

Call for research proposals

The Karnataka State Law University, Hubballi intends to engage in a cluster of minor research projects for mapping, studying and evaluating the Non-State Justice Systems (NSJS) prevalent in various parts of Karnataka. This requires application of multi-method legal research techniques. A brief introduction to the topic is as follows:

Quality of life is measured in terms of peace at heart. Disputes affect development and also quality of life. Disputes frequently occur in modern complex society. It is in the interest of the individuals and also society that the disputes are to be resolved expeditiously. It is stated that no individual or institution can claim monopoly over justice. Dispensation of justice by the court system is the main stream. Justice by judiciary, adopting a fair procedure involves an amount of expenditure and also delay. Judiciary's time is qualitative and is to be rationed and earmarked for cases that deserve judiciary's attention. The other cases can be dealt with by alternative disputes resolution systems (ADRs). In order to the strengthen ADRs, a leaf of lesson may be taken from the Non State Judicial Systems (NSJS).

Justice is a basic virtue of every society that aspires for fairness in human behaviour and institutional actions. While state and the law are the formal means of attaining justice, it cannot be said that they are the exclusive sources of justice in traditional societies. There are religious institutions and practices and local socio-cultural organisations which resolve disputes in an informal or sufficiently formal manner. They have long standing cultural and historical tradition for upholding justice at the community level through satisfactory resolution of disputes between different parties. They follow distinct procedure, apply equity and good conscience and act upon instincts of justice. Community's notion of spirit of justice and respect for fair action appear to be the force behind such a system. Broader compliance with human rights values, humanism and social harmony, and simple, quick, fair and cheap procedure appear to have added sustenance to such systems. These are not to be confused with high-handed interventions of collective bodies like khappanchayat which might not be respecting fair principles and procedures. NSJS can be traced in various parts of India and other Asian countries even in modern times (Stephen Golub, 2003, DFID Briefing, 2004, Miranda Forsyth, 2007). How NSJS is closer to substantive and procedural principles of fairness is a factor that ultimately decides its social validity and legitimacy. It reflects legal pluralism and vindicates alternative power centres of the society.

In Karnataka, NSJS has distinct presence as manifested through several institutional and communitarian practices, whether religious or non-religious. (1) Nyayadan in the course of Bhutaradhana or worship of bhutas and daivas in Tulunad or Dakshinakannada area has distinct features. The spirit-based justice system works on the basis of people's belief and their understanding of the social importance of ritual performances (Michael Dusche, 2016 and Amrita Someshwara, 2007). The outcomes of bhuta verdicts rendered by the role-players belonging to backward sections of society have pragmatic soothing effect to cure the disturbance in inter-personal or property relations at the community level. But here NSJS is occasional and not institutionalised regular phenomenon. (2) Nyayadan by Dharmadhikari of Dharmasthala Manjunatheswara Temple of Dharmasthala of Belthangadi Taluk of DK district is highly institutionalised and is accessible on day-to-day basis. Summoning the parties, inquiring, perusing the records, hearing and pronouncing the verdict are the stages through which justice is

administered. Record keeping and other practices of follow up appear to be distinct. (3) Taralabalu Math of Sirigere appears to have established a systematic way of dispute resolution among parties belonging to Math. Speedy disposal of cases and prescription of fee in addition to procedure of adjudication appear to be the features. (4) Surya temple of Chikkamagalur district is another spiritual forum for dispute resolution. It appears, the temple head summons the parties, peruses evidences, hears the parties and gives the decision. (5) The tribal communities settled in Uttara Kannada, Mysuru, Chamarajnaraga, Chitradurga districts and in Hyderabad Karnataka region have evolved indigenous methods of dispute settlement with distinct procedure. (6) Christian churches and diocese have developed the practice of providing forum for dispute settlements amidst members of their communities especially in matters relating to family relations and property matters. (6) It appears, the mosques and durgahs of Muslims also offer opportunities of dispute settlement relating to family and property matters amidst Muslims. (7) The Jain and other communities have also communitarian forums for dispute resolutions. (8) Villages have been practising dispute resolution system without invoking formal legal procedure. The above are only illustrative and not exhaustive list of NSJS. On the functioning of any one of the above institutions or practices of NSJS research proposals may be submitted by faculties of KSLU School or Law Colleges affiliated to KSLU within a month of notification.

Research questions may address the following issues: the historical, cultural and geographic contexts in which the concerned NSJS is functioning; the key features of the concerned NSJS in terms of values and principles aimed at, human rights/ legal principles applied, users of the system, authority, funding and enforcement; the varieties of stakeholders; the advantages and shortcoming; and the connection between NSJS and formal legal system. The social impact of NSJS and the popular beliefs and estimations may be examined. The researcher may also address how the legal system treats the NSJS decisions, and whether state intervention of any type is required. The interdisciplinary character and implications may also be taken up for discussion. Time taken for resolution of disputes, costs involved and number of cases referred and finally disposed should also be surveyed. Whether the emphasis of NSJS is on conciliation, mediation, arbitration, or adjudication, and whether the whole process serves as an instrument of social integration are the matters to be examined. How cultural understandings are interacting with social structure are to be explained in the light of actual experience. The working of the NSJS system, its social importance and future prospects should be evaluated. The extent of its benefits to women, children, the poor and the downtrodden sections of the society should be unfolded.

The research proposals should give a clear picture about the tools of data collection, types of sociological methods going to be used and time plan of the work. It should be supported by CV of the investigators stating their competence in handling the project. The proposal may be submitted by individual faculty or a group not exceeding 3 scholars from one or more affiliated law colleges. The duration of the project is one year from the date of commencement of the project.

There will be 10 minor research projects. Each project will be sanctioned a sum of Rs One lakh each. The project investigators are allowed to engage one researcher for a period of 4 months with a salary of Rs 15000 per month. Interim report should be sent at the end of first six months before the release of second instalment. They can spend the sanctioned sum for field work, travel cost, data collection, conducting focused group discussion, meeting secretarial charges. They can keep a sum of Rs 15000 as their honorarium. Payment will be made in three instalments: two instalments of Rs

35000 (soon after sanction and six months after the commencement) and Rs 30000 on submission and acceptance of final report whose length shall be 10000 words. The report should be of publishable quality.

Faculty members of KSLU's Law School and Faculty members of any of the affiliated Law Colleges of KSLU may submit their proposals addressed to the Dean, Karnataka State Law University, Navanagar, Hubballi - 580025, email: dean@kslu.ac.in so as to reach on or before 31st October 2018.