

T H E N A R I A D A L A T

A Grassroots Response to Violence and
Injustice against Women

Innovations towards
Education for
Empowerment

Grassroots

Women's
Movement

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Introduction

The United Nations declaration acknowledged the gender based roots of violence, recognizing that violence was a social mechanism through which women are forced into subordinate positions. The international community has recognized that Violence Against Women¹ is a violation of women's human rights, their bodily integrity and their sexual and reproductive rights. It is used as a tool of terror, and relates to male assumptions about privileged access and ownership. If women speak out against violence perpetrated against them, they are often blamed for its occurrence. If violent acts are hidden to avoid dishonouring the family or community, then again, it is the woman who bears the burden of silence, shame and social isolation.² Violence against women, perpetrated through unequal power relations and socio-economic forces is accentuated by legislation and cultural sanctions that have traditionally denied women an independent legal and social status. Domestic violence being perceived as a private matter has added to the problem. The Protection of Women from Domestic Violence Act (2005) is a

significant attempt to recognise domestic violence as a punishable offence and to provide emergency relief for victims, in addition to legal recourse. However, it is critical that this progressive law reaches marginalised poor women, and enables them to challenge centuries of violence and oppression even within their own families.

"Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Source: UN Declaration on Elimination of Violence against Women, Resolution no. A/Res/48/106, 23 Feb, 1994; 'International Commitments to Eliminate Violence against Women'

The Nari Adalat, an innovation of Mahila Samakhya (MS), emerged as a grassroots response to the rise in violence against women that only a decentralized, gender sensitive forum could address. The Nari Adalat is a women's collective formed across age, caste, marital status, religion, region and occupation which addresses issues of violence against women (VAW), and helps them access their rights as citizens. The MS programme has

been designed to address women's education as a way to enhance women's agency. Thus 'education' does not refer to just formal educational systems but includes the whole gamut of life-skills related to better access and control of opportunities and resources for women related to health, dignity, freedom from violence, and political decision making.



Nari Adalat Judges, Vadodara, Gujarat

Methodology

A review of the literature available with the Mahila Samakhya Gujarat was followed by state visits to Gujarat where the Nari Adalat was documented as the main study while in Karnataka and Uttar Pradesh it was documented for supplementary information. The team visited Rajkot and Vadodara districts in Gujarat, Gulbarga district in Karnataka, and the districts of Sitapur and Saharanpur in Uttar Pradesh. Field studies were extensively conducted in the month of February, May, June and July 2010. The study is further informed by a previous extensive study done by Best Practices Foundation on the Nari Adalat in 2004 in seven districts in Karnataka. Follow up visits and discussions also took place in September and October 2010.

Structured and semi-structured interviews were conducted with around 120 Nari Adalat members from all three states in focus group discussions and individual interviews. Discussions with Nari Adalat members gave clarity on the functioning, impact and challenges of the practice which was further supplemented by secondary data analysis of annual reports, specific materials

1 UN Declaration on Elimination of Violence against Women, Resolution No.A/Res/48/106, 23 Feb, 1994; 'International Commitments to Eliminate Violence against Women', <http://www.un.org/documents/ga/res/48/a48r104.htm>

2 Punam Shrestha, *Cultural Dimension Of Violence Against Women In Nepal*, <http://www.scribd.com/doc/19145361/Punam-Shresthas-Cultural-Dimension-of-Domestic-Violence-in-Nepal> (accessed 31 October, 2010).

available with MS and other literature on Nari Adalat. Interviews with 110 MS staff members from district and state offices across three states were conducted on the processes and strategies in forming and strengthening the practice. Simultaneously, for these aspects researchers worked with trainers from all districts in Gujarat to detail operational procedures and functions of the Nari Adalat towards creating a toolkit. As the practice involved people outside the sanghas, interviews of complainants, defenders and their families also informed the study. A total of 16 external stakeholders including police, lawyers, Women's Commission members and panchayat members provided external perspectives on the potential, value and functioning of the Nari Adalat.

This study on the Nari Adalat aimed at providing insights into the most robust processes and strategies and therefore, Nari Adalats were selected where impact was most visible. This poses limitations in generalising these findings across all Nari Adalats, but it does showcase the icons of this innovation and the factors that enabled them, thereby demonstrating possibilities for all others to reach. The study was a one time assessment and therefore provides only a snapshot of the Nari Adalats when the study was conducted and is unlike process documentation that captures the entire process on an ongoing basis.

Nari Adalat: The Forum for Gender Justice

The MS programme evolved in its journey from gender equality to gender justice as a natural progression influenced by the realization that equality had to stem from an overall process of socio-political empowerment which could make women agents of their own transformation. Thus in practice, where the Nari Adalat emerged as a social justice forum largely of women, for women



Nari Adalat in session, Gujarat

and by women, its priority is to find a solution using a wide range of strategies including statutes, negotiation, counselling, pressure group tactics and evidence based decisions.

Why Marginalized Women Need Their Own Court

Rising trends of violence against women manifest in different forms - rape, domestic violence, female foeticide - in several states in India. The story is not different in the three states of Gujarat, Karnataka, and Uttar Pradesh. Gujarat has the 6th highest number of reported cases of incidents of cruelty. The



Woman waiting to be heard by the Nari Adalat, Gujarat

child sex ratio in the age group of 0 to 6 had fallen sharply from 928 to 878 (ICRW, 2002). Uttar Pradesh also has poor gender indices with a low sex ratio, low female literacy, high maternal mortality and early age at marriage for girls.³

Saharanpur district in Uttar Pradesh, in the nineties, saw a spurt in economic growth but their symbols of success, the "tall sugarcane fields" also became

sites for sexual assault for women. Over 31% of dowry deaths and 12.3% of cases of cruelty committed against women in India during 1999 were recorded from Uttar Pradesh. The figures of domestic violence for Karnataka given by the State Crime Records Bureau (SCRB) say the situation of violence in 2009 was the worst in the last five-year period, where husbands or their relatives were the perpetrators of violence against women. Cases of violence against women in 2009 increased to 8,839 as against 7,698 in 2008 and included violent crimes such as gang rape, molestation, abduction and dowry deaths.⁴

Adding to this abysmal picture of violence is the sheer lack of sensitivity in the traditional systems of justice and formal courts which are also expensive and time consuming. Rai Behn⁵ states that she has a property case against her brother pending in the court for five years, during which she has spent a lot for the

³ Ibid.

⁴ B. S. Ramesh, '8,839 Domestic Violence Cases Registered In 2009', 2010, *The Hindu*.

⁵ Rai Behn, Gujarat Interview.

proceedings. Getting a favourable order also does not necessarily mean an end to her problems. A lawyer in Karnataka⁶ states, “Even when the court gives the order in favour of the woman, it does not mean, that the perpetrator obliges immediately. In a majority of cases, the woman will have to put another execution petition to ensure that the order gets executed.”

What is a Nari Adalat?

The Nari Adalat is an alternative system of social justice for women, embedded in women’s collectives called sanghas and operating as an informal, conciliatory, non-adversarial social network to carry constitutional rights to the poor and in particular, victims of violence.



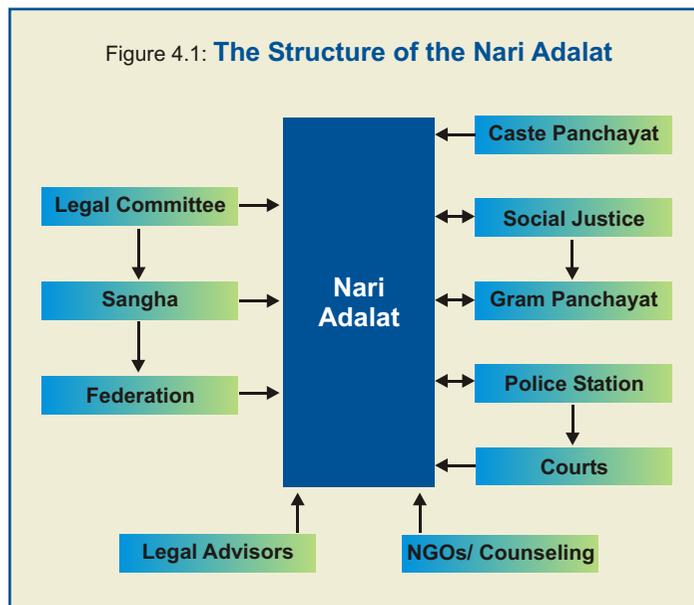
Nari Adalat in Nagal Block, Saharanpur

Objectives of the Nari Adalat

- To provide the forum for women to access affordable justice and speedy resolution free from patriarchal bias
- To serve as a social space where women can speak out against violence and voice their protest against traditional oppressive practices within families and communities
- To serve as a forum where women can express their problems of deprivation and injustice without the hassle of complicated procedures and intimidating authority

Structure of the Nari Adalat

The Nari Adalat is typically formed at the block level and builds on cluster and village levels structures of sanghas and the legal committees within these sanghas. Sanghas are the starting point of Nari Adalats in all three states (Figure 4.1). The legal committee is formed within sanghas and is trained to solve legal issues at the village level. The Sanghas are federated at cluster



and block levels. Federations serve a variety of functions including handling issues which cannot be handled by the sanghas at the village level. The Nari Adalat members are chosen from the most capable leaders of the legal committees at the block level. In all three states, the Nari Adalat is now at the block level along with the federation. In Karnataka, the Nari Adalat was initially formed at the district level in Gulbarga as part of a pilot experiment but later this was decentralized to block levels as part of the federation to make it more accessible to women. There are plans to devolve the Nari Adalat to the cluster level in Karnataka.

Federations and sanghas act as conduits to the Nari Adalat to both reach out to women facing injustice as well as to support the Nari Adalat in solving their cases. In their functioning, the Nari Adalat builds networks with non government organisations and government institutions such as the Mahila Ayog, police, courts, block offices and gram panchayat. It also builds linkages with local institutions such as caste or Gynati panchayats⁷ and community leaders.

A Country-Wide Snapshot of the Nari Adalats

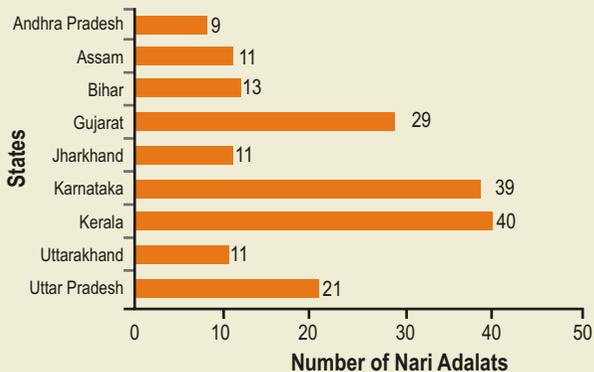
The Nari Adalat, one of the core practices of MS, has been transferred to most states through exposure visits and peer learning. Chart 4.1 indicates the number of Nari Adalats (data from 2010) in the nine states of India where Mahila Samakhya is operational. The states with the largest number of Nari Adalats include Kerala, Karnataka, Gujarat and Uttar Pradesh. A total of

⁶ Anita Kulkarni, Lawyer, Gulbarga Interview, 30 June, 2010.

⁷ Gynati Panchayat, also known as caste Panchayat is a village level caste council whose members are normally nominated and not elected. It derives its presence and power from a

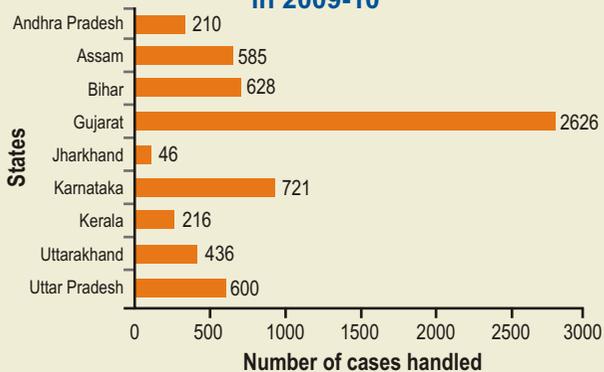
Shared 'caste' or community 'identity'. UNDP, *Towards Inclusive Governance, Promoting the Participation of Disadvantaged Groups in the Asia-Pacific*, UNDP, Bangkok, http://asia-pacific.undp.org/practices/governance/documents/Towards_Inclusive_Governance-200805.pdf.

