of these institutions

A critical factor for these institutions to exist is the continues legitimacy they derive. The belief of the community and people associated with them that they have the right to govern, make decisions and enforce them strengthens the legitimacy of these institutions and their leaders. The centrality in the lives of the people has given these institutions a relevance which is engrained in the traditions, religion and culture of the communities. For the fishermen communities, the democratisation of 'Ur' panchayats in the last two years has strengthen the legitimacy to govern whereas for WGWLO, long-term efforts have been made to enable the

change in the mindset of stakeholders to give the network legitimacy. In case of Khap panchayats, Gram Buras and Tribal councils, there exist a collective belief and fear in the community that if these institutions are not there the social fabric will tear apart and there will be no binding force within the community. For member-based groups such as SHG federation and Aajeevika Bureau's platform, legal bindings are providing the legitimacy to them to exist and function.

4.8 Comparative on key parameters

These institutions/spaces were also compared across certain defined parameters in the following table:

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
Adjudicative role in these institutions	Yes, a formal Gram Bura is present in every village	No formal group or committee	Informal social institution particular to a 'gotra'. Levels of Khap and a Mahapanchyat (meeting of all Khaps)	The federation has a separate Justice committee	Informal group called Panchayat (a mechanism for resolving disputes) responsible for resolving all conflicts within the fishing village. "Ur Panchayat"	As of 2021, WGWLO is a formal but unregistered network.	LEAD cell of AB provides legal services for the migrant workers. The cell largely deals in Mediation	Tribal villages in Palghar district of MH. Vayam organization has been working since 2006. Each village has a committee	No formal group	Informal space within the community for mediation and resolution of family disputes
Who are the members of it	4-5 members in each GB, a main GB (headman), an assistant GB, a treasurer,	Headman of the village "Nayak" leads the community and has support from a	Pradhan (President) of a Khap	Justice committee members have been selected from the existing	21 members Panchayat. 2 office bearers; Cashier and Deputy Cashier	Network of 18 NGOs, 19 CBOs and 10 individuals working across 17 districts of	Staff of AB along with paralegal workers from the community	Elders of village, a group of 5 to 7. Called as Panch. Women are also part of this committee.	People come together in time of disaster There is no fixed group, based on the	Arbiters are usually persons with strong financial, social and political

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
	priest and a messenger (barika)	Priest. Barika (the messenger)		federation members (15)		Gujarat. WGWLO was a product of dialogue between academia and social change agents		They also attend the assemblies.	situation temporary groups are formed	standing in the community
Hereditary/ Transferrable position	No. the position of GB is decided by the entire village mutually.	The position of Nayak is hereditary and goes from father to son.	Not hereditary but it the family is extremely influential and rich, Pradhans can come from the same family for generations	No, the position is not transferrable or hereditary	Membership is based on periodical elections, once in two years	Not applicable in this context. The network has a secretariat. The steering committee has 3 thematic groups, constitutional governing board, with positions of convener,	NA	No	NA	Not exactly, the position depends on the relations with the family/business in dispute

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
						coordinator and mentor				
Age, gender and education of the members	Respected elderly male members are selected for the positions in GB. Education is not the primary criteria, skills and experience are given more weightage. Women do not hold any GB positions	Male members of the community with respectable position are considered for seeking any advice. Education is not a criterion. Women do have the position of Nayak though there can be a woman priest	Older males who are influential and rich get the priority in becoming President of Khap. Education has no role. Women are not allowed	Women SHG members who are trained in legal matters are part of the committee. Skills and experience are given preference	All adult males, who are married (hence head of their nuclear family, and paying the village "tax"), are eligible to Panchayat members. Women rarely participate unless they are called in as witnesses	Not applicable in this context. As development organizations are members of it	Staff of AB has education qualification requirement. PLW also have basic education as they are trained in legal know-how but skills and experience are also given preference	Elder members of the village are given preference	Male members of the community lead these groups. Education has no role	Usually, older male members of the community have sound financial and social standing gives legitimacy to the role of arbiter. Education is not relevant for them

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
What kind of issues come to these institutions	Inter-family issues, elopement, extra-marital, domestic violence etc and less critical such village functions, internal matters of committee, government programmes	Diverse issues, inter-family, domestic violence, theft, all issues related to villagers and inter-village issues of marriage, elopement etc	Interpersonal conflicts, domestic violence, illicit relations within communities, inter-caste/religion or intra-Gotra marriage, etc	Diverse issues from women related violence, caste discrimination, village development, rape and murder, property rights etc	Matters of morality, domestic disputes, marriage & betrothal, non-payment of local borrowings, property disputes, livelihood disputes, actions of individuals affecting reputation of village, dealings with the outside world, etc., are all taken up	WGWLO works for securing land rights for women along with providing access to government schemes related to agriculture to promote "sajiv kheti".	Majorly wage related disputes are handled by the cell	Issues of common interests such as availability of seeds or informal arrangements between families to work on each other's fields. Wage rates, marriage, family issues, family property, land boundaries and forest land	The issues range from flood relief, farming, common grazing land, community owned water bodies etc which are all affected because of the disasters	Business disputes and inter-family disputes for financial, business-related matters are handled by these arbiters

