INTRODUCTION

India is a country characterized not only by socio-cultural variety and diversity, but also by legal pluralism implying the co-presence of different systems of law and justice. For example, on the one hand there exists the state legal system consisting of the constitutional law and various subsets of official laws required or ordained by it; and on the other, a great variety of non-official, informal and non-standard legal systems including customary laws, religious laws and community traditions is in operation. The former, namely, the state legal system, was introduced in its present form by the British government and is thus essentially a transplant from the West, for which the phrase "rule of law" is reserved. The latter is ethnic, local, indigenous, varied and religious. The two systems often run parallel to each other and are occasionally complementary; but sometimes they are also at conflict with and in opposition to each other. Scholars and legal experts are undecided as to the real and ideal relationship between the two. It will be interesting, therefore, to explore how the state legal system and the non-state legal systems are interrelated in popular perception and practice. The main problem under the present study is an analysis of the interrelationship and interaction between the two legal systems and their usefulness to society.

For a study of this problem, it is necessary, as a first step, to have a look at the relationship between law and society. This will give us an idea of the prevailing streams of thought on the subject and their relative relevance to Indian society.
Interrelationship between Society and Law

The relationship of society and law is so intimate that the sociologists of law insist on the impossibility of detaching the reality of law from the whole of social reality seen as an indestructible totality. For instance, Podgorecki says: "In the present world, it would be difficult to find social and legal systems of solitary or of an isolated character" (Podgorecki 1985). Tomasic further adds "It is too risky to research for too sharp a distinction between the two sets of systems since they belong to the same realm" (Tomasic 1982). Galanter considers "law as a cultural phenomenon and a process of change, and, in both forms, law exhibits social structure and aspirations of its various segments" (Galanter 1989). Similarly, Ehrlich opines that "a juristic act is never an individual, or an isolated thing; it is a part of the prevailing social order" (Ehrlich 1936).

In considering the relationship between law and society, it is possible to conceptualize the legal system as a dependent variable as well as an independent variable. In the former case, it is used as an instrument of social relations, while, in the latter case, it is used as a policy instrument to ensure social engineering and welfare. As for the legal system being a dependent variable, it is generally believed that if the values embodied in a legal system are at least partially derived from wider society, only then can it be effective. Durkheim conceptualized law as a cohesive force and felt that the legal codes expressed the nature and extent of solidarity or cohesion, whether mechanical or organic, of the wider society. In primitive societies the bonds of cohesion are formed by the undifferentiated norms of "common consciousness". Later, as social solidarity comes to depend more and more upon the interdependence of socialized units, the legal order
also becomes differentiated. Bodies of specialized norms develop, which are backed by the restitutive sanctions designed to restore the balance of interests between competing but interdependent social groups. He concludes that the growth of division of labour brings about the corresponding shift from mechanical to organic solidarity and from repressive sanctions to the restitutive ones (Durkheim 1960). Similarly, Maine thought that legal development was directly dependent upon developments within the wider society (Maine 1917). According to some, the development of a formal legal system both leads to and results from the economic system prevalent in a society. According to Pound (1958) in any society law is related to the economic conditions. Weber (1954) viewed the development of formal legal rationality as an expression of and, a pre-condition for, the growth of modern capitalism. The social conditions that aided the legal developments were a nascent capitalistic economy and an increasingly differentiated legal profession. In turn, the introduction of predictability or rationality into the legal system provided a basis for further expansion of the capitalistic economy. This has not been possible, according to Weber, in politics or in organisations based on the personality of the leader (Charisma) or the traditional domination of the kinship group, since "decisions in these types of political organisations were apt to be irrational in the sense of being motivated by subjective considerations" (Weber 1954). In Marxism, law can be seen as a dependent variable - as an instrument in the hands of the powerful to protect their vested interests (Renner 1949).