Chart 4.1: Nari Adalats formed by MS in nine states



6,068 cases were handled nationally by the Nari Adalats in 2009-10 alone, of which Gujarat Nari Adalats handled more than a third (Chart 4.2). The state handling the second highest number of cases is Karnataka (721 cases) in 2009-10 alone, followed by Bihar and then Uttar Pradesh. This study is based on three states where the Nari Adalat presence is the strongest namely, Gujarat, Karnataka and Uttar Pradesh.

Chart 4.2: Cases handled by Nari Adalats in nine states in 2009-10



Evolution of Nari Adalats

This section focuses on the genesis and milestones of the Nari Adalat, primarily in Gujarat, and to a lesser extent in Karnataka and Uttar Pradesh. Gujarat was one of the three pioneering states where the MS programme was started in 1989 with Mahila Samakhyas, Gujarat (MSG) as an autonomous organization. The *sahayoginis* mobilized women into sanghas, where they started to discuss and work on issues like roads, drinking water, health, drainage and so forth. The women began to ask the *sahayoginis* how they could raise the issue of violence against women, in the Gram Sabhas. In most of the sanghas, cases of domestic violence against women were prevalent from the very beginning. Many of the *sahayoginis* were themselves experiencing violence while negotiating their roles with the families. Neither did they

know how to deal with such cases nor where to go for redressal. In such an unclear and fragile situation, the basic strategy adopted by the sangha to deal with VAW centred on talking to both parties, holding village-level meetings, and mobilising opinion leaders for arriving at mutually acceptable solutions. The initiative gathered momentum as sangha members and *sahayoginis* gradually derived confidence in their capacities and through experience.

In most states, it was an event of injustice that triggered the birth of the Nari Adalat. In Gujarat, a gruesome incident accelerated the creation of the Nari Adalat in Vadodara district (Box 4.1).

Box 4.1: Murder of *sahayogini* catalyses the creation of Nari Adalat

In Vadodara, Gujarat, a *sahayogini* was murdered by her husband in 1991. This incident catalyzed sangha women and *sahayoginis* to address the issues of domestic violence directly by women themselves. “We (*sahayoginis*) decided that a group of women from different sanghas will meet on the first Monday of every week because this is the day when the Taluka Court starts their work. We would sit under a ‘Neem’ tree (*Nimboda*) in front of the court so that we are visible”

Source: Interview with a *sahayogini* in Gujarat

In September 1995, the legal committee in Vadodara renamed itself as Nari Adalat (Women’s Court). In Uttar Pradesh, issues of violence were widely prevalent with MS functionaries, themselves being recipients of violence in their homes and society. One of the sangha members was raped in Nagal block in Saharanpur and the women decided that violence had to be countered if they were to be empowered. Thus, the Nari Adalat began in the district of Saharanpur, in Uttar Pradesh in 1997.

In Karnataka, issues of violence and marital discords came to be discussed in the sanghas and the women felt the need to tackle these issues as a collective (Box 4.2). In 1997, MS functionaries and four legal committee members, from Karnataka visited the Gujarat Nari Adalat to learn about its functioning. Responding to the need from the ground and equipped with knowledge from the exposure visit to Gujarat, the Nari Adalat was formally initiated in the districts of Gulbarga and Mysore (where it was called a legal sub committee) in Karnataka in the year 2000.

Box 4.2: Tackling problems together

In Chincholi block, Gulbarga district, Karnataka a crèche teacher, Sanjamma was married to a man who was in military service. It was cousin to cousin marriage where her

brother was also married to her husband’s sister. Owing to some misunderstanding over certain traditional practices, both the parents were not on talking terms and her in-laws refused to accept her. During a crèche meeting she explained the whole thing and requested for help. She felt that the problem had to be solved immediately, since her husband was on leave and was available in the village. A group of women went to the boy’s house and took her along. Women spoke to the parents and amicably resolved the issue. They reached an agreement that the next time of his vacation, the families will make all necessary preparations to let the couple live together. This became an inspiration to form a Nari Adalat. Even today they are proud of having solved this case.

Source: Interview with District Programme Coordinator, Gulbarga

The Journey So Far: Milestones

From their humble beginnings in one block, the Nari Adalat has now spread its wings across different levels in eight states. The Nari Adalat reached its current stature over the years, through several phases of awareness creation, capacity building and structural support systems. Table 4.1 provides the milestones of the evolution of the Nari Adalat in two of the pioneering states - Gujarat and Karnataka.

Table 4.1: **Milestones of Nari Adalats in Gujarat and Karnataka**

Year	Gujarat	Karnataka
1992-3	Sangha women handling issues at family level	
1994	Legal Committee formed	
1995	Started Nari Adalat in Vadodara at Taluk level	
1996	Para legal residential course, first phase in 96-97	Legal Committees formed
1997	Para legal residential course, second phase in 97-98	Exposure visit of Karnataka team to Gujarat
1998	Nari Adalat started in Rajkot, Banaskantha	DPC Gulbarga transfers practice to Karnataka. Gujarat team visits Koppal Karnataka to share Nari Adalat practice
1999		District level legal committee forms
2000		District level Nari Adalat starts in Gulbarga and Mysore
2001	Nari Adalat started in a block in Sabarkantha, Surendranagar, Panch Mahal	

2002		Linkage established to the Karnataka state government Santhwana programme in 19 blocks across nine districts
2005	Nari Adalat spreads to other blocks in Surendranagar	Sindhuvani, an externally funded programme replaces Santhwana to provide counselling and documentation expertise to the Nari Adalat in 19 blocks across nine districts.
2006	Nari Adalat spreads to other blocks in Sabarkantha	Nari Adalat Nyaya Sankalpa Samavesha : State Level Convention
2008	Nari Adalat spreads to other blocks in Rajkot and Sabarkantha. Experience sharing workshop at State Level	Nari Adalat started at block level
2009	Nari Adalat spreads to other blocks in Rajkot, Surendranagar, Vadodara	Nari Adalat spreads to other areas
2010	Gujarat government announces there will be a Nari Adalat in every block	Plans to take Nari Adalat to cluster level in nine districts

Although the Nari Adalat in Karnataka was based on the Gujarat model, the evolution of the practice has varied based on the ground realities and support mechanisms available in the state. The Nari Adalat in Karnataka was closely associated with a government funded counselling and legal services programme named Santhwana and later Sindhuvani, a similar programme funded by other agencies. The details of these linkages are discussed later. In Gujarat, however, Nari Adalats have been recognised widely by the government in several ways, including recognizing the need for Nari Adalats in all blocks.

Forming a Nari Adalat

Figure 4.2 provides an overview of the process of formation of the Nari Adalat as it took place in Gujarat. Being a need based practice, it is critical that at the sangha level, the need for such a forum is felt. First, the sanghas are formed after which legal committees are formed within each sangha. Sanghas are given broad training on issues of collective mobilisation, rights, strategies like acting as pressure groups and a variety of Legal knowledge and information. Legal committee members are given legal awareness training. At the cluster level, some women are selected from the legal committee and given detailed legal training. The Nari Adalat members are selected from this group of trained women at the block level.

Figure 4.2: **Forming the Nari Adalat**



The women who were chosen for the Nari Adalat are those with leadership skills, deductive reasoning, stable temperaments and a service orientation^{8 9}. Then the members are given para legal training in four phases by legal experts. Nari Adalat members visit the court, police and other block level offices on a rotation basis to develop networks with government institutions. It is also important to forge linkages within the community to build support for the Nari Adalat. The venue and timings are strategically planned for the Nari Adalat hearings only then does the Nari Adalat actually start functioning. After it is formed there are several activities conducted to strengthen the Nari Adalat including training, regularizing its meetings, coordination with government and non government institutions, and creating a support system for the members.

Sustaining the Nari Adalat

Once the Nari Adalat is formed the institution itself needs to be built through on going capacity building, coordination among and between other Nari Adalats, creation of a support structure and by

strengthening institutional linkages with the Government and non governmental bodies. (Figure 4.3).

Institution Building

In order to establish itself as an institution, it is critical for the Nari Adalat to systematise its internal processes and functioning. Women must have confidence in this institution in terms of its availability, affordability, sensitivity and in its ability to resolve cases. This systematisation is carried out in two ways - through defined processes for the overall management including regularity of meetings, financial management and monitoring of the Nari Adalat and secondly, by ensuring that all the members resolve cases guided by an overall philosophy informed by a clear women's perspective.

Figure 4.3: **Strengthening the Nari Adalat**



Managing the Nari Adalat

The first step to systematize the functioning of any institution is to regularise its meetings. To ensure these meetings take place, the Nari Adalats decide on a date in a month and meet at a pre-determined venue. At these meetings, decisions are taken to obtain support from the sanghas, legal committees and the federation for obtaining evidence, to mobilize community support and to follow up cases where agreements have been reached to ensure that they are indeed being implemented. These meetings are distinct from the hearings themselves, while the venue could be common. The meeting place could be the panchayat office, *anganwadi* or a school area. In this manner, potential clients know when and where to approach the Nari Adalat for hearing their cases every month. Initially MS used to fund the meetings and continues to do so, in some districts. When MS withdraws financial support, the Nari Adalat evolves a different model in each state.

8 Kulkarni, Jyoti, DPC, Gulbarga interview.

9 Journey to Justice – A film on Nari Adalats.

In Karnataka these meetings are held at the block level. The Nari Adalat reports to, and is accountable to, the federation which plays a strong monitoring role. Reports to the federation include details of the cases handled and their status. Here, one executive committee (EC) member of the Federation is linked to one Nari Adalat member. Each EC member is in charge of 4 to 5 villages. It is expected that the federation would be a conduit for cases to come to the Nari Adalat and if cases do not come from a particular EC and Nari Adalat member, the federation inquires informally, the reason for the same.

It is important to note that Nari Adalat members are themselves economically marginalized women who work as wage labourers. Therefore, when they come to sit as judges and lawyers in the Nari Adalat, they would be giving up their daily wages unless their honorarium is funded by other sources. On an average, it was found that one member would have to contribute two days per month for work related to the Nari Adalat. Besides the cost of the documentation and stationery, the Nari Adalat members would have travel and food expenses when they go on field visits to collect evidence or resolve an issue. Travel cost for the monthly meetings and training is supported by the MS programme in Karnataka. In order to minimize these costs, visits are often planned such that the Nari Adalat members closer to the village, go for the visit, or request the client to make arrangements for their travel and boarding, if they can afford it. In Gujarat, the state funds a sitting fee of 75 rupees for each Nari Adalat member for two days in a month. This is an honorarium amount given to them for their services. Beyond this, the Nari Adalat charges a fee ranging from 100 rupees to 1000 rupees, depending on the ability of the client to pay. This amount is used for their operational expenses, like stationery, travel and food expenses during field visits.

In Karnataka, the Nari Adalat members charge a case registration fee ranging from 250 to 350 rupees across different districts. The registration fee is used to cover other operational expenses and incidentals at the time of field visits. In some districts, the Nari Adalats do not charge a fee currently but plan to. In Gulbarga district they have a separate bank account with small corpuses of around 3,000 to 4,000 rupees built up from savings from the fees. A typical case costs about 150 rupees. However if the case requires more than a single visit, and goes up to even six visits, the cost may exceed the fee. The Nari Adalat members in Gulbarga also reaffirmed the role of the federation which looks at the balance sheets of the Nari Adalat and is capable of providing resources to fund the Nari Adalat where necessary. However, to date, they have not used the federation funds for Nari Adalat operations.