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
Who makes the decision of bringing the issues to these institutions	The aggrieved party generally visits the GB with the complaint	Aggrieved party	Aggrieved person or a concerned person approaches the Pradhan or any other influential person and raises the issue	Generally, the aggrieved party but at time the JC also take initiative to intervene	Aggrieved party	NA	The aggrieved party i.e., the worker brings the issue to the cell through their field representatives	Aggrieved. The committee does not take Suo Moto for discussion on any issue	Household in need. Community also takes cognizance of the issues and offer to help	Close-knit communities, decision is of the family or business group to approach the arbiters to keep the matters within family/businesses

<p>Broad process of resolution</p>	<p>Aggrieved party goes to GB's house to register the complaint. GB then calls a meeting where both parties are called. One by one statements from both the parties are heard, evidences from witnesses are considered and even villagers attending the meeting can</p>	<p>Small issues are dealt by Nayak and the Priest. For critical village level issues, a meeting is called., Barika informs the village. Both parties are heard, and the group decides upon the final verdict. Significant decisions are group decisions. Fines are levied as punishment</p>	<p>Khap is called when Pradhan agrees with aggrieved party. Khap panchayat. All parties are invited and given an opportunity to share their points</p>	<p>A meeting is called where all parties involved are called. The matter is discussed, each party share their points and based on the statements and witnesses, if there are any, using the dialogic approach, the issue is resolved. The aggressor is given a warning, levied a fine or handed</p>	<p>Smaller matters are resolved at ward level. For larger matters, parties may approach Ur panchayat where formal systems are followed in assessing the issue, involved parties are given chance to share their points, fines are levied in terms of fishing ban and social ostracization</p>	<p>The network works with NGOs, government departments, community paralegal workers for the resolution of the issues. Interactions at multiple levels is the key feature of the network's activity</p>	<p>Worker approaches the LEAD cell with the issue. LEAD cell calls for a mediation meeting with all the parties, where each of them is heard and a common solution is arrived at</p>	<p>All disputes come to the village assembly where every issue is discussed in detail. Members from each family are present in the meeting. The statements from all involved are heard and then the Panch give the final verdict. The verdict is binding on all parties. Customary laws are followed for some issues such as marriage</p>	<p>Context of these communities is different. Resolution approach and methods depend on the issues at hand. Generally, the group involved with the households work together to find solutions for the disaster relief related activities</p>	<p>In family level disputes, the arbiter who is a family/commu nity elder, is called upon to resolve. All the involved stakeholders are listened to in an environment of mutual respect and decorum. The proceedings may take more than one meeting where all accounts are tallied, discussed and share of stakeholders is decided. A</p>
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	share their view points. Issues are resolved in these meetings, fines are levied			over to police depending on the severity of the crime/issue						written agreement is drawn and signed by all involved and division implemented accordingly
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Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
Who makes the final decision in the meeting?	GB forms a jury to decide on the case and enforce the decision	Discussion goes on in these meetings. Any person present in the meeting can suggest the punishment and then these suggestions are discussed back and forth until consensus is reached	After listening to both parties, if needed, a committee of 5 to 11 members is constituted on the spot to discuss the matter. This committee could involve persons proposed by the two parties (called 'Saalas') to ensure fairness. Mostly, they arrive at a decision,	The decisions are mutually taken by the committee members. Critical cases are referred to police and court	Final decision is made by the 21-member panchayat and announced in public	NA	The mediation team in consensus with the parties in dispute make the final decision	The Panch make the final decision	The group responding to the issues along with the households involved	The arbiter makes the final decision

