

NARI ADALAT: A Beacon for Women in Distress

...

Fulfilling the need for justice-imparting systems in a strongly patriarchal society, Nari Adalats, despite facing challenges during the evolutionary phase of this Alternative Dispute Resolution system, are helping to reduce the distress of village women

Thanks to cultural and social sanctions, there prevails, in our society, a fallacious notion of male privilege that considers women as subordinates and inferior to men. As such, many women accept the atrocities inflicted upon them as fate and barely think of questioning them because that would invite criticism and humiliation. The traditional, often male-dominated, mechanisms of dispensing justice, at the village level, seldom take into account the sufferings of women and end up with verdicts that asphyxiate the very essence of Justice.

The evolution of Nari Adalats, at the block level, in the form of an Alternative Dispute Resolution System, led to the addressing of problems through counselling, conciliation and facilitation and the public condemning of such acts, imposition of fines, etc. These Adalats, exclusively dedicated to women, attempt to balance the scales of

The traditional forms of justice-dispensing mechanisms had patriarchal biases. If women ever dared to raise their voice against the atrocities inflicted on them, they would face criticism and humiliation, both at home and in society. They were often reviled if they questioned the prejudiced view about the women in society.

justice, by-passing social evils and stigmas. Only cases that fail to get resolved at the village organization (VO) and the Gram Panchayat-level Federation (GPLF) reach the Nari Adalats.

Being associated with PRADAN in Koderma, as part of my internship programme, I got the opportunity of interacting with members of the Nari Adalat there (under the wing of the Damodar Mahila Mandal Sangh, formed through PRADAN's initiative), who were being exposed to rigorous paralegal training sessions that made them aware of the prevailing male dominance and the ways to tackle it.

This article analyses the need for the evolution of such mechanisms, the challenges faced during the evolutionary phase as well as currently, and their functioning and impact in reducing the distress of women. When reading this article, you may decide for yourselves whether such an institution translates into concrete women's empowerment or not.

BACKGROUND OF THE RESEARCH

My work with the members of the Nari Adalat in Koderma gave

me insights into the mechanisms of a form of Alternative Dispute Resolution System; Nari Adalat literally translates to Women's Court.

The traditional forms of justice-dispensing mechanisms had patriarchal biases. If women ever dared to raise their voice against the atrocities inflicted on them, they would face criticism and humiliation, both at home and in society. They were often reviled if they questioned the prejudiced view about the women in society.

Nari Adalats stood up for women's rights and ensured that the social fabric of the community is preserved, which might otherwise wither away if the formal judiciary system were to be approached.

Personal accounts of the victims, who sought justice through this Adalat and the experiences of the members of this Adalat, whether it be at the phase of initiation or currently, reveal success stories of women's unions, which dared to walk past deeply embedded patriarchy and regressive mind-sets, and established a platform for women to voice their problems and fight for their rights.

INTRODUCTION

“A society that is unable to respect, protect and nurture its women and children, loses its moral moorings and runs adrift” (‘Are women not part of our being?’ by Siddharth Chatterjee, *The Hindu*)

At the time of the advent of civilization, there was no distinction between man and woman. However, in the Vedic period, the lawgiver Manu, in his work on social conduct, Manusmriti, stated, “Where women are honoured, there the Gods are pleased; where they are dishonoured, the sacred rites yield no fruits.”

However, the institution of marriage confined women and limited their role to within the four walls of the home. The condition of women deteriorated with the passage of time. On the one hand, they were being projected as goddesses and, on the other, they were expected to be submissive and dependant wives and daughters. Gradually, women learned to conform to the social norms of conduct set by the men.

However, the institution of marriage confined women and limited their role to within the four walls of the home. The condition of women deteriorated with the passage of time. On the one hand, they were being projected as goddesses and, on the other, they were expected to be submissive and dependant wives and daughters.

For centuries, women have been discriminated against, oppressed and humiliated by men and their plight has not yet been addressed.

Before approaching the focal topic of the research, I want to offer some data related to crimes against women in India and throw light on the types of crimes being committed.