In both states, the registration fee is not charged out of a profit

motive but rather to finance the operational expenses. The fee mechanism began when MS started withdrawing from the area and when there was a change in role that MS played. In case a client cannot afford the registration fee, they would also make an exception for her. The registration fee mechanism is not cast in stone which confirms that the original objective of the Nari Adalat to provide affordable justice to women is still intact. There have been instances when the Nari Adalat members themselves have given the client her bus charge to return home. Since they have strong linkages on the ground through the sanghas, they are well aware of the client's financial situation.

In Uttar Pradesh, the Nari Adalat charges 11 rupees for registration, this covers only the expenses for agreement papers and photo copies. Here, travel expenses for the case if any, are borne by Nari Adalat members themselves. Overall, the Nari Adalat members expressed confidence that they could meet their day to day operational expenses either through their fees or current institutional funding.

Guiding Philosophy of the Nari Adalat

The Nari Adalat is guided by certain principles which make it stand apart from the other judicial mechanisms. The Nari Adalat is an institutional and yet informal structure that has been instrumental in empowering women *by creating an environment* where women are aware of their rights and have an understanding of laws that can lead to gender equality. The intensive capacity building on legal literacy builds the knowledge base of the Nari Adalat and the legal committees. These institutions at the community level are now empowered to actively shape local institutions and society towards gender equity. The Nari Adalats are also aligned to the MS philosophy that *"all processes and activities within the programme must be based on respect for women's existing knowledge, experience and skills"* where the roots of the Nari Adalat are embedded in the



Of the women, for the women, by the women

community. Therefore it has a deep understanding of its clients and the community in which they reside, local customs and traditions. With this knowledge, the Nari Adalat is able to arrive at a “solution” that can be both in the best interest of the woman and also has the legitimacy and ownership of the community. In several cases, the woman may want to return to the community and her family, but without the harassment or abuse, while in other instances, she may not. Either way, the priority and the pace of the decision making process is set by the woman herself.

The Nari Adalat operates with the woman at the centre stage. Although the Nari Adalats are trained in legal aspects, their process of resolving cases is not particularly legalistic. When a woman approaches the Nari Adalat she is confident that their judgement would give weight to the circumstantial evidence, substantiated by the community and she is not further burdened with the need to “prove” her point as is often expected in formal systems. In fact, until the Domestic Violence Act came into being, the law expected the woman to prove the crime committed against her, which in most cases was difficult. Even after the enforcement of the Domestic Violence Act, the judicial system, with its patriarchal functioning, is not completely in tune with the spirit of the Act. While to an outsider it may appear that the Nari Adalat does strictly follow the law, the principles behind the judgements are based on what the woman wants, ensuring her survival and a solution of her problem rather than a rigid vindication of justice.

The Nari Adalat being an informal, non-adversarial forum maintains an environment that resembles an extended family, making it easy for women to speak openly. It also ensures that women from different castes and communities are able to access the Nari Adalat, without discrimination. Even when the Nari Adalat opens its doors to women from upper caste and well to do families, they are always conscious that this forum was initiated for the marginalized communities and therefore, all their processes remain flexible to accommodate poor marginalised women.

Building Capacities: Laws, Counselling and Gender

The Mahila Samakhya plays a major role in developing the abilities of Nari Adalat members. In Gujarat and Karnataka, basic legal awareness begins in the legal committees. Para legal training in four to five phases was given to select legal committee members who then formed the Nari Adalat. This course covered laws related to women like dowry, female foeticide, divorce, and property rights. Later when the Domestic Violence Act and the Right to Information Act was passed, training was imparted on that as well. The training focussed on the impact of the patriarchal system on women, justice delivery systems, legislation

pertaining to women’s rights, process of filing a First Information Report (FIR) and registering a complaint in the court. Simultaneously, capacities of MS functionaries were also built to assist the Nari Adalat members.

The Nari Adalat members were also trained on concepts of discrimination and women’s rights. Being members of the sangha and the legal committee, they already had basic awareness of gender concepts. However, in the Nari Adalat, their role was further enhanced to act as judges and lawyers where they need to further ensure that all legal decisions imbibe a ‘pro-woman’ perspective. Newly formed Nari Adalats are taken on exposure visits to older Nari Adalats to learn about their functioning. Members from experienced Nari Adalats have also gone to other states to train them.

The Nari Adalat requires ongoing capacity building on new acts, policies and on legal counselling as complexities of cases handled by the Nari Adalats have increased. With the implementation of The Protection of Women from Domestic Violence Act (2005), a highly relevant legislation to the Nari Adalat functioning, specific awareness programmes on the Act was initiated in Karnataka. The inability of the Nari Adalat to comprehend and interpret legal documents held by the complainant sometimes leads to difficulties in decision making. In the absence of a support system (such as on-going access to legal counselling services and guidance), the decisions of the Nari Adalat are vulnerable to potential legal dispute. The Nari Adalat members interviewed strongly articulated their need for continued legal education on domestic violence, property laws, women’s land and other rights, legal processes and procedure. This is also necessary for legal committee members who may have to sit in the Nari Adalat on rotation. In Gujarat, the Nari Adalat members have emphasized the need for a support system preferably located at the district MS offices, which could provide legal counselling, facilitation, Information Education and Communication (IEC) materials. Thus, unless a long-term capacity building strategy and a corresponding plan is translated into action, it will be difficult to consolidate the gains achieved by MS vis-à-vis the Nari Adalats.

Community Sanction for the Nari Adalat

The Nari Adalat is a practice which operates with a high level of community support. The judgements of the Nari Adalat do not have legal validity per se and therefore, it is largely social pressure that helps the Nari Adalat implement its decisions. They also depend on the community for circumstantial evidence to base their judgements. The sangha plays an important role in mobilizing the community for the Nari Adalat. The community awareness campaigns conducted by the committees in the villages build the visibility of the Nari Adalat as a redressal

mechanism where women can take their cases. Beyond that, when the community sees the cases being solved by the Nari Adalat, their credibility increases and they start referring more cases.

Nari Adalat in Wakaneer block in Gujarat has developed an extremely collaborative and cordial relationship with leaders of the community like the Syed Jammats and the Members of Legislative Assembly. In this case, the Nari Adalat is called upon to arbitrate cases which come before the 'Jammats'. As most of the Nari Adalat members are Muslim women themselves and because of their cordial relationship with the 'Jammats', they are familiar with the personal laws and the principles of 'Shariat'. During interviews with community leaders, it is corroborated that Nari Adalat has won the approval of the Muslim community in Wakaneer Block. Irfaan Peerzadav, a community member of Gujarat says, *"When someone says that cases cannot be solved by Nari Adalat members on religious grounds, we tell them that they are working according to our philosophy. We are associated with Nari Adalat and have solved the cases which were pending in the courts for years."* According to him, when women's cases come, he recommends that they are referred to the Nari Adalat.

Similarly the caste panchayats play a major role as traditional forms of justice and the Nari Adalats wherever possible have developed synergistic linkages with them. Thakur Prahlad was a member of the Gynati Panchayat earlier. He says, *"We now consult the sangha women, whenever any case comes to us. We also refer the cases of domestic violence to the Nari Adalat, instead of deciding on those by ourselves. The Nari Adalat has now won the approval of the members of the Gynati Panchayat. The decisions of the Nari Adalat are now accepted by the Gynati Panchayat as well. I have attended a few cases of the Nari Adalat. I have also referred three to four cases to them. Whenever the members of the Nari Adalat need the help of the Police, I support them"*.

In both instances, community support has grown as an outcome of the Nari Adalat's demonstrated ability to deal with cases effectively. Referrals to the Nari Adalat are a direct result of the growing visibility and credibility of the Nari Adalat with the community who is now able to appreciate the difference between regular courts, panchayats and the Nari Adalat.

Under the Umbrella of the Federation

The Nari Adalat is embedded within the structure of the federation, and garners support from the federation for different purposes. On a continuous basis, the federation also reviews the activities and accounts of the Nari Adalat.

In dealing with cases sometimes, situations arise when the opposite party does not come for the hearing or does not abide by the agreement. If the party is a powerful person in the community, the federation acts as a pressure group providing strength and support to the Nari Adalat through its numbers. There are many instances where the federation provides support. For instance, in Gujarat, the women in the federation held a demonstration before an ashram where girls were molested. They also made a representation to the District Magistrate which resulted in the arrest of the culprits. In Uttar Pradesh, the women of the Federation had taken rallies before the police station and their aggregate strength compelled the police to act. Box 4.3 illustrates the power of the federation to challenge and overcome local power relations through sheer numbers.

Box 4.3: Federation acts as a pressure group to resolve a case

In Gulbarga district in Karnataka, a woman, named Lakshmi, approached the Nari Adalat, after almost 20 years of her marriage. Her husband, Satyanarayana remarried when she was pregnant and started harassing her when she returned. She filed her case in the court thrice, during which, she was tortured by her husband's family and she returned to her parents' place. Her daughter was even kept away from her for three months and threatened if she even mentioned her mother's name. After the third hearing, her daughter was taken to Lakshmi's maternal home. The daughter says, *"When the court could not solve our problem for 20 years, we approached the Nari Adalat".* Initially, the husband refused to come for the hearing but the Nari Adalat members confronted him several times and finally convinced him to come. Satyanarayana came for the hearing in a jeep with some thugs. Expecting this, the Nari Adalat members had collected around 150 women, including EC members, federation members, sangha women and Nari Adalat members from the nearby blocks. Satyanarayana was shocked to see the support for his wife and finally had to accept his daughter. The daughter says, *"He now looks after me well and has also incurred all the expenditure for the marriage."*

Source: Nari Adalat member, Gulbarga, Karnataka

The Sangha backs the Nari Adalat

The sangha plays an important role in helping women access the Nari Adalat, solving the cases and following up of solved cases. Most clients, outside the sangha hear about the Nari Adalat through a sangha woman, a legal committee member or through their relatives. In Karnataka, a greater number of cases pertain to women outside the sangha.¹⁰ Since the sangha women are now

¹⁰ Interview with DPC, Gulbarga.

aware of their rights, they are also able to 'identify' violence in their neighbourhood and among non-sangha women, who they refer to the Nari Adalat. The sanghas also put social pressure on the parties to resolve cases before the Nari Adalat. Another important feature of the Nari Adalat lies in its ability to go beyond a judgement in ensuring its implementation - a feature missing in formal systems - and only possible through the sanghas. It is often the sanghas that act as a conduit for information to the Nari Adalat on the status of their clients after resolution. They ensure that the judgement is executed and follow up on the well-being of the woman. If a woman wants to stay independently, they may turn to the sanghas for support and protection. As Ambika (Box 4.4) did not have any family support, the Nari Adalat realised that she could not go back to her husband's house and used the wide networks of its sanghas in different villages for shelter and for her livelihood.

In Gujarat, it was observed that sangha women join the Nari Adalat hearings. They help the Nari Adalat strategize on cases even offering advice in decision making and assist in getting the two parties together, as well as ensuring the participation of village leaders, GP members and the Social Justice Committees of the GP at the time of the judgment. In Uttar Pradesh, Sangha women invite male members to attend Nari Adalat proceedings, which not only get their support but serves as a forum for gender education.

Visibility, Sustainability and Legitimacy through Networking

The Nari Adalat in general, works with Panchayats, and sometimes with the police to resolve cases. Institutional linkages at district

and state levels were also seen in Gujarat with the Women's Commission and in Karnataka with the legal counselling services under Directorate of Women and Child Development (DWCD).

In Gujarat, the support was tangibles in the form of identity cards, or sitting fees as honorarium for the days of the hearings. Linkages have been developed with local government bodies, lawyers, doctors and the police. Additionally, they have got financial support and state legitimacy through the State Mahila Ayog, which is now planning the replication of the Nari Adalat across Gujarat in every block.

In Karnataka, the legal committee had the specific task of meeting different stakeholders like the police every month as a means of developing their network in the village. Knowing departments and key personnel is an important aspect of their growing capacities to resolve cases at the sangha level.