While looking at the legal system as an independent variable, we can take the help of an example. After India gained independence, legislation was considered an important means of bringing about social change. Laws
were passed removing the social ban on inter-caste or inter-religious marriages, outlawing polygamy for the Hindus, increasing the age of marriage and permitting divorce and widow remarriage among the Hindus. However, studies by various scholars point out that there is little evidence to prove that these evils have been actually eliminated from our society. For instance, Goode has shown that "there is no direct relation between legislative acts and increase in age of marriage" (Goode 1963). Similarly, Luchinsky (1963) and Sethi (1976) have shown that there is little or no impact of legislation in elevating the position of women in Indian society.

From the above discussion it can be inferred that in any society law is not an autonomous world by itself but is a part of society. It may be organised into special institutions, but these are not independent of the influence of other social organisations such as family, economic or political. Law is a part of society - a part of the culture, habits and attitudes of the people. Thus social forces cannot make law directly; first they have to pass through the screen of "legal culture" which is the screen of ideologies, beliefs, values and opinions of the people in a society. By and large, law does not move by itself; outside pressures and demands set it in motion and keep it in motion. Thus, in any society, as Friedman says, "the extent to which legal norms will be realised is not determined in the courts, administrative tribunals or legislatures. Rather, it is determined by society itself, as its members agree to support the legal norms in their ordinary conduct. Those legal norms which are supported by actual behaviour are termed as "law", others are shunted off. Thus, the "rule of law" derives strength from the "rule of life" and their interaction enlivens both" (Friedman 1977).
For some social scientists, law has become a vital factor in the operation of the social system. There is an increase in the functions of law with the evolution of society from gemeinschaft to gesellschaft (Tonnies 1887), folk to urban (Sumner 1906), and tribal to modern life (Redfield 1958). Even in communist nations—where law is regarded as a "bourgeois" instrument to dominate the "proletariat"—a viable substitute for "law" has not been found till today. Paton feels that it is futile to hope or expect that there will be no need for law when society is totally reorganised on communist basis. He points out that "even if no one covets his neighbour's possessions, he may still covet his neighbour's wife. Law may change its functions in a socialistic state, but no community can exist without it" (Paton 1951).

The relationship between law and society has gained importance in the writings of many present day scholars, yet the subject 'sociology of law' is in its infancy in India and has yet to earn recognition as an independent discipline. Individual research efforts of scholars like Derret and Galanter are important steps in this direction. However, research in the subject needs greater encouragement especially in the areas of dispute settlement and the persistence and effectiveness of different dispute-resolving mechanisms, since these areas have remained virtually untapped so far. In this context Cohn has rightly pointed out that "the greatest gap in the study of law in relation to sociology in India is in the area of the relation of local law ways (of dispute resolution) to the all-India legal culture and the study of this culture by anthropologists and sociologists" (Cohn 1959).
Legal Pluralism

It is well-known among sociologists and students of jurisprudence alike that most of the societies in the world are multi-legal in the sense that: "in addition to state law they display kindred regulatory systems of norms, institutions and culture performing functions similar for the social groups (at least from the group members" point of view) that the state law aspires to perform for the entire society" (Baxi 1986).

In any society, plural laws may take the form of kinship laws, religious laws, or the laws of territorial communities. Or they may also relate to an occupational community, such as the law of merchants. Even those persons who deviate from the general laws of society and form their own independent "deviant groups" have their own independent legal norms. Thus the phenomenon of legal pluralism depends upon what one regards as a "unit".

The dichotomy of the state versus the non-state legal systems has been variously articulated as "State Law and People's Law", "National Law and Local Law"; "Formal Law and Informal Law"; "Lawyer's Law and Local Law Ways" and so on. All of these homologous conceptual pairs point to the following: (i) the persistence of official and non-official agencies of government in a single society (David and Brierley 1968); (ii) more than one sovereignty in a single nation (Friedman 1977); (iii) a situation in which multiple systems of legal obligations exist within the confines of the state (Hooker 1975); (iv) the view that law is located even beyond the official agencies of government (Selznick 1968)" or (v) the co-existence of customary and non customary law within the same political system (Willy 1980). In short, legal pluralism signifies the simultaneous operation of two
sets of law, the official and non-official, although the exact relationship between the two varies from one empirical context to another.