- According to the National Crime Records Bureau (Ncrb.gov.in. National Crime Records Bureau. 2013), reported incidents of crime against women have increased by 6.4 per cent in India during 2012.
- As many as 60 per cent of Indian men believe that women should tolerate some violence

in order to keep the family together and they deserve to be beaten. (International Men and Gender Equality Survey, ICRW.org)

- A crime is committed against a woman every two minutes. (National Crime Records Bureau (NCRB), 2014)
- Approximately 24 per cent of Indian men have committed sexual violence in their lifetime. (International Men and Gender Equality Survey (IMAGES). ICRW.org.)
- Andhra Pradesh, West Bengal, Uttar Pradesh, Rajasthan and Madhya Pradesh account for half of the crimes committed against women. (NCRB Report, 2014)

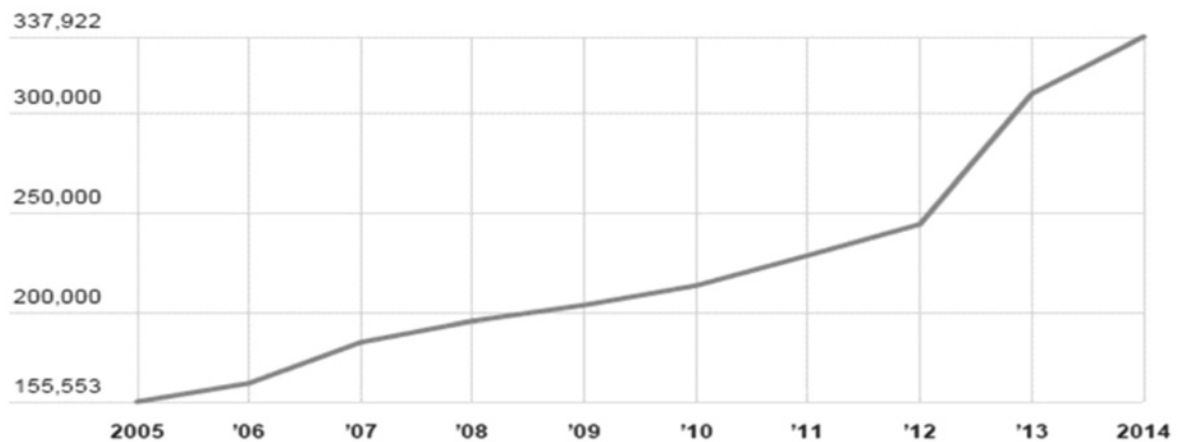
The semantic meaning of crimes against women is direct or indirect physical or mental cruelty against women.

The most common atrocities against women are dowry deaths, honour killings, female foeticide and infanticide, witchcraft-related murders, rapes, forced prostitution and human trafficking, acid attacks, forced child marriage, domestic violence—whether it is physical, sexual, psychological or economic, eve—teasing, abduction, etc.

Among all the crimes committed against women, cruelty by husbands and relatives accounts for the majority. Assault on women with an intention to

Crimes Against Women, 2005-2014

*Figures represent cases reported.



Source: National Crime Records Bureau (NCRB)

outrage their modesty is the second-most prominent type of crime committed against women in India.

The data point to the need for the evolution of an Alternative

Dispute Resolution system called Nari Adalat.

Given below is the record of FIRs instituted in the Mahila Thana, Koderma. It is worth mentioning

that the list of instituted FIRs does not reveal the true data of crimes against women because only for those offences that are too grave to be solved through mediation are FIRs filed.

**Government of India
National Commission for Women
Nature-Wise Report of the Complaints Received by NCW in the
Financial Year 2015-16**

No.	Nature	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1	Bigamy/Polygamy	35	18	40	25	19	21	18	14	14	19	17	26
2	Cyber crime against women	24	17	32	21	20	28	22	8	11	32	16	21
3	Dowry harassment/ Dowry death	245	159	313	195	155	195	136	105	182	196	166	239
4	Gender discrimination including equal right to education & work	3	6	2	7	0	7	4	2	4	4	3	1
5	Indecent representation of women	14	3	13	11	2	9	9	13	7	8	10	10
6	Miscellaneous	73	42	30	0	0	0	0	0	0	0	0	0
7	Outraging modesty of women	254	163	473	348	153	195	156	121	213	236	201	240
8	Police apathy against women	598	374	1006	893	405	591	594	410	536	481	425	455
9	Privacy of women and rights thereof	21	23	27	9	47	16	5	6	6	11	12	3
10	Reproductive health right of women	7	8	13	5	4	4	2	6	9	4	5	2