In Karnataka, the Santhwana and Sindhuvani programmes played a key role in building the relationship between the Nari Adalat, the government, police, advocates and legal counsellors. Santhwana, a 24 hour toll free helpline was started in July 2002, with conceptual and financial support from the Directorate of Women and Child Development (DWCD). Santhwana centres, located in the federation office in each taluka along with the Nari Adalat, were staffed by counsellors and social workers who responded to complaints received in person and on the helpline. The clients were counselled and provided psychological, emotional and legal support. The toll free helpline helped women to access the Nari

Box 4.4: Sanghas supports Nari Adalat to resolve a case

Ambika of Gorur B village, Gulbarga district, Karnataka was an orphan and had studied up to the eighth standard. Her husband was an artist who did wall paintings but was mentally imbalanced and would torture and abuse her. She was tortured by her in-laws and sexually abused by her father-in-law as well. In her village, one of her relatives was a member of an active sangha. Her case reached the sangha and subsequently the Nari Adalat. After hearing her case the Nari Adalat decided that she should not be sent back to her village as she did not want to go back. The Nari Adalat women asked the sangha whether anyone could take responsibility for her. It was then decided that sangha women from another village would take care of her and provide shelter in their sangha hut. Lakshmi, another Nari Adalat member says, "We felt bad that she was being tortured so much and we decided to help her from the sangha." Ambika lived in the room given by the sangha and took care of herself and her child. There was a

crèche centre nearby and she started to work there.

Through the Indira Awas Yojana Scheme, the government allotted a house for her. But to get the house, it was important that she should be considered a 'nivaasi' or resident of the village, which she was not. She had been living in this village for four to five years, and sangha women vouched that she was a resident of the village and got her the house. Today she lives in this house and has the job of an ASHA *kaaryakartha*, because the villagers have chosen her. Ambika's husband called her twice and the sangha women protected her. Ambika told her husband, "You had not come when I needed. Now that I have money, you have come to me"

Nari Adalat members say, "We did not consider it as a burden when Ambika had to stay in our village. She is educated and helps us in the sangha. She reads and writes for us at the sangha and teaches our children. We have helped someone from another village, and if anything like this happens to someone in our village, other villages will help us"

Source: Ambika, a Nari Adalat client, Gorur B village, Gulbarga District, Karnataka

Adalat who together with the Santhwana counsellors dealt with the cases. Santhwana centre, the federation and the Nari Adalat referred cases to each other. Recording the case details, contact with the police, court and counselling services were provided through the Santhwana centres, while the Nari Adalat supported the cases by gathering evidence on their background, garnering community support and participating in the decision making. In the year 2003-2004, the combined efforts of Nari Adalat and



Federation Member, Gulbarga

Santhwana were able to address 2,629 cases.

The Sindhuvani project was launched in June 2005 to harvest the knowledge and experience gained through the Santhwana programme.

Sindhuvani was a 12 hour helpline supported by IFES and USAID to provide gender sensitive legal counselling and support services to women in rural districts of Karnataka. There were 19 Sindhuvani centres at taluka level run by a counsellor and two social workers under the supervision of the District Programme Coordinator of MS. The Sindhuvani had budgetary components to maintain the centre, to build staff capacity and for services of lawyers.

Continuous networking with other NGOs, police, lawyers' collectives, DWCD and with other departments like education, social welfare and tribal welfare helped build support for the Nari Adalat. A sub-committee was formed where Taluk DSP, District level SP, Sindhuvani counsellors, Nari Adalat and MS functionaries would meet once in 2 to 3 months to solve cases. This sub-committee strengthened the contact between Sindhuvani and the police department which helped to speed up the redressal process.

Global Rights, an NGO from Bangalore provided para legal training to the Sindhuvani counsellors and MS functionaries on laws related to marriage, divorce, property rights, violence against women and procedures to file cases. The counsellors were also trained in counselling skills and on various techniques of problem solving. Functionaries and social workers also learnt the skills of listening, responding positively, observing keenly, expressing, questioning and empathizing with the client. The Sindhuvani project also hired fellowship lawyers on an honorary basis to provide legal support for different cases. Several of these lawyers are still associated with the Nari Adalat. Through this association, the counsellors learnt how to record and document case details. It also gave them access to the latest information on relevant laws and policies.

In 2005, a radio programme on the role of Sindhuvani and Nari Adalat was aired providing visibility to both initiatives. While cases would come to the Sindhuvani through its helpline, the Nari Adalat would follow up cases at the village level and report back to the counsellor. Monthly reviews of the cases were done by both the centre and the Nari Adalat. These meetings and collaboration helped the Nari Adalat develop their own skills in documentation, counselling and they learnt how to systematically deal with a case. These meetings were also a forum for the Nari Adalat and the Sindhuvani staff to share their experience and knowledge. The Nari Adalat was given para-legal training and other legal information by the Sindhuvani team and both referred cases to each other. The counsellors and the Nari Adalat thus played a symbiotic role (Box 4.5). Together they addressed 10,374 cases in the three year span of the project. The Sindhuvani and the Santhwana initiatives in Karnataka built the skills of the Nari Adalat to document, to counsel and to liaison with local agencies. The Nari Adalat, in turn, added value to these programmes by providing nuanced localised evidence and feedback to the counsellors which tailored their decision making to the local conditions.

Box 4.5: Sindhuvani and Nari Adalat work together to stop child marriage

Sangha members brought to the notice of the Nari Adalat that a child marriage was to be conducted in Gudahalli village. At first, Nari Adalat and sangha members advised the family members about the ills of child marriage by just raising awareness. The community also did not let the sangha women seek help from outside the village to stop the marriage. Initially the family agreed, but covertly went ahead with the wedding preparations. Knowing this, the sangha women tried to stop the ceremony from taking place. When the Nari Adalat members found out, they arrived at the village along with the Sindhuvani counsellors and went to the village temple where the marriage was to be conducted. The family were furious and abused the sangha women. They accused them of ruining their daughter's life, saying that it was poverty that compelled them to get her married. They told the Nari Adalat and Sindhuvani members that if they were so concerned, they should take the girl away. The Nari Adalat and Sindhuvani members agreed to do so, provided the family gave their permission in writing. Members and sangha women living in the same village faced a lot of problems from the community but soon the family realised the value of the advice and recognized that it was wrong to marry off their child early.

Source: Mid Term Review Jan-Feb 2007 Sindhuvani Mahila Salaha Kendra

Cases - The Modus Operandi of the Nari Adalat

Being a community-led initiative the Nari Adalat usually addresses specific types of cases, mostly those linked to domestic issues. Nari Adalats in different states also have diverse views on the types of cases and the clientele that they service. However, all Nari Adalats follow some clear procedures while solving any given case.

Kinds of Cases Handled by the Nari Adalat

Nari Adalats usually take cases related to domestic disputes such as adultery, polygamy, maintenance, physical torture (wife beating) and suspicion-led torture, mental harassment, dowry and dowry deaths, infertility, rape, custody of child, divorce and abandonment. Other types of cases include child marriage, and caste based atrocities. Typical clientele are women from marginalised communities.



Case of domestic violence, Vadodara, Gujarat

In Gujarat, the Nari Adalat also takes cases from men in cases of marital disputes. It is neutral to the economic class of clientele with cases registered by wives of bank managers, and even revenue officers. The Nari Adalat in Uttar Pradesh focuses more on domestic issues and seldom takes property related cases, while Gujarat and Karnataka deal with property cases also. Nari Adalat members are wary of taking criminal cases like murder, especially, when it is pending in the court. However, they attend to rape cases and over the years have developed their capacities to record evidence in such cases.

Empathy, Justice and Resolution - How the Nari Adalat Resolves a Case

The Nari Adalat facilitators are women who come from the same milieu as the clients they serve. However, they strike a balance between the informality of the forum and a structured procedure,

thus keeping it approachable for the woman, and at the same time, handling each case systematically. The Nari Adalat typically follows these steps to resolve a case, brought by a woman. Throughout the process, Lakshmi's case is used as an illustration (Box 4.6).

Box 4.6: Nari Adalat solves a case using evidence and community support

Lakshmi lived in Halligeri village, Koppal district in Karnataka. She fell in love with the Gram Panchayat President's son. The President, Chandrasekhar, was economically better off than Lakshmi and he opposed the relationship. Therefore, the couple eloped and was living in another district, Hubli. After eight months, the boy decided to visit his parents. By then, Lakshmi was pregnant. He went home and informed his parents about his pregnant wife. His father threatened him that he would lose his rights over their property, if he brought Lakshmi home. They also hid him in Kangeri mutt. When he did not return in three months, she filed a complaint in the police station in her native village in Koppal, as per the advice of her neighbours in Hubli. She learnt later, that the PSI was bribed with 60,000 rupees and therefore were not helping her in any way.

She thus approached the Nari Adalat. After listening to her story, the Nari Adalat first decided to verify the facts at Hubli. They collected grocery bills and enquired about the couple in the community in Hubli. Convinced of the authenticity of the case, the Nari Adalat members called for a community public meeting. They narrated the injustice meted out to the girl by the GP President. They asked the crowd how such an unjust person can be a good leader and solve their issues. The village community agreed to support the Nari Adalat. At the public meeting, the Nari Adalat told the GP president, that they have the support of 20,000 women at different levels and that they would ensure justice in this case. After the meeting, they went to the police station to enquire about the case. The PSI did not respond and further tried to discourage them. Then, they approached the SP and narrated the case. The SP immediately ordered the PSI to take necessary action. They also involved a local television channel to cover the issue. The Nari Adalat had a private meeting with the boy who said that he was beaten and pressurized not to accept her. Finally, Chandrasekhar accepted the relationship and the couple got married. The PSI was transferred to Bidar and had to return the bribe.

Source: Interviews with Nari Adalat members in Karnataka

Listen to her

First, they listen to the woman's problems. They try to make her feel comfortable so that she can talk about her problem without

any hesitation. She relates her concerns face to face with the Nari Adalat members. In case of sensitive issues like rape, they would speak to her separately, as members understand how difficult it is for her to speak in a public forum. The Nari Adalat members were often seen to pacify the woman while she was speaking.

Ask her what she wants

Unlike the formal and traditional forums of justice, the philosophical foundation of the Nari Adalat is deeply entrenched in ensuring the well being of the woman. For instance, in some domestic issues, the woman may choose divorce and maintenance, and at other times, she may want to be reunited with her husband. 'Justice' according to the Nari Adalat is typically based on the 'choice' of the woman in their final decision.

Documentation of the Case

Once the Nari Adalat decides to take the case, they would document the case history in their register. Some Nari Adalats have a separate format for recording the details of the case. Documentation happens throughout the duration of the case.

Listen to the other side

The Nari Adalat calls the second party through a letter. If they come for the hearing, they listen to the other side of the story. If they do not appear after repeated notices, some Nari Adalat women may even visit the village to enquire and meet the other party.

Verification of facts

The Nari Adalat ensures the credibility of the case by collecting all evidence and verifies the complaints from a number of sources. This helps the members to arrive at a decision and to strengthen their stand when confronted by the second party. For example, the Nari Adalat collected evidence (grocery bills) to prove that Lakshmi's claim of living with the GP president's son in Hubli was verifiable.

Strategising to arrive at a solution

Arriving at a conclusion for a case is not always simple. They would need to exercise a good sense of judgment to differentiate between right and wrong. Implementing the solution is also not easy. The Nari Adalat uses a number of strategies for arriving at, and implementing a solution depending on the case. The following strategies illustrate the different methods adopted by the Nari Adalat.

Holding a public meeting of the village community

Often the Nari Adalat garners community support by first meeting key leaders, and then with the sangha mobilizes a public meeting. Often the Nari Adalat needs community support to take action against the second party. In Lakshmi's case, in the public meeting the Nari Adalat could "shame" the GP President, a powerful

person in the village and make him socially accountable for any decision.

Support from the Federation

In general the federation is an important source of strength for any case, which the Nari Adalat can draw upon in public meetings. Box 4.6 illustrates how the Nari Adalat derived support from the federation, through sheer numbers, to stand up against the GP President.