When a society is socially and culturally homogenous, it may be able to establish a national legal culture based on the state legal system. In such a situation the institution of the "rule of law" is not beset with any special difficulties. On the one hand, when a society is heterogenous, the problem of instituting or reinforcing the rule of law becomes particularly acute. This is because "the legal system faces the problem of bridging the gap between its most authoritative and technically elaborate products at the upper end of the system and varying patterns of local practices at the lower end" (Galanter 1989). Such, for instance, is the situation that prevails to a certain extent in India.

**Legal Pluralism in India**

In Indian society today there exists a system of state law, on the one hand, and a system of people's law on the other. Galanter (1963), who introduced the distinction between the two, uses the term "local law ways" to refer to those norms which derive their authority from individuals and groups within restricted political systems, such as the village headman or the village and caste councils. The lawyer's law, according to him, refers to statute books, law reports and "Dharamshashtras" or the rules of behaviour embodied in Sanskritic texts. Galanter makes a distinction between the written and unwritten rules of behaviour (Galanter 1989).

The legal norms regulating the lives of people in India can be grouped as follows:
1. Informal Legal System, which derives its authority from indigenous norms. These norms are of two kinds: (i) Legal norms enshrined in religious scriptures pertaining to family, caste and kinship, and (ii) Legal norms operative at the level of local groups, such as customary laws and community traditions.

2. Formal Legal System, which derives its authority from written codes approved and enacted by the State including official laws as well as such legal institutions as "Nyaya Panchayats"; "Lok Adalats" and Legal Aid Programmes.

Informal legal systems are reflected in the predominant forms of social relations in rural India. These social relations either exist in sets of vertical ties within the village community, or they bind the rural people horizontally with their "biradari" or "jati" living in the same village as also in a number of adjoining villages. Such normative patterns of social relationship have been considered "legal" by scholars because they have the socially recognised authority to apply physical coercion for their enforcement (Cohn 1965). The dominant form of legal organisation for dispute resolution in these social relationships is known as "Panchayat", either, at the village or the caste ("biradari" or "jati") level.

The formal legal system was founded by the British rulers of India and is based on the "Benthamite utilitarian tradition of law". Although this legal system embodies the "impersonal" and "alien" character of the British law, it still persists and continues to thrive ever since it was established on the Indian soil. However, it is believed by some scholars that the formal legal system is at variance with the socio-cultural ethos and needs of the Indian people. On the other hand, the legal institutions of "Nyaya
Punchayats", "Lok Adalats" and Legal-Aid Programmes are the innovations of the post-independent India. These are a part of the governmental efforts to introduce economy, informality and flexibility into the western legal or judicial process. "Nyaya Panchayats", or the elected village judicial councils, have been empowered to consider and decide relatively minor disputes. "Lok Adalats" or people's courts, presided over by a judge of the District or High Court, are an open form which can be approached by interested parties for an expeditious or on-the-spot settlement of their disputes. Legal-aid programmes, as the name suggests, are meant to provide legal assistance by the government or social action groups to the poor.

The two systems, the informal and the formal, exhibit a fair amount of co-existence in their actual operation in modern Indian society. Although the formal legal system has influenced and, to some extent, permeated the folk legal system, yet it has not been able to root out the indigenous or folk law. It is often found that traditional notions of legality and methods of change persist at a sub-legal level. The areas of activity protected by the doctrine of "caste autonomy" in the form of accepted deviance, and evading or ignoring the formal law are examples of this fact. Thus, the main problem for students of legal pluralism is the analysis of the interactions that take place between the formal and informal legal systems and their usefulness to society.

Review of Literature

A survey of the literature available on legal pluralism and dispute-settlement provides an account of the patterns and processes, or modes and methods of dispute settlement in relation to the variety of legal systems operative
in any society. These studies can be further divided into two sub-heads: (1) studies related to society in India, and (2) studies related to societies outside India.