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
			which is announced in the panchayat							
Place of meetings	Not fixed, depend on members convenience	Outside the houses or in the common space	Public place depending on the size of gathering. Temple, chaupal etc	JC meets regularly twice a month in Federation office	Marriage hall or village temple	NA	In AB's office in case of physical mediation	Public place within the village	Not fixed, depends on the issues at hand	The house of the family involved
Quorum in these meetings	More than 50% of the invited HHs	No quorum. Anyone can attend.		No quorum	No quorum	NA	All parties must be present	No such quorum	NA	NA
Specific processes before the start of meetings (rituals etc)	Aggrieved party gives a "salami" in which he/she offers sweets/money to the attending GB and the village and	No such rituals	There are no rituals or formalities to start a meeting. The chairman asks the concerned persons to initiate the	No specific rituals or processes before the start of the meeting	No specific religious protocols. If the meeting is held in a temple, local deity is worshipped	NA	No such processes. Just legal documents must be placed before the mediation is called for	The Gram devta is offered prayers and is worshipped	NA	No rituals but it is ensured that amicable environment is maintained without any threat of violence

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
	then states the issue.		discussion straight away							
Closure of meetings	Party who calls the meeting makes some arrangements for tea and snacks. Elderly members of the community counsel the disputed parties, make them shake their hands and end the meeting	Meeting ends with conclusion talk by the person leading the meeting that this has been done, it should not happen again and do not raise the issue again etc and these days handshakes etc happen which is a learned behaviour	The meetings end without any rituals. To keep the positivity of the outcome, both the rival parties are asked to hug each other or shake hands as the symbol of promise to work for amicable conclusion of the dispute	The meetings end with the decision shared with all the parties. There is no ritual as such	This is like the formal sitting of a court of law. It ends when the Panchayat members complete their tasks. The Kudi-pillai announces that the meeting has ended. No vote of thanks or any concluding remarks	NA	At the end of the resolved meeting, a "Samjauta patr" is made and signed by both the parties once the payment is made and this document is filed in the case file and the case is closed	The members of the committee are compensated for their time. Typically, they are given compensation in kind such as one bottle of home brewed liquor costing approximately 20 to 40 rupees. This has been replaced by aerated drinks now in some villages.	NA	The meeting is closed with formal signature on written agreement to be abided by all stakeholders. In case the parties are not satisfied they may approach formal legal systems

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
Expenses in the meetings	Person who calls the meeting, if found guilty bear the expenses of the meeting. otherwise, the general GB meetings have their expenses from village fund	it depends on the nature of the meeting. One day intra village meetings have no such expenditure but if people from other villages are coming then meals etc are served and hosting party bears the expenditure	The events are almost zero expenses. No tea/snacks etc. are expected at these events. If at all some arrangements are required, the host or families of host village organize for the same	No expenses are incurred during the meeting. If the members have to go to police station or court, the federation pays the expenses	Meetings take place inside the village. There is no tea or snacks. However, the Panchayat has money from the taxes it levies on the families and other sources. It can bear some costs if necessary.	NA	If there are expenses, AB bears them. If the worker is in position to pay, then site visit related expenses are paid by him/her	By the parties involved in dispute	NA	Incurred by the family that has called the arbiter
Documentation of meeting proceedings and decisions	Meetings are recorded by the village secretary	No documentation of these meetings.	No documentation is done.	Documentation in Federation register	All meetings including the ward level meetings are recorded in the	Documentation happens at different levels	Recorded in case file	No documentation	No documentation	No documentation but final agreement is prepared

Parameters	Gram Buras	Tribal village councils	Khap Panchayat	SHG Federation	Fishermen Village Panchayat	WGWLO	Aajeevika Bureau	Tribal Villages in MH	Flood Affected Communities	Traders' community
					Panchayat Minutes Book.					
Form of punishment	Fine is the only form of punishment	Fine and social boycott	Fine and social boycott	Fine is levied in some cases	Apology. Fines are levied ranging from 5000 to lakh of rupees depending on severity of issue. Social ostracization.	NA	NA	Fine	NA	NA

Chapter 7 Conclusion

Conflict in the society exists since people came together as a community with access to common resources, needs and wants as well social structures started getting established. The history of conflict between individuals, groups, clans, nations is as old as the history of humankind. The subsequent need for resolving and managing these conflicts emerged from the aftermath of violence associated with these conflicts and desire of harmony and stability in the communities. The discourse on conflict resolution has moved from traditional forms to inclusion of formal legal processes and alternative dispute resolution approaches. The discourse of using dialogic approaches for resolution of conflicts is grounded in the principles of relationship building, civic participation and social change, with a belief in the collective wisdom of the people involved.

The research study attempted to identify such institutions/spaces in the social sphere where dialogic approach is the preferred/dominant method for resolving conflicts. The ten cases studied are diverse in context of communities, geographies, their evolution but are similar in terms of the issues they handle, broad processes for the common objective of keeping the communities connected with the socio-cultural norms and practices. Our classification of these institutions as traditional and non-traditional, based on their evolution, as organic community driven and external actor promoted respectively is a means to understand the varying governance mechanisms and legitimacy they exert.