Acting as a pressure group

Along with building linkages with the police, gram panchayat and caste panchayat for support in solving cases, the Nari Adalat also holds them accountable by acting as a pressure group. In Lakshmi's case the Nari Adalat members involved the media to put pressure on the police.

Exploit the hierarchy in the formal system

The Nari Adalat uses formal institutions and the hierarchies within them to their advantage, especially to deal with corruption at lower levels. Here in Lakshmi's case when the Nari Adalat members did not receive any response from the police sub-inspector (PSI), they went up to the Superintendent of Police (SP) to take action on corruption and forced the PSI to properly handle the case.

Formal agreement

In some instances, the solution is arrived at the Nari Adalat meeting itself, through consensus. To achieve this, Nari Adalat members counsel, negotiate and advise both parties. If the second party does not agree or denies the charges, the Nari Adalat collects evidence to strengthen the case and sometimes resolves the case at the village itself. Resolution sometimes happens with the support of the community leaders and the sarpanch or even by applying pressure. Once a decision is arrived at, an agreement is signed by both parties on stamp paper in the presence of witnesses.

Follow up

To ensure that the agreement is executed, the Nari Adalat follows up on the case through the sangha or community leaders, who then meet with family members entrusted with the responsibility of executing the decision. The Nari Adalat also makes direct inquiries on telephone. In certain instances, they may even ask the party to appear before the Nari Adalat after a stipulated period. Besides providing a judgement, these methods of monitoring the cases ultimately results in immediate justice for women relative to courts, where execution requires more legal process and consequently further delay.

For each case, the Nari Adalat, uses appropriate strategies to deliver justice for the woman. For instance, in rape cases, they

gather evidence and support from doctors. For community issues like alcoholism, they gather support from the sangha, village leaders and the Gram Panchayat. In Gujarat, the Nari Adalat initially made strategic alliances with the caste panchayat, and finally won them over. In Uttar Pradesh, the Nari Adalat built a cordial relationship with the Sub-Divisional Magistrate, whose support increased their credibility before the public authorities. In Karnataka the Nari Adalat reported that in certain cases, when the initial alliance with local police failed because of corruption or political influence, they approached police at block and district levels. For some cases, they garner the support of the federation to act as a pressure group.

The Nari Adalat also uses the provisions of law in its work. They use the PWDVA (2005) extensively to create awareness on the entitlements of the woman and also to negotiate an agreement favourable to her, ensuring that this progressive legislation is proving its relevance in the lives of marginalised poor women. Women consider the Nari Adalat as a support system, which can either apply the law in a manner appropriate to their context, help them approach the formal systems which enforces the law or even act as witnesses in the court. Thus, resolution of a case is brought about through a combination of empathy, analysis, negotiation, judgement and justice.

Why Nari Adalat Amidst Other Judicial Mechanisms

Given the existence of formal and informal justice delivery systems, the relevance of the Nari Adalat is often questioned. The courts exist to enforce the law of the land and panchayats were created with the objective of resolving community issues. So, what is the need for the Nari Adalat? In order to appreciate the significance of the Nari Adalat, it becomes important to understand the variation in procedure, perspective and approaches in these justice delivery systems.

Difference between Nari Adalat and Formal Courts

Apart from the huge backlog of cases which further delays justice delivery, the approach, style of working and perspective of formal courts are very different from the Nari Adalats. Some of these differences intimidate illiterate poor women preventing them from even approaching the court, or the police. Even today, Nari Adalat members are forced to explain to the police that issues of domestic violence are not private, to be kept secret inside homes. A woman in UP¹¹ says, “I don’t know what would happen to me at the police station. Often, the hawaldars leech at us.” Many are intimidated and lack of information on procedures at the police

station, also keep women away. Being a non-formal women’s forum, clients approach the Nari Adalat without fear and even seek their help to reach the courts.

The perspective of the judge can also turn the case around. In a case where a six year old was raped by a middle-aged man, a judge ruled that the accused was swayed by his emotions and could not be blamed! The judge offered a small amount as compensation to the victim. Compare this judgement with that of Heera’s daughter, in Gadh village in Gujarat, where she was raped by two sons of a Sarpanch (Box 4.7). Here, the Nari Adalat members went as witnesses to the court with medical evidence and finally, the court sentenced the accused to two years rigorous imprisonment and a penalty of 1,00,000 rupees as compensation.

Box 4.7: Heera gets vindicated with Nari Adalat support

A sangha member of Gadh village of Jasda block reported that her daughter Heera had been raped by two sons of the Sarpanch of her village. The Sarpanch used to threaten the sangha member that her son would also be killed if she reported the incident to anyone. She then told other members, that she was being threatened by the Sarpanch. After hearing the incident, the sangha members escorted her to the police station to lodge a complaint. The police then gave protection to the family of the victim. But the Sarpanch filed a court case alleging that his sons were falsely implicated. Outside the court, the Sarpanch tried to bribe Heera’s family and asked them to take the case back. But the woman refused as she wanted justice. The Nari Adalat appeared in the court as witnesses to testify that the Sarpanch (father of the sons) had filed a false case. They insisted that the victim be examined by a doctor.

Accordingly, Heera was taken to Surendranagar where she was examined by a doctor who appeared before the court and gave medical evidence of the rape. After receiving this evidence, the Court sentenced both sons of the Sarpanch to rigorous imprisonment for two years and fined 1,00,000 rupees to be given as compensation.

Reported by Samu Ben, Rajkot district, Gujarat, June 2010

The Nari Adalat is different from the formal courts in several ways. It resolves cases in three to four sittings while delays in courts can even extend to several years so that even a favourable judgment would not have provided her relief when she most needed it. As courts need lawyers to argue the case, such delays further make it expensive and unaffordable for poor women, unlike the Nari Adalat. Hearings are adjourned when parties fail to appear in

¹¹ Interview with MS staff, Sitapur, February 2010, citing women’s experiences with the police.

court delaying justice. The Nari Adalat, on the other hand, would personally visit the house of the opposite party and force them to appear. Courts follow a legal procedure, based on the arguments of lawyers to deliver judgements with very little scope for mutual consent. Often, such agreements are termed as 'out of court' settlements. Compare it with the functioning of the Nari Adalat, where any agreement is arrived at through several rounds of negotiation and counselling with the parties and communities, so that all stakeholders are completely involved in the decision. The biggest difference between the courts and the Nari Adalat lies in its access to clients through the sanghas, after the resolution of the case. The Nari Adalat members ensure that the agreement is executed through regular follow up. The courts are not expected to play any role in the lives of their clients after a judgement is passed. If the parties do not abide by a judgment, the client would have to file an execution petition to ensure its implementation. Through the Nari Adalat, women get resolution to their problems and sometimes, even easy access to the police and courts.

Difference between Nari Adalats and Traditional Justice Delivery Systems

Decentralized, informal alternative systems of social justice have evolved in India from the traditional caste and community-based structures called the Panch. There are various social groups like Dalit communities (Varkars and Maheswaris), cattle herd communities (Rabaris and Bharwads), farming community (Bhanusalis) and Muslim communities (Memons, Mansuri, Kasabs, Ker and Mokars), in Gujarat who have their own systems of justice delivery.

The caste panchayat protects and sustains the patriarchal social order of the community while the Nari Adalat protects the rights of women. In the former, more often than not, the victim is even further traumatized by perspectives that are biased against women. One member reminisces, *"Earlier, if a woman was raped in the village, her hair would be shaved off and she would be paraded naked in the village."* When a Koli¹² woman who was harassed and beaten by her husband sought divorce, she was asked by the caste panchayat members to furnish 2,00,000 rupees as compensation for expenses incurred by her husband during their seven years of marriage! Fortunately, the Nari Adalat intervened, calculated the monetary value for tasks that she had performed during their marriage, as 7,00,000 rupees and demanded that he give that to her - a perspective which the men in the panchayat could never have thought of! (Iyengar, 2007)

As an informal forum, both systems use similar methods such as social pressure and public shame to enforce a judgment, but the

difference lies in their verdicts. In case of the caste or Gynati panchayat typically, the violator is the woman who dared to dishonour well established social norms and the verdict tends to



Father and daughter appear before Nari Adalat, Vadodara, Gujarat

reaffirm patriarchal norms. The Nari Adalat on the other hand, through its verdicts often establishes new patterns of social justice, where women take choices contrary to convention. Like in all community based, decentralized informal systems, the Gynati panch derives its strength and legitimacy from a shared caste identity while that of the Nari Adalat is a shared gender identity.¹³

Another important difference between caste panchayats and Nari Adalats lies in the expenses involved in the adjudication. Often the caste panchayat expects a percentage of the amount transacted in the case while the Nari Adalat offers affordable, often free, services for those who seek their help. These higher costs sometimes influence men to seek arbitration from the Nari Adalats, even though they are perceived as favouring women.¹⁴

Impact

In the states and districts studied, the Nari Adalat has been seen to have an impact on the lives of many women and on the community as well. The members themselves have experienced a transformation in their lives, in their status at home, and the respect they have earned through their work. One must qualify these findings to the extent that the methodology did select areas where the Nari Adalats were the strongest.

Women's Voices Become Stronger

Through the Nari Adalat, women finally have the option of a judicial system which is affordable, sensitive and approachable.

¹² The Koli is one of the largest communities in western India, a large percentage of which is concentrated in Gujarat, <http://www.joshuaproject.net/people-profile.php?peo3=17247&rog3=IN>

¹³ Iyengar (2007), p.20.
¹⁴ *Ibid.*

Women report the biggest impact of the Nari Adalat as their access to rights. They also know that the Nari Adalat will not provide a judgment alien to her context, but would rather reach a solution involving all parties.

Justice for Women

The Nari Adalat is an icon of gender justice which upholds women's rights. Through its moral integrity it is able to challenge local power structures. Box 4.7 illustrates how the Nari Adalat was able to use formal institutions and their knowledge of the law to provide protection and justice to Heera and thus challenge local power structures. It would have been very difficult for Heera to take up her cause alone against the sarpanch of the village. The involvement of the police by the Nari Adalat provided her family the protection that gave them the courage to take the case forward. It was the presence of the Nari Adalat at the court that helped strengthen her case legally.

Women have approached the Nari Adalat for a variety of issues - rape (Box 4.7), abandonment (Box 4.3), divorce (Box 4.9), sexual abuse (Box 4.4), harassment (Box 4.10), dowry, and infertility. These cases demonstrate that instead of suffering violence in their

lives, the women are now able to confront it. They derive that confidence from the knowledge that the Nari Adalat is accessible to them. Women outside the sanghas have never been educated on their rights and yet the Nari Adalat has influenced them to respond differently to violence and oppression.

In their own homes and communities, the Nari Adalat members also try to influence traditions and customs to deliver gender justice. A Nari Adalat member in Karnataka says, "I have conducted four marriages in my village and ensured that no dowry was given or taken"¹⁵. Similarly there are instances in Karnataka where the Nari Adalat and legal committees have stopped child marriages and prevented girls being dedicated to temples as *Devadasis*.

While perceived as a forum that upholds women's rights, the Nari Adalat has been known to rule in favour of the man when justice demands it. Box 4.8 provides an instance of a man falsely accused where the Nari Adalat's decision protects him, the family and the long term interests of the woman. It is precisely this form of impartiality that has won the Nari Adalat its credibility in the community.