Studies Related to Indian Society

The debate on the merits of indigenization or westernization of the legal system started even before independence. For a long time scholars have been trying to find out which system goes well with Indian society. There is a plethora of literature on this subject, but there is no direct study on the popular perception, practice and evaluation of the different legal systems prevailing in Indian society. However, a few studies provide some relevant information about the evolution, development, persistence, interrelationship, functioning and relative suitability of the different legal systems in Indian society. These studies can be grouped into three categories: (a) studies documenting native legal systems; (b) studies dealing with Indian legal history; and (c) studies emphasising the interaction between formal and indigenous legal systems. The studies which fall in the first two categories are important for understanding the evolution, development and interrelationship among different legal systems; but the third category concerning the persistence, interrelationship, functioning and relative suitability of different legal systems and their efficacy to resolve disputes, remains the prime concern of the present study.

a) Studies Documenting Native Legal Systems

Most of the studies in this category were documented during 1772-1878. Some British administrators first evinced interest in the compilation of native legal systems prevalent during their time. Their efforts resulted in the
codification of Hindu and Muslim Personal Laws. Warren Hastings, the then Governor of Bengal, asked eleven learned "Pandits" to prepare an original text of Hindu law. This text was first prepared in 1775 in Sanskrit language under the title of "Vivadarnava Setu" or "the bridge across the ocean of litigation", and then it was translated into English by Nathan Halhead in 1776 under the title "A Code of Gentoo Laws on ordinations of the Pandits, from a Persian Translation". A similar process was undergone to document Muslim laws. First a text on Muslim laws was prepared in Arabic under the name of "Hedaya" and then it was translated into Persian and later on into English by Charles Hamilton in 1791. These two works represent the earliest attempts on the part of Englishmen to ascertain the principles of the two systems of law in the field of personal laws (Jain 1952). In subsequent years the task of preparing books on personal laws in English language was carried further. In 1788, Justice Jones of the Calcutta Supreme Court published a "Digest of Mohammedan Law", followed by Arthur Steele's (1793) "Summary of the Laws and Customs of Hindoo Castes Within the Deccan". There after, Elphinston's "Minute on Hindu Law" was published in 1823 while H.T. Colebrooke (1858) published a Digest of Hindu Law. The work of ascertaining personal laws was carried on in the later half of the nineteenth century. Neil Baille (1865) brought out a Digest of Mohammedan law, followed by Mayne's (1878) "Treatise on Hindu Law and Usage" (Jain 1952). In all these works the basic principles of the personal laws of Hindus and Muslims were codified in an organised and systematised manner (Jain 1952; Rankin 1946).
(b) Studies Dealing with Indian Legal History

Most of the studies in this category are based on the belief that the study of legal history is absolutely essential for the students of Indian law and judicial institutions. Fawcett (1939) says that one can understand human institutions, including legal ones, in their true perspective by the historical method. He adds that the subject of legal history is not merely of theoretical or academic interest; it has a great practical value also. A number of cases contested in the High Courts or in the Supreme Court have presented intricate problems which can be solved only by going into the past and referring to some aspects of the Indian legal history. Fawcett’s stand-point continued to receive support, with scholars like Rankin (1946); Jain (1952); Kulshreshtha (1959); Majumdar (1960); Misra (1961); Patra (1962), Pandey (1979) and Mittal (1980) and others emphasising the importance of the study of Indian legal history. These scholars have given varied accounts of legal developments in the country; and the origin and development of legal institutions, systems, principles and thought about law from the most ancient times.

(c) Studies Emphasising the Relationship and Interaction between Formal and Indigenous Systems of Law