The traditional institutions of Gram Bura, Tribal Councils, Khap Panchyats, Ur Panchyats of fishermen community, Traders' community have evolved around strong social cohesion and similar domain of community as a central point. These institutions are useful for the community, are easily accessible, cost-effective and holds individual trust and faith in them for delivering justice. When compared with the formal legal systems and the existing biases in it, community prefer to engage with these traditional institutions as they have exhibited a fair, transparent and enabling environment for holding conversations in the communities. These institutions govern the social, cultural and economic lives of these close-knit communities and hence are driven by the centrality and importance of community identity and pride. The commitment of these institutions to preserve the social-cultural norms and value strengthens their legitimacy in the communities.

The non-traditional institutions of WGWLO, Aajeevika Bureau, SHG Federation have evolved in the past two decades with the intervention of external actors who intended to work for the

rights and welfare of the people. GWLO has been engaged in resolving the latent gender-based conflicts of land rights of women, about which open discussions are not common as it is considered an internal household matter. Long term efforts towards raising awareness, having dialogues with stakeholders has led to change in mindset of people and they have been successful in ensuring that women get their rights. The women who are most vulnerable in the are more susceptible to such conflicts. GWLO and SHG Federation have provided safe spaces for women to come forward, raise their issues and help them to engage with the legal systems. The platform provided by Aajeevika Bureau for migrant workers has created another space for workers and employers to come together and engage in dialogues, mediated by the AB's team to resolve the wage disputes. These externally facilitated institutions/spaces are domain specific and may not be as widely prevalent as the traditional spaces, but are creating an impact in the lives of people involved with them and are drawing their legitimacy from the legal provisions and community support.

The conceptual framework, based on detailed literature study and its application on the cases based on our field level interactions, highlighted the factors that influence the institutions. These factors are playing a role in the existence, functioning and well as sustenance of these institutions. While traditional institutions base their foundation on the complex, close-knit community norms and practices, the non-traditional ones are based on the issues and objectives they seek to resolve and fulfil. Each of these institutions are characterised around the community and the issues. Given the dynamic nature of the communities and the issues, there is no one set of ideal factors that can make an ideal institution following dialogic approach for conflict resolution. The framework helped in understanding the possible combination of factors to exist for making dialogic approach a successful method of conflict resolution. For example, in case of Gram Buras and Aajeevika Bureau's work, high social network and legitimacy is enabling dialogues between parties to happen and progress towards resolution. Whereas in case of flood affected communities, the issue-based formation of informal groups remains active only till the disaster is resolved and the focus is on immediate solutions. In this case, scope for dialogues become limited to parties seeking disaster relief.

While the principle of finding a common round for resolving conflicts is a thread that binds all these institutions, with the changes happening in the communities and their environment are influencing the functioning as well as existence of these institutions. These changes become more dominant in case of traditional institutions, where the communities are in transition with outward migration, education and youth increasingly moving away from traditional practices

is becoming a common phenomenon. The introduction of modern, formal governance system in the form of Panchayati Raj System (PRI) is another reason behind the reducing appeal of these institutions. There are efforts being made by various NGOs to integrate traditional systems with the workings of PRI. Like in the case of Maharashtra where Vyaam (an NGO) is working to bring communities and PRI closer and in case of Gram Buras, who are also working with the PRIs for monitoring of development works, but then the proportion of conflict resolution work reduces significantly for these institutions. They are in a kind of flux for their core functions to exist with presence of alternative mechanisms. Their influencing power was more with they being highly relevant in lives of communities when the communities were insular. Another example is from the 'Ur' panchayats of fishermen communities, where people are moving out from the fishing profession which is leading to the reduction in revenue for these panchayats. Increased access to education for the youth has enabled them to explore other professions thus core activity around which the panchayats were formed is slowly dissolving.

In case of the non-traditional institutions, they are supported by external NGO/CBOs/actors and have gradually become ingrained in the lives of people. They are enabling people to understand the impact of social group membership on their identity and creating awareness about their rights. They do not face threat to existence as long as they are supported by the NGOs and are accepted as a means to access rights and justice by the community.

This research focussed on understanding the community-based institutions and their mechanisms and the key characteristics that make them relevant and functional. While the processes adopted by them are context and issue specific, we have found that they are core to the existence of the communities and are enabling them to access justice through various channels (informal and formal institutions of justice). These institutions are helping the communities to identify and adopt alternate mechanisms for conflict resolution, where violence is not the dominant means and conversations and dialogues are proving to be fruitful and engaging. While the scope of the research was limited to ten cases, the field/area of rural/urban based community led/focussed institutions that are working using these approaches is quite large. This research can serve as a tool to delve deeper into this subject.

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