Box 4.8: Nari Adalat upholds justice for a man

Saraswati Ben was married to Mahendra of Vabol village in Gandhinagar Block. The couple had an eleven year old child. When she returned back to her maternal home, she lodged a complaint with the Nari Adalat that her husband used to consume alcohol and beat her. The Nari Adalat sent a notice to both parties and Mahendra appeared in the very first sitting. Mahendra testified that he never drank. In support of his statement, he asked the Nari Adalat to get any of the villagers to testify. On enquiry it was found that in the absence of Mahendra, Saraswati had developed a relationship with a rich friend of his. He would provide all the basic amenities to Mahendra's family, and even presented ornaments to Saraswati. Despite Saraswati knowing that the friend was married with three children, she was still attracted to him. Now, Saraswati wanted a divorce from her husband, so that she could stay with his friend. But Mahendra was not ready to grant the divorce. On the second date of hearing, both parties attended the Nari Adalat with their respective relatives. Saraswati's relatives also reported that Mahendra was not a drunkard and did not commit any offence. The Nari Adalat counselled Saraswati that she should realize that her husband's friend was a married man with children and that later she may be subjected to physical and mental torture. Even after this counselling, Saraswati was unwilling and still demanded a

divorce. The Nari Adalat then called Mahendra and persuaded him to grant Saraswati a divorce. Despite this, Mahendra did not want to divorce Saraswati as he had a child from his first wife (who had died) and also a child from Saraswati. On the 4th sitting Mahendra came with their son. When the Nari Adalat offered them food and drink, they started weeping. The son said that his mother had been misled by his father's friend, and may harm her later.

On the 5th sitting Saraswati turned up at the Nari Adalat and reported that she was no longer interested in living with Mahendra. The Adalat then ruled in favour of Mahendra and directed her to live with him separately in a nearby town, Gandhinagar, away from his friend. The members counselled her saying that even the children were affected by her illicit relationship and she may face further distress if she left the husband who is caring, and the children who loved their mother. Both parties were given time till the next hearing to try to live together. The settlement was recorded on stamp paper. The Nari Adalat members also warned Saraswati and Mahendra that, if the relationship broke, both would have to face consequences. After two months the Sangha members called them up on the phone, and they reported that they were living happily. Presently, Mahendra has got a house at Gandhinagar and the couple are living there.

Reported by Machhi Ketal, staff member in Gujarat

15 State level focus group discussion of Nari Adalat members, Karnataka, 2 July, 2010.

Women Centred Approach

Several cases that come to the Nari Adalat are about issues within the family and marriage. Their guiding force for resolution is however the woman and her context. Therefore, their judgments in cases of similar issues could vary, although the outcomes would ultimately empower women. For instance, marriage cases have judgements ranging across reconciliation, divorce, maintenance, accountability for children or punishment. The members respect the framework of marriage and family, only as much as their clients want it (Boxes 4.9 and 4.10). Where the woman does not want to stay with her husband the Nari Adalat has used medical evidence in favour of the woman who was falsely accused of infertility to establish his infertility and validate her remarriage.

Box 4.9: Sarifa seeks separation

Halu Ben's daughter, Sarifa, was married to Naseerudin, of Balasar village. One day, Sarifa reported to her mother that because her husband was infertile she was being mentally abused, and not allowed to visit her father's house or even attend her sister's marriage. If an invitation for a festival was sent to Sarifa's in-laws' only Sarifa could not attend or wear ornaments. When warned that she would not be allowed to visit her maternal home, without her in-laws' consent, Sarifa returned to her maternal home for good. Then Sarifa's father along with five other community leaders requested her in-laws to take Sarifa back and allow her to visit her parents. During these seven months when efforts went in vain, they approached the Nari Adalat. Despite six notices, her husband and in-laws did not appear.

Then the Nari Adalat members went to her in-laws' house to serve the notice personally. After getting the 7th notice, they appeared before the Nari Adalat. But they refused to believe the statement of Sarifa, that her husband, Naseerudin, was infertile. In the next hearing, the Nari Adalat advised both of them to appear for a medical examination. After the tests it was found that Naseerudin was indeed infertile. The Nari Adalat then counselled both parties to come to a settlement. It called both parties and also the Maulvi (priest), who had signed their '*Nikahnama*' (marriage contract) on the condition that her gifts would be returned. Sarifa Ben has remarried, and is now living happily.

Source: Interview with Halu Ben, Rajkot, Gujarat, May 2010

Typically when the woman is infertile the husband perceives himself as having the right to leave his wife and this right is now given to her by the Nari Adalat. Secondly, given the abusive nature of the relationship, the Nari Adalat chose to protect the woman rather than the marriage.

In instances as described in Box 4.10 when the woman wants to

stay in her marital home, the Nari Adalat through continuous probing and follow up, were able to surface underlying conflict between the man and woman and provided the evidence and counselling necessary for reconciliation. Only because the Nari Adalat has its tentacles in the legal committees, which are locally



rooted, can it operate in this manner. In this case, issues related to survival of the poor woman and her children influence the Nari Adalat modus operandi to ensure property or maintenance is provided to her.

Box 4.10: Zubeida reunites with her husband with her rightful share of property

Rahim bhai and Zubeida Ben are a couple from Jhuni Kalavadi village, Wakaneer Block with two daughters and a son. Rahim is a graduate in micro-biology while Zubeida studied up to class five. Rahim bhai was a laboratory technician in Wakaneer for five years after which he left the job and was in a state of mental imbalance. For a year after that, he would beat Zubeida and finally threw her out. She returned to her maternal home, with her younger daughter, after facing great humiliation. She was not allowed to take her elder daughter and her son with her. After a week, her son was returned to her with the help of the community leaders from her in-laws' village. She stayed at her father's house for one year. It is at this time that Zubeida approached the Nari Adalat and registered her case. She wanted to return to her husband's house with her children. The Nari Adalat served her husband three consecutive notices, but to no avail. One day, he was found wandering around Wakaneer and was forcibly taken to the Nari Adalat. There he was counselled to take his wife back, but was not ready to do so. Failing to persuade Rahim bhai, the Nari Adalat approached the police who also requested him to take his wife back which failed. On several occasions, members

took Zubeida Ben to her in-laws' house, but her husband refused to accept her. They then persuaded Zubeida Ben's brother-in-law to let her and her children stay at his house for some days. Thereafter, she took a house on rent to stay with her children. At that point of time, the Nari Adalat arranged a meeting with community leaders and the Sarpanch requesting them to provide her a share of the property to which she was entitled and the liberty to live in it separately, with her children. Her share of land was given to her, but she was not equipped to farm the land and for five years, she worked as a daily wage labourer.

During the investigation, the Nari Adalat found out that Rahim bhai had set up a diagnostic laboratory in partnership with his friend. After sometime, Rahim bhai quarrelled with the partner and shut the laboratory down and set up a laboratory of his own. When he was unable to manage it, his friend took over the new laboratory and gave a share of the earnings to Zubeida Ben. This was the root of the quarrel between the couple since the husband suspected an affair. Understanding this underlying cause, the Nari Adalat began the process of reconciliation.

After five years, the family was reconciled and Zubeida's brother helps her to cultivate the land with her husband. Whenever there is no work in the field, she works as a daily wage labourer under MGNREGS. The husband is now taken care of by his wife. When her mother-in-law died her last rites were performed by Zubeida. This was because Zubeida had taken care of her mother-in-law, when she was bed-ridden. Zubeida is now managing her husband's entire property, along with her own. Now, Rahim bhai has not only accepted her but does not utter a single word against his wife.

Source: Interview with Nari Adalat members in Gujarat.

This is not within the capacity of regular courts that would only look at available legal evidence, which would have probably resulted in a superficial judgement in this case. No court would have walked the extra mile to have understood the roots of the problem, nor would it have exercised the same patience in the follow up and counselling exhibited by the Nari Adalat in this case. An in-depth, on-going, localized, culturally sensitive process of investigation resulted in an outcome where the woman was empowered enough to manage the entire property, her family, maintain a decent standard of living and increase her household status.

In cases of rape and sexual assault, even when the case does not reach its conclusion with punishment to the perpetrator, it was seen that through the process of case resolution itself, there was a substantial increase in the confidence of the woman as in the case

of Ambika (Box 4.4). By bringing her issues to the Nari Adalat, she had already overcome her first barrier of 'shame' and 'guilt' (ICRW, 2002). Ambika had approached the Nari Adalat in a state of helplessness after being continuously abused sexually by her father-in-law, but now, she is employed, lives independently and is even helping other women in her village. This non formal forum for women, to share their problems and plan for the future, is an empowering process, by itself.

Access to Resources

Awareness on property rights among the Nari Adalat members has a direct impact on women's access to resources. Women, with the support of the Nari Adalat, now have the choice of getting maintenance and their share of property rather than suffering within the family or to be abandoned without any support. For instance, Fatima (Box 4.11) did not even consider the option of getting her share in property or her dowry money when her in-laws were indifferent to her. The Nari Adalat, with their knowledge of rights and property laws, brought home this awareness to the woman by allowing her to exercise her right to her husband's property. Here, another distinguishing factor is the speed of both judgment and retribution which in this case allowed the woman to survive with the transfer of property.

Box 4.11: Fatima gets her rightful share of property

Fatima from Bilgi block in Bagalkot district was married to Mehboob, but he died of AIDS after one year of the marriage. After his death she gave birth to a boy child. When her in-laws became indifferent to her after the death of their son, she went back to her maternal home and started working as a daily wage earner to sustain herself. She came to know about the Nari Adalat when she met Razia, a Nari Adalat member. After listening to her story, Nari Adalat members went to her husband's house to assess the situation. They negotiated with her in-laws to provide Fatima her share of property as she is the wife of Mehboob. The family said, "We could have considered, but since she left the house she doesn't deserve it." They said that the family had a total of 3 acres of land but would not give anything to her. They however, agreed to return her dowry (trousseau in cash or kind). The Nari Adalat members then took the issue to the village *gowda*. He said that when Mehboob died he had tried initially to get Fatima her due share in the family property. The family members had refused and that he was unable to help them on this matter.

By now Fatima was clear that she did not want to stay with her in-laws. She wanted her dowry and her share in the property. After 3 to 4 months, the Nari Adalat members

again counselled her in-laws to consider Fatima's hardships and allot her due share in the property. When they refused, the Nari Adalat members discussed the issue with the village elders to garner their support. The Nari Adalat members stayed in the village that night and called a village meeting in the morning along with Fatima's in-laws and again asked them to allocate her due share. Pressured by the presence of the community, her in-laws agreed to name the property in their grandson's name (to which he will be eligible when he grows up) and agreed to return 20,000 rupees as cash and utensils she had brought as dowry.

Source: Focus group discussion with Nari Adalat members in Karnataka.

Several other cases demonstrate the competence of the Nari Adalat to ensure women's economic rights are protected. The ruling of the Nari Adalat in the case of Sharda Devi, of Wagodia Block, Gujarat, made a promoter-builder repay 65,000 rupees owed to her. This set a precedent which caused the builder to promptly clear the dues of another widow, in fear that she too would approach the Nari Adalat. In another case of Sumitra Ben married to a post master from Daboi block, Gujarat, the Nari Adalat was able to increase the maintenance provided by him from 100 rupees a month to a lump sum amount of 50,000 rupees.

Growing Stature of Nari Adalat Members

Status and Recognition in the Community

As the Nari Adalat develops credibility in the community in solving women's cases, the members gain the status of leaders in the community. They experience the recognition of an individual as well as that of a Nari Adalat woman who has the aptitude to deal with cases and resolve them. In Karnataka, the Nari Adalat members say, "Initially, the villagers would not bother about me. But now, in the village, they respect me and greet me with Namaste". Community leaders bring cases of their relatives and neighbours to the Nari Adalat members and request them to take it up. Gudubai, a Nari Adalat member from Karnataka says "People say that such cases should be taken to the Nari Adalat because it gets solved and make life better rather than at the police station where no solution will come through." In Uttar Pradesh, Sumitra, a Nari Adalat member even had the honour of being one of the nominees for the Right Livelihood Award also known as Alternative Nobel Prize in 2005.¹⁶ In Karnataka, the trend of the Nari Adalat members being nominated as a Social Justice Committee member in the Panchayat has increased and stands testimony to their growing stature in the community.

Empowerment - Life skills, Literacy, Mobility and Confidence

Through the Nari Adalat, the members have acquired a number of

life skills and functional literacy and numeracy skills. In their case dealings, the Nari Adalat members develop skills of record keeping, documentation and arithmetic. In Karnataka, the Nari Adalat has its own bank account and has learnt to manage its own finances.¹⁷ The capacities built in the members by MS in situational analysis and critical thinking is further enhanced as they continuously apply their mind to resolve cases.