These studies are mainly concerned with the inter-relationship, functioning and relative effectiveness of different legal systems to resolve disputes. Prominent studies in this group are Shore (1837); Dickinson (1925); Moon (1943); Shah (1952); The Law Commission (1958); Cohn (1959); Galanter (1989); Beteille (1969); Freed (1972); Kidder (1973); Lingat (1973); Diwan (1978); Iyer (1978); Baxi (1982) and Singh (1988).
Some of these studies have shown that the dualism between the indigenous systems of law and the western system of law has been well assimilated by Indian society. The law Commission of 1958, while evaluating the need for indigenization of the legal system, did not see any major contradiction between the western and the native legal systems. It further stated that the Indian legal system, in the course of its functioning, had undergone modifications suitable to Indian conditions. Moreover, even if the indigenous system had been allowed to evolve free of colonial intervention, it would still have tended to grow on the same lines as the present legal system had done. Galanter (1989) in his paper on, "Hindu Law and the Development of the Modern Indian Legal System" says that in deciding cases according to the English law the Indian courts have been conscious of the Indian conditions. So all that was unsuitable to these conditions has been discarded. The English law was "simplified, clarified, refined, pruned of localism and historical anomalies, so that it could be administered in courts staffed by men with little legal training and could be applied in outlying places without extensive law libraries". Consequently although the Code of Civil Procedure (1858); the Code of Criminal Procedure (1860), and the Indian Penal Code (1860) were based, more or less, on the English law, the commercial, civil and criminal law followed in Indian courts was not merely an imported English law, but was a transformed form of English law adapted to Indian conditions.

On the other hand, some studies emphasize the unsuitability of the British legal system in India and are in favour of the revival of the native law. Shore (1837), in his "Notes on Indian Affairs", has emphasized the unsuitability of the British legal system in India. He has mainly blamed
the western legal system for promoting a flood of interminable and wasteful litigation, for encouraging perjury and corruption, and for generally exacerbating disputes by eroding the traditional concensual method of dispute resolution. He was in favour of complete indigenization of the legal system. Dickinson (1925), in a book on "Government of India", endorses the views of Shore. His critical views focus on delay, expense, complexity of procedure and the adversarial character of proceedings as serious defects of the British legal system. He felt that under this system the people of India were becoming more and more demoralised.

Moon (1943), a British officer, in his book "Strangers in India", describes his personal experiences of India and writes about problems peculiar to Indian society. In the concluding chapter he states that the English law, which Englishmen tended to consider as perfect, did not work in India. Rather, he felt that the native law or indigenous institutions of law should be encouraged for effective dispensation of justice. Similarly, Shah (1952), a member of the All-India Bar Committee, in a report submitted to the government, says that the Western legal system is entirely foreign to the genus and traditions of the people of India, so the system is entirely unsuitable to Indian conditions.

On the other hand, there are studies which focus on the functioning and relative suitability of different legal systems in their efficacy to resolve disputes. Cohn (1959), in a study of Senapur village, writes that in any society, the way people settle disputes is part of the social structure and value system of that society. The formal legal system which is based on the principles of "equality" and "winner take it all" does not work in Indian society. The constitutionally desired social order seeks to foster through
the legal system the value of equality, whereas, the north Indian society operates on the reverse value system, namely, "men are not born equal and they have widely differing inherent worth". He says further that Indian villages are "multiplex societies" and the "network of relationships" thus evolved cannot be summarily cut by a decision of a court. Beteille (1969), in a study of a village in Tanjore district of South India found that the village Panchayats, under statutory protection and political patronage, was less effective than the de-facto "Cheri Panchayat". The relative weakness of the village Panchayat is that it attempts at the "imposition of democratic formal structure on a social substratum which is segmental and hierarchical in nature". In contrast the effectiveness of the "Cheri Panchayat" is due to "its social homogeneity and the pervasive nature of the moral bonds which unite its members". The viability of such Panchayats lies in their correspondence with the structure of the community represented by them.

Freed (1972), in her study of village life in north India, writes that the way people settle disputes is closely related to the value system of the society. Illustrating the case of Maya, she says that Maya, a married but illicitly pregnant girl, was killed by her father because he believed that his "Dharma" as father obliged him to do so for the spiritual well-being of her soul. The sooner her sinful phase was terminated, the better would her prospects be in the endless cycle of death and rebirth. He also reasoned, that Maya, if allowed to live, would be excommunicated from the village society and end up as an urban prostitute. Everybody in the family and the village agreed with Maya's father. So much so that even the police did not do anything to activate the state legal process. In this case the law of the village community, which derived its strength from
religion, stood as a sharp anti-thesis to state law, and the latter, more or less, yielded to the former. Similarly, Diwan (1978), while studying the performance of formal and informal legal systems in Punjab, demonstrates how people make use of both the legal systems, but, in reality, attach more importance to indigenous legal norms as compared to the state legal norms. The former override the latter, because the customary or local laws are always more powerful than the legislative laws.