The Nari Adalat members travel across villages and districts to collect evidence; to the block for the hearings; and to the state offices for training programs and for other workshops. For women, who had never left their homes, this kind of extensive travel as part of their role in the Nari Adalat is very empowering. The Nari Adalat members in Karnataka reported that after joining this forum they had gained confidence and ability to solve cases. Saraswati, a Nari Adalat member herself (Box 4.12), besides solving cases of other women, was also able to resolve issues in her own life.

Box 4.12: Nari Adalat woman negotiates for right amount of fees with a lawyer

Saraswati, a Nari Adalat member, from Kurikota village said that her son in law met with an accident and the case went to court. He got 2,50,000 rupees as compensation. The lawyer who fought the case demanded 50% of the money. Saraswati told the lawyer that she too was doing similar work as he was and that he should only take his fee and not more. If he continued to demand more money, she said that she would take him to court. As a result he took only a small percentage, as was what was due to him.

Source: Interview with Saraswati, Kurikota, Gulbarga district, Karnataka state, June 2010.

While earlier they were scared of stepping out of their homes and feared opening their mouths inside their homes, today women from the Nari Adalat reported being able to confidently walk into government offices and seek information on any issue. They are able to talk to politicians and bureaucrats to demand their rights. A Nari Adalat member from Karnataka says, "Earlier, we never had the courage to go to the police station, taluk office, BDO; but now, we can go anywhere and talk to anyone, to solve a case." In Gujarat, Manju Ben Rathod's journey began from the sangha, and went on to becoming a Nari Adalat member. She was even granted an eight minute interview with Gordon Brown, the then Prime Minister of the United Kingdom.

Changing Attitudes of Family

In all the three states, the Nari Adalat members reported a growing respect at home and that their views were considered on important issues. They testified to changes in their own families where the husbands share the household work. In Karnataka, the

16 Vandana, JRP, Saharanpur, February 2010.

17 Shantamma, Nari Adalat members focus group discussion, 27 June, 2010.

Nari Adalat members say, *“In our families, if there are any issues to be resolved in connection with an outside agency, our husbands first try to solve it. When they fail, they ask us to solve it, because they think we have developed such skills in the Nari Adalat. Our family believes that we have developed knowledge and capacity to take up issues beyond our homes.”* In Sitapur district of Uttar Pradesh, initially, the women faced opposition from the men. If men were not included, then women would face vitriolic opposition from men folk at home. Therefore, men were gradually involved in discussions on women’s issues and counselling sessions. Once men felt included in the process and that they were a part of the support system, attitudes changed considerably.¹⁸ Women like Udamma from Karnataka reported that property titles were changed to include their names. Several Nari Adalat members interviewed also reported that insurance titles were now in their names as well.

Expanding Spheres of Influence

In those states where they are active, the Nari Adalats, through their interactions with a variety of agencies and through their history of achievements in solving cases, have established a reputation with the state machinery, the police and law enforcement agencies as well as the courts.

State Recognition and Synergies

In 2010, the state government of Gujarat has declared that it will establish a Nari Adalat in every block (Box 4.13). This recognition given to the Nari Adalat is testimony to the state’s confidence in this community based women-centric judiciary system. Institutionalising this innovation across the state would mean that a gender sensitive justice system is slowly finding its place in the mainstream.

Box 4.13: Nari Adalat gets the recognition of Gujarat government

Ms Leela Ankoliya, Chairperson Mahila Ayog, Gujarat says, *“The commission along with the direct support of the state government is planning to establish at least one Nari Adalat in each taluka before the end of the state’s golden jubilee year.”*
Source: Kapil Dave, *“Nari Adalat in every Taluka”*, DNA April 17th 2010.

The prelude to this event has been the state support received by the Nari Adalats across Gujarat from the State Women’s Commission in the form of sitting fees which helps sustain the initiative; identity cards which provide legitimacy to the members and invested in training to strengthen the Nari Adalats (Box 4.14).

The recognition of the value of the work done by the Nari Adalat is also evident in the space provided by block and district offices.

Box 4.14: Nari Adalat gets support of State Mahila Commission

“We, in the Commission, strongly support the Nari Adalat as it helps to fulfil our mandate. We have already released grants to Mahila Samakhya, Gujarat for training. We propose to extend this practice to all talukas. A draft is now being discussed. We are going to set up a ‘task force’. The Nari Adalat should, however, function independently, free of influence from Panchayat or Government. Mahila Samakhya Gujarat should remain an autonomous organisation.”

Dr. Bindu Gamit, Member Secretary, State Mahila Ayog, Women and Child Development Department.

The DRP in Rajkot reports, *“The Nari Adalat used to sit in the threshold of a temple which was demolished by an earthquake. When normalcy returned, there was no place to sit. Finally, the members decided to sit outside the Industrial Training School in 2002 and worked there for 5 years. Finding it difficult, they approached the Chief Officer of Nagar Palika (Municipal Commissioner) whom they invited to be the Chief-Guest in their functions. The Municipal Commissioner was impressed by their commitment and dedication and allotted them a place where they had set up the Nari Adalat.”*

Thus, for long term sustainability, the state provision of resources sets the precedent for advocacy with other state governments to follow suit. By stating the need to institutionalise and mainstream the initiative across the state, the state government of Gujarat has both increased the visibility and provided legitimacy to the innovation.

Support from Law Enforcement System

The Nari Adalat members have been able to develop relations with the police also in several places. In Karnataka, the DPC, Gulbarga¹⁹ says, *“Earlier, they were even afraid to go to the police station, but now they feel proud that the police also seek their help for information from the village about gambling and other issues”.*

As evident in the case of Anilaben in Gujarat, the police has supported the Nari Adalat with concrete resources like the van and offered the legitimacy of their authority (Box 4.15) to resolve cases. There have been numerous incidents of police support reported by Nari Adalats in both states. In Lodhan village, Parizadpur block in Gujarat, the police, on a request from the Nari Adalat actually launched a search and finally arrested a man who had abandoned his wife. The Godia police station in Gujarat has even provided visibility to the Nari Adalat by issuing a police *mitra* card. They also help the Nari Adalat members to collect information and put pressure on the perpetrators.

18 DPC, Sitapur, Interview, 16 February, 2010.

19 Kulkarni, Jyoti, DPC, Gulbarga Interview, 27 June, 2010.

Box 4.15: Police support to the Nari Adalat

Anilaben Purohit from Rajkot city got married to Maheshbhai Bhatt from Veraval town. She was tortured by her in-laws for almost 12 years because she could not conceive. She filed a case with the Upleta Nari Adalat. The Nari Adalat sent notices to the other party thrice but they did not attend.

The police helped them solve the case and provided their mobile van to the Nari Adalat to visit the second party along with two police personnel. The Nari Adalat members along with the police and the Gram Panchayat members then discussed the issue of a divorce with the opposite party. Anilaben wanted a divorce but her husband was unwilling. Finally based on mutual consent, they decided on a divorce and she got back all her dowry. From this point on, the police started referring cases to the Nari Adalat.

Source: Interview with Nari Adalat, Rajkot, May 2010.

They have been able to gain support from higher levels of the department where lower levels were uncooperative. The members reported that initially the police was hostile to the Nari Adalats, since they experienced a loss of personal revenue through bribes as women are going to the Nari Adalat instead.²⁰ Over time, there has been a definite shift of attitude of police as the Nari Adalat members have earned the credibility of a force to reckon with, in settling family disputes. Today instead, evidence points to collaboration and synergy between the police and the Nari Adalat.

The Nari Adalat simultaneously recognises that there will always be inherent tensions in their dealings with state machinery. Despite the synergies that have developed with the police, the Nari Adalat remains prepared to confront corrupt norms and practices wherever they encounter it. Thus the Nari Adalat strikes a balance in its relationship with the state, such that it maintains its autonomy as a judicial system which is fair, honest and which always operates with the best interests of the woman in view. Their truthful and transparent operations, when recognised by the system, force the bureaucracy to be accountable as a response to the moral pressure.

Engendering Judicial Systems

Certain cases referred to the court have resulted in the court requesting the presence of the Nari Adalat to present the evidence and provide proceedings of the Nari Adalat in relation to these cases in Karnataka. Box 4.16 shows how the Nari Adalat was able to intervene in the traditional courts to get justice where otherwise, the courts may have gone with the petition filed by Ali bhai and not granted the wife maintenance. The judgement pronounced was in her favour since her case was defended

effectively by the Nari Adalat. It also demonstrates the standing and legitimacy of the Nari Adalat with regular courts in their acceptance of evidence provided by them. Given the effectiveness in getting the maintenance and the fact that she would not have been able to afford a lawyer or court fees, the Nari Adalat was able to provide her access to affordable legal recourse and help her access her rightful claim.

In Uttar Pradesh, the Nari Adalat members have developed a good rapport with the Sub Divisional Magistrate (SDM), Jhimomi who would participate in the Nari Adalat sessions and attend the

Box 4.16: Nari Adalat appears before the Civil Court

Jenan Ben from Shindhabadar village of Wakaneer block was married to Ali bhai. Her turmoil at her in-laws' house started when she was unable to bear a child. She was subjected to mental torture and abuse. Unable to bear it anymore, Jenan Ben returned to her maternal home, after 20 years of marriage. During the ten months of stay at her maternal home, her in-laws did not ask her to return or talk to her. Later she came to know that her husband had re-married, without divorcing her. In the mean time, Jenan Ben's father-in-law lodged a complaint against her saying that she had left the house without informing them, although they did not have any objection to her staying with them. Within two months of knowing about the complaint, she sought a case of maintenance through the Nari Adalat. Even after receiving two notices from the Nari Adalat, her husband did not appear. After the third notice was served on him Ali bhai appeared before the Nari Adalat but refused to give any maintenance. The Nari Adalat issued a fourth notice to Jenan's in-laws' but they did not appear. Finally the members of the Nari Adalat went to Ali bhai's house. Ali bhai's family stated that they would not respond to the summons of the Nari Adalat since they have filed a case in the Civil Court.

After some time, the Court served a notice to the Nari Adalat and ordered them to appear before it. On the specified date, the Nari Adalat appeared before the Court and reported the problems of both the parties, before the Court. On the pleading of the Nari Adalat members, the court rejected the earlier petition by Ali bhai, and declared suo-moto that Jenan Ben be granted maintenance of 450 rupees per month. According to Jenan Ben, her maintenance should have been 2,500 rupees, at least, but her husband had pleaded before the court that his income from farmland is dependent upon the monsoon rains. Subsequently, he did not regularly pay her money. After seven years, after another complaint, the court made her husband pay 2,25,000 rupees as one-time compensation, and also granted her a divorce.

Source: Interview, Jenan Ben, Shindhabadar village, Wakaneer block, Gujarat state, June 2010.

²⁰ Interview with Irfan Peerzaadav, community leader, Rajkot, Gujarat, May 2010.

mahasangha meetings. Having an SDM in the sessions increased the legitimacy of the Nari Adalat. She herself would recommend cases to the Nari Adalat and in turn, they would request her help on cases that required it. Jhimomi also helped the MS office in organizing *melas* and workshops.

The linkage of the Nari Adalat with the traditional systems has played a critical role in developing a woman's perspective within these institutions. With continuous interaction with the gram panchayats, their relationships with the Nari Adalats have been transformed to active support in dealing with cases.

Moreover an engendering of the panchayat judgements happens through these interactions. When the Nari Adalat get involved, they ensure that the woman's side of the story is also put on the table, thereby influencing the panchayats to take decisions in favour of women. In Karnataka, the story of Ansuya (Box 4.17) from Chamraj Nagar district demonstrates aptly how the Panchayat views women, with the influence of the Nari Adalat.