Kidder (1973) suggests an explanation which stresses the limitations of the formal legal provisions as "arising from the social structure of the judicial system rather than in their incongruity with indigenous values". Kidder analyses in some detail the bureaucratization of the formal judicial system leading to a de-facto maximization of judicial pursuit of compromise through a de-jure adversary system. One central factor is delay in judicial disposal. Kidder finds that "in Mysore State... the average duration of contested original suits disposed of during 1966-67 by judicial decree was slightly over seventeen years". In some instances, the duration extended to over two decades. These delays and frustrations are regarded by most litigants as the intentional products of a shrewd adversary. Other litigants view the delay in procedure as part of a war of attrition aimed at nullifying a compromise, or in the ultimate resolution of the dispute that is favourable to a particular party.

Baxi (1982) in his book "The Crisis of the Indian legal system", throws light on the functioning of the Indian Legal System. He believes that India's legal system is going through a crisis which is adversely affecting its capacity for self-legitimation as well as its general sense of direction. He elaborates its causes and provides a solution to this problem. According to him, India has a diversity of institutions dealing with the process of
dispute resolution which have been ignored by the professional elite - the politicians and the judiciary - because of their bias against the traditional legal systems and their belief in the efficacy of technocratic model of legal processes. Their emphasis is on the written and formal law. For Baxi, this distortion has arisen from the material interests it subserves. In the end, he concludes that there is a need to restructure and realign the state legal system with the indigenous legal system and says that only when this happens, will there be a juridical renaissance in India.

Singh (1988) while emphasising the importance of the indigenous legal system in an article on "Law and Social Change in India : A Sociological Perspective", says that after independence the indigenous legal system has not fully evolved under the new constitution. Although the Gandhian ideology of complete decentralization and autonomy of the village Panchayat system was rejected by the constitutional drafting committee, and was not incorporated in the Indian constitution, yet, in the late 1950's, the Government recognised the importance of the indigenous legal system and felt the need to incorporate the system of "Panchayati Raj" for the lower judicial level. This decision was based primarily on the recognition of the village as a community and of the role of participatory democracy in which the judicial procedures were to be relatively informal and did not require the intervention of lawyers. Such a legal system was believed to provide easy access to justice.

Studies Related to Societies outside India

Studies dealing with formal and informal legal systems and methods of dispute settlement in countries other than India can be arranged
under three categories:

(a) Studies Focussing on Informal Legal Systems or People's Law

These studies concentrate mainly on finding out how informal laws are used in the process of dispute-settlement, and why people attach more importance to it, or consider it more convenient to make use of informal laws. Abel (1973), in his article, "A Comparative Theory of Dispute Institutions in Society", provided the starting-point for much of the "dispute literature" which has come up in the 1970's. He is of the view that informal legal processes have great significance in almost all societies. Abel's stand received support from scholars like Felstiner (1975), Brakel (1978), Nader (1979), Auerbach (1983), Cain and Kulcsar (1983), Matthews (1988) and Wanda (1988). There are a number of empirical as well as theoretical articles by them on the subject. However, the work done by Bonafe-Schmitt (1987) is worth mentioning here. In his paper, "The Place and Function of the Informal Modes of Dispute Resolution in the Development of Legal Pluralism: A Comparative Study of France and U.S.A.", he has attached great importance to informal methods practised by people in the process of dispute settlement in any society. He observes that the increase in the number of cases dealt with by a court is often presented as an evidence of increase in the judicial character of our social relations. Without denying this fact, however, he feels that this phenomenon hides another reality; that is, historically speaking, the courts have never held a monopoly over the settlement of disputes. There has always existed an informal system of justice (like the Disciplinary Committees in Companies or Associations) and also different kinds of private arbitrations, particularly in commercial matters. He further says that the state has for sometime been developing "extra-judicial procedures"
such as conciliators or "Boite Postale 5000" and has thus attained greater flexibility in judicial procedures.

(b) Studies Focussing on Formal Legal Systems

These studies mainly evaluate the state legal system, its functioning and effectiveness, how the system is being used by the people in day-to-day affairs, and how it can be made more effective. On the whole, these studies seem to be based on a liberal pluralist vision of access to justice as some instrumentally achievable goal. These studies can be further divided into two groups. One group deals with the legal experts working in the formal legal system; such as by Corsale (1987). She focusses her research on experts working in the Italian judicial system. Stages and Foot (1988) have made a study of Canadian legal experts, while Burrage (1988) has attempted a study of French, American and English legal professionals. The focus of the other group of studies is on the effectiveness of the state legal system. Gessner and Konstanze (1988) have said that a German legal judicial system is quite effective because it is able to incorporate the particularistic legal system. As a result of this, the out-of-court dispute processing institutions play only a marginal role in the present-day German legal system. Similarly, Thoolen (1987) in a book "Indonesia and the Rule of Law : Twenty Years of "New Order" Government" talk of the effectiveness of the state legal system in Indonesia.

(c) Studies Focussing on the Relationship and Functioning of Formal and Informal Legal Systems

In the third category come those studies which deal with the relationship and functioning of formal and informal systems of law in a society. There
are a large number of publications dealing with one or another aspect of this subject, such as Danzig (1974); Epstein (1974); Nader and Todd (1978); Starr (1978); Engel (1978, 1990); Gulliver (1979); Koch (1979); Fitzgerald and Dickins (1980); Felstiner, Abel and Sarat (1980); Spitzer (1980); Galanter (1981); Kulcsar (1982); Tomasic (1982); Gessner (1988); Merry (1988) and Wolkmer (1991). A few of these have been presented here to understand the major trends. One finds that in his book "Code and Custom in a Thai Provincial Court: The Interaction of Formal and Informal Systems of Justice", Engel (1978) has compared the co-existence of traditional and modern legal systems in Thai society. The author finds that divergences between codified and customary law provide a source of legal change. He also finds that the handling of disputes is translated from one normative order to the other, due to lack of coordination between these two systems.

Starr (1978) makes an important contribution to the study of the working of formal and informal legal systems in a small Turkish village. She compares the handling of disputes at the village level and at the district court level. She finds that dispute settlement through informal mechanisms works well when scarce resources are not at stake and where grievances occur between persons who have a fairly smooth functioning relationship and where only one matter is at issue. This contrasts with the disputes handled formally. In such disputes social relations between the parties are nominal and there is an imbalance of power between them which is difficult to equalize informally. In such cases the complaint cannot be dealt with by a private person, and the formal techniques of dispute settlement are more advantageous. Thus, she observes that people make use of both formal and informal legal systems depending upon the issue.
of the dispute and the parties to the dispute. Wolkmer (1991) in an article, "Legal Pluralism, Social Movements and Alternative Practices" says that there is a need for a proper realignment between the traditional and modern systems of law and adjudication. On the one hand, the complex demands of the present impose the need to search for new roads and directions of law, while, on the other hand, the modern law cannot work in isolation and in ignorance of the importance of traditional law ways.

The above review of available literature shows that the whole question of how the formal state legal system and the non-formal indigenous systems of law function in a social milieu and how they are interrelated, and finally, how they are viewed by the people themselves, is still open, unsettled and in need of more intensive, systematic and subaltern investigation. In the Indian context several scholars have stressed the need for studying the informal legal systems operative at the local levels to judge the effectiveness or ineffectiveness of the modern legal system. Srinivas (1970) made a plea for the study of what he called the "submerged legal system" in his essay, "The Study of Disputes in an Indian Village". He pointed out that "...the systematic study of disputes in rural areas and their settlement constitute an important field of research". Further, Das (1974) and Baxi (1986) feel that there is not even a single sociological compilation of the corpus juris of any social group in India. Of course, digests of customary law, compiled for administrative purposes by the British, are available for some regions and for some specific tribes, but these can hardly be called sociological in perspective. Thus, there is a paucity of sociological studies in the analysis of the interrelationship between formal and informal legal systems operating in plural societies.
**Research Objectives and Questions**