As seen in this case, all the village leaders and the panchayat members came together to support Ansuya and confront the husband. The panchayat member, a woman, provided Ansuya a place of shelter when she needed it. Although the community knew about the abuse initially, they had only heard the man's side of the story and had not taken any action. After the Nari Adalat intervened and explained to them the woman's side, the leaders found it to be reasonable and took action. There has been a shift in the manner in which the Panchayat members view domestic issues - one, that it was not just an issue to be kept within the house alone and two, that this issue needed to be viewed from a woman's perspective as well. With the precedent set by these judgements where the panchayat is supportive, there is a change of norms and practices in similar cases.

Another strategy used in Karnataka to engender panchayat systems is through the Social Justice Committee (SJC) of the panchayat. In Karnataka, MS strategically encouraged the legal committee members of the sanghas to pressurize the gram panchayat to constitute the SJCs. MS Karnataka then provided training support to the SJCs which once constituted, invited legal committee members and Nari Adalat members to participate in SJC meetings and many are nominated as members of the SJCs. The SJC in turn participates in Nari Adalat proceedings and at times would even refer cases to the Nari Adalat. In Karnataka the SJC plays a vital role in negotiations and during the final judgments, adding legitimacy and support to the decisions of the Nari Adalat.

Thus, it is clear that the linkages to the Panchayati Raj

Box 4.17: Nari Adalat delivers justice with panchayat support

Ansuya from Chamraj Nagar, Karnataka, was married to a man 15 years older to her. Her husband and mother-in-law began to abuse her within five months of her marriage. Her mother-in-law would also falsely accuse her and then beat her. She would inform the entire village that Ansuya was trying to kill her. Unable to bear such abuse any further, Ansuya returned to her mother's place and approached the Nari Adalat. In the first hearing, Ansuya and her husband agreed to live together and signed an agreement to this effect. Two Nari Adalat members accompanied her. They also spoke to the Gram Panchayat and the Taluk panchayat members about the issue and requested them to take care. Unfortunately, she was abused again within a few days. One day, they even pulled out her saree and poured kerosene on her. The villagers came out and shouted at the husband and his mother. Sidhamma, a panchayat member gave Ansuya shelter in her own house. Next day, the Nari Adalat members, Gram Panchayat members, Taluk Panchayat members and villagers got together and confronted the husband. The husband pleaded for another chance and the community decided that she could return after a few days. But later, when he abused her once again, the Nari Adalat, along with the police, confronted him and he later agreed for divorce. Ansuya has now remarried and has a child.

Source: Focus group discussions with Nari Adalat members, Bangalore, Karnataka, July 2010.

Institutions²¹ have made the Nari Adalat stronger, both in terms of credibility in the village and for infra-structural needs in Gujarat and Uttar Pradesh.

The Nari Adalat, by virtue of their presence, strength, credibility, lower cost and speed of disposal of cases, are now taking over roles beyond traditional Caste Panchayats. Irfan Peerzadav, a community member says, "When cases involving women come to the Gynati Panchayat, there will be tension. Therefore such cases should be referred to the Nari Adalat." Thakur Prahlad, ex-member of the Gynati Panchayat says, "Earlier, no woman was allowed to sit in the Gynati Panchayat. But now, since the last five years, the Sangha women are also sitting with us." This was corroborated by Ismail Kabiwal, Irfan Peerzadav, Ranjit Singh Jadeja and others in Wakaneer Block of Rajkot district. In Mysore district, women are now involved in proceedings of the Koota, a caste panchayat in Karnataka. With the entry of sangha women into these panchayats, it can be expected that they would bring a pro-woman's perspective into these proceedings (Box 4.18).

21 Refer to Chapter 5.

Box 4.18: Nari Adalat linkages with PRI

In Gujarat, Mano Bhai Vasava, Chairman of Social Justice Committee says, *“The sisters run the Nari Adalat and are very strong. We have allowed them to work in our premises. We have also asked the Gram Panchayat to allot land to them. The taluka panchayat refers cases to the Nari Adalat. I have myself attended some of the proceedings of the Nari Adalat.”*

Ratilal Chauhan of the Wagodia taluka panchayat says, *“I have recommended that a building be constructed for the Nari Adalat. I have provided for 2,00,000 rupees in our budget for construction”*

Source: Interviews of external stakeholders, Gujarat, May 2010

K. S. Rathore, Taluka Development Officer, Gulbarga, says, *“I have observed the proceedings of the Nari Adalat. At my initiative, a Nari Adalat was set up in Kovard Block. The Nari Adalat takes less time to settle cases and is affordable to the poor.”*

Source: Interviews of external stakeholders, Karnataka, 2010.

Overall, in the community and through its local institutions the Nari Adalats set different precedents thus challenging existing norms and practices. In Uttar Pradesh, the DPC of Sitapur says that the Nari Adalat also tries to utilize the opportunity of a case, to counsel families and communities about marrying their daughters before the age of 18 years.

Reduction of Incidents of Domestic Violence

It has been reported that upon resolution of cases, the condition of most women who sought help improved. There were a substantial number of cases in which women reported that violence had stopped completely (ICRW, 2002). Although violence continued to occur in some cases, it had reduced or transformed to other forms of abuse. Many Nari Adalat members in Gujarat stated, *“Cases of wife burning has come down.”* In Uttar Pradesh, Nari Adalat members stated that, *“Earlier, husbands would beat us for things like less salt in the food. But now, they don’t beat on such whims”.* In Karnataka, Nari Adalat members said, *“Men from the families of the sangha women know that they are aware of their rights and that there is a forum called Nari Adalat. Therefore, they are also careful, these days.”*

It was reported that lack of support for women at times of crisis, often led to suicides and just the availability of a forum like the Nari Adalat has reduced such self-inflicted violence. Sushila Ben, a woman Police Sub Inspector in Gujarat says, *“Earlier, there were many cases of self-immolation of women. These cases seldom got registered in the police station. The Nari Adalat has resulted in reduction of such cases. The women feel resistant to report to police as this will affect their esteem in society. In the Nari Adalat,*

they feel free to go and open up. They also get counselling from them. I also visit the Nari Adalat and provide legal literacy to the women.”

Lessons Learnt

Although several decentralized, informal judicial and arbitration systems existed in the country, the Nari Adalat stands apart from them with its strong pro-woman perspective. Building and sustaining the Nari Adalat is critical to create a social establishment where women can access affordable, speedy and sensitive forums of justice.

However, the system of the Nari Adalat cannot and does not, exist in isolation. The strength of its reach is based on an active set of institutional mechanisms and relations via the sanghas and federations. This synergy helps women, even those outside the sanghas, access the Nari Adalat. It is only through these links, that the Nari Adalat remains true to its original mission of being accountable to women’s collectives. Although the members began their journey by solving issues within the sangha, today, through the federation they have expanded their scope much beyond what any one collective is capable of.

Legal literacy has been a crucial input to create awareness on women’s rights and laws. Consciousness raising in the sangha is an essential pre-requisite which provides a clear women’s perspective and a collective identity. In the sanghas and federations, true to MS philosophy, women are encouraged to think critically and question traditional stereotypes in the community. This blend of **legal literacy, gender education and sense of sisterhood** makes the Nari Adalat a powerful, reliable and sensitive judicial system. It is precisely this combination that differentiates a Nari Adalat lawyer from any other lawyer, who might be well aware of the law, but may not have a pro-woman perspective.

The law being an area which is ever evolving, with new amendments, bills, judgements and acts passed, requires that the Nari Adalat be continuously updated on these developments. When new acts like the Domestic Violence Act are implemented these grassroots initiatives could even set precedents on how progressive laws can be most effectively used in favour of women. Unless their capacities are built however, the Nari Adalat representing the only institution dealing with the most marginalised of women, will not be able to evolve methods for implementation of new laws. For example the DV Act has been criticised for being used to criminalise and victimise men in its enforcement. The Nari Adalat, with its conciliatory process that creates ownership among men and women for decisions taken, is an ideal forum which can uphold women’s rights without extreme prejudice against men,

which often even deters women from using the Act in a court of law. This opportunity for learning therefore cannot be denied. Nari Adalats have reported that after the initial intensive capacity building, many have not received training in recent years. In this context, the Santhwana and Sindhuvani models of Karnataka provide significant lessons. When the Nari Adalat collaborates with an externally funded legal and counselling services centre, a mutually beneficial partnership can be developed. These centres with their strong legal, counselling and documentation capacities in combination with the local knowledge, community base and reach of the Nari Adalat is a practice worth replicating in other states.

Continuous **capacity building** of members can also be met if the Nari Adalat builds strong linkages with other state agencies such as the free legal aid services, women and child development department, family counselling centres at the police station, family court, Lok Adalat and the women's cell at police stations. If the Nari Adalat has been able to build a corpus with their fees, they could hire a legal consultant who could provide legal advice and even guide them on documentation of cases.

One primary need of the Nari Adalat at this stage is **visibility** to extend its reach. Some precedents of visibility and recognition from the state already exist as in the case of the WCD in Gujarat and the Santhwana programme in Karnataka. Recognition helps build legitimacy in the resolution and execution of cases in the community. In some districts in Gujarat and in Uttar Pradesh, a simple jacket over their sari, or a uniform and a 'police *mitra*' identity card visibly distinguishes them as Nari Adalat members. Such identification provides the much needed credibility while negotiating with external agencies - a simple symbol of visibility and legitimacy which could be easily replicated across Nari Adalats.

Co-opting Nari Adalat members into the Social Justice Committees of the panchayats and training the SJsCs, a practice of MS Karnataka, would ensure that issues of violence against women are tabled within the local governments and engender these processes. Educating the police and elected panchayat members on gender would help sensitize formal systems which in turn will provide an **enabling environment** for the Nari Adalat.

Therefore a **strategic plan** is needed to build further linkages that involve systematic monitoring, advocacy and documenting of evidence to establish both the impact and relevance in the lives of marginalised women. Campaigns and other advocacy mechanisms must be used to make the practice known to policy makers in departments whose mission it is to protect the rights of women and enforcement of laws. The state resource centre needs to be capacitated to perform the role for documenting and monitoring the Nari Adalat for advocacy. However, as visibility

grows there is a danger of opposition from formal legal systems who may not see the Nari Adalat as legitimate from a purely legal view point. Even here, lessons from Sindhuvani and Santhwana show that synergies can exist and such collaborative networks can be consciously built. Media coverage of the Nari Adalat in local channels and newspapers would help more women to access the Nari Adalat. Linkages with the media could also help the Nari Adalat in solving some cases, especially when power structures are involved.

Institutionalisation is the eventual point for all innovations to widen their reach. Loss of quality is an inherent risk in any institutionalisation effort especially one involving scale. However any dilution must not result in a mission drift that compromises gender justice for poor women. The Nari Adalat, one of the most robust, well established and widely prevalent practices of MS has the potential to serve the needs of millions of women. It is therefore crucial to design accountability mechanisms to ensure that the intent and spirit of the practice is protected. But, it is critical that the guidelines, non-negotiable principles and pre-requisites of implementing this practice on scale, need to be well laid out and form the basis for negotiations with state or national governments. In states where the facilitating organisation has had staff turnover and institutional memory is lost, it becomes critical to have forums for peer learning on the implementation of the practice, to ensure that new staff have a clear understanding of the mission and the process.

Since the Nari Adalat has to be just and fair in its dealings, it has to maintain its autonomy as a judicial system. Therefore, its **financial management** has to be transparent, based on clear principles. Different financial models for Nari Adalats across states have emerged - government funding sitting fees for members, clients paying a minimum, pre-determined fee for operational costs and a model with no fees at all. In Karnataka in districts where they take fees, the Nari Adalats ensure transparency of their financial management by reporting and being accountable to the federations.

Through these years, the Nari Adalat has matured into a practice which needs to be positioned globally and participating in national and international networks should now be a conscious strategy. Finally, the Nari Adalat, as a non-formal judicial mechanism which is extremely **relevant** for poor women, can make a tremendous impact world-wide especially in nations where women's rights are severely curtailed by regressive customs, practices and sometimes, even by the law.

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