In view of the above, the present study undertakes a sociological study of the plural legal systems and attempts to examine the working of formal and informal legal systems in rural India, where close to seventy percent of the Indian population resides. It aims at examining how villagers living in communities either remote from or close to urban centres have been drawn into the national administration and legal systems. It tries to answer the following questions:

Do villagers continue to follow their own customary procedures and local traditions in resolving disputes? To what extent do the agents and bureaucrats of the new Indian Republic intervene in the resolution of local disputes and quarrels? How do villagers view the formal, secular legal system, and in what ways is it relevant to their lives?

**The Specific Objectives of the Study are as Under:**

The study mainly inquires into the patterns and processes, or modes and methods of dispute settlement in relation to the variety of legal systems operative in rural Punjab. It intends to explore from the subaltern perspective how people in the Punjab country-side belonging to major caste, class and religious categories perceive, practise and evaluate the various systems of law and adjudication in terms of their efficacy to resolve disputes. Various situations or cases in which disputes are resolved outside the recognised legal framework, state or non-state, are also examined.

As stated above, the objective of the present study is three-fold, namely, to understand and describe how different legal systems (state or people's/formal or informal) are (i) perceived, (ii) practised, and (iii) evaluated in terms of their efficacy to resolve disputes by people in the state of Punjab.
(I) In regard to point (i) above, the study explores how the rural Punjabis perceive, define and classify dispute settlement. In this context, answers to the following questions have been sought:

(a) How do rural Punjabis perceive and characterize a "dispute"? What is a disputable matter for them?

(b) How do villagers classify disputes? Do they classify disputes on the basis of issues involved in the disputes? Or is the classification based on the mode of dispute settlement?

(c) What type of grievances occur between what categories of persons in what types of social relations?

(II) The second objective of the study is to ascertain how the subjects of investigation go about settling their disputes. The questions pursued in this regard are:

(a) How far people depend on informal or formal methods of dispute-settlement? Do they continue to follow their own customary procedures and local traditions in handling disputes or have they switched over to the formal legal systems?

(b) When is a disputable matter a concern for the family, kinsmen or relevant others beyond the village? At what stage villagers turn to the practice of state legal methods for dispute resolution?

(c) What are the "rules", "strategies" and "games" villagers pursue to successfully handle disputes?

(d) To what extent do the agents and bureaucrats appointed under the new Indian Republic successfully intervene in local disputes and quarrels?
III. In the end, it may be pointed out that while the study focuses on the community as a whole, a selective comparison of their methods of dispute-settlement is made on the basis of three variables, namely, caste, class, and religion of the subjects. This helps us in determining how far these variables shape and account for differences in the popular perception, practice and evaluation of the two systems in dispute-settlement in rural Punjab.

The present study is based on some assumptions such as (a) in dispute-settlement, people make use of more than one legal system simultaneously or in succession. (b) The relationship between informal and formal legal systems is complementary rather than contradictory. The folk view is able to accommodate the alien viewpoint within its own parameters. (c) The appeal or popularity of the indigenous system lies not in the classical textual law but in the simplicity and quick dispensation of popular customary laws or folk culture. (d) Since dispute-resolution is chiefly a method of adjustment or consensus, the informal means of dispute-resolution are more effective than the means upheld under the authority of the formal legal system.

Significance of the Study

This study is on the border of two fields: sociology and law. It is an attempt to assess the effect of various systems i.e. state and non-state, in rural communities. The present investigation is expected to be fruitful, as it would add to the theoretical development of the subject, and also throw light on the popular perception, practice and evaluation of the state legal system by the rural folk. It will further help legal administrators to re-examine or reassess legal policies to the adequacy of law as an
instrument of social change. In a plural society like India, universalistic legal values can be made more effective only through a comprehensive understanding of the particularistic legal norms and their interaction with the formal legal system.