No.	Nature	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
11	Right to exercise choice in marriage	51	72	111	62	33	47	37	30	50	53	35	53
12	Right to live with dignity	540	473	1153	838	593	645	603	449	482	531	473	534
13	Sex selective abortion/ Female foeticide/ Aminiocentesis	8	4	4	2	0	4	1	2	1	2	4	2
14	Sexual harassment including at workplace	71	41	68	50	38	58	34	22	23	49	36	52
15	Stalking/Voyeurism	2	3	6	4	7	4	4	2	2	5	13	6
16	Traditional practices derogatory to women rights, i.e., Sati pratha, witch hunting, etc.	3	0	2	1	2	0	1	2	0	2	4	0
17	Trafficking/ Prostitution of women	9	7	13	7	0	3	5	6	3	8	6	9
18	Violence against women	274	186	444	272	191	294	214	130	203	193	154	183
19	Women's right of custody of children in the event of divorce	2	1	0	0	0	0	0	0	0	0	1	2
20	Total	2234	1600	3750	2750	1629	2121	1845	1328	1746	1834	1581	1838

Total complaints = 24,379

Nari Adalat is a gender-sensitive, informal Alternative Dispute Resolution (ADR) platform, an innovation of the Mahila Samakhya of the Ministry of HRD, in response to the rise in the number of cases of violence against women

The population of Koderma, as per the 2011 Census, stands at 24,633. The types of crimes and their frequency in 2015 in Koderma are listed below:

Type of Crime	Frequency
Domestic violence and cruelty	11
Dowry death	13
Riot	1
Sexual assault	3
Witchcraft-related murders	3
Total	31

WHAT IS NARI ADALAT?

—

Nari Adalat is a gender-sensitive, informal Alternative Dispute Resolution (ADR) platform, an innovation of the Mahila Samakhya of the Ministry of HRD, in response to the rise in the number of cases of violence against women. It issues verdicts in cases of crimes against women and also tries to propagate legal literacy at the grass-roots in India. It uses methods such as mediation, negotiation, conciliation and fines.

In case of acute need, the Adalats help women approach the formal judicial system, helping them seek justice through legally entitled

authorities, as and when the situation demands.

Operative on certain fixed days in a month, a Nari Adalat is typically formed at the block level and builds on the village-level Mahila Mandals (Damodar Mahila Mandal Sangha in Chandwara). A legal committee is formed within the Sangha; members receive paralegal training to solve disputes arising in the villages. Nari Adalat members are chosen from among the women of the area.

Nari Adalats form a network with Non-government Organizations (NGOs), community leaders, *gram panchayats* and government institutions such as the police, Courts, and Mahila Aayogs.

WHY NARI ADALAT?

—

A mere glance at the data provided points to the need for an efficient system of trials and a competent mediating authority. With India being so deeply shackled in patriarchy, there is need for a platform that would be exclusively dedicated to, and largely managed by, women.

Whereas most urban women are aware of the basic legal redressal systems available to them to fight

against the atrocities inflicted upon them, rural women are largely ignorant on this front. Most women, especially in less-developed states, are not aware of the basic legal aid available to them. 'Courts' have a strange meaning in their dictionary; courts are viewed as institutions of harassment and intimidation; for this reason, they do not seek the available remedies and continue to suffer.

Even when women are aware of their rights, they are often reviled for raising their voices. Their cries and complaints are suppressed for the sake of the family's prestige, which may become tarnished if such issues were to be publicized.

One peculiar situation is that sometimes women too believe that, by nature, they are meant to remain subordinates to men and, therefore, accept cruelty as their fate, instead of fighting back. Although strange, often women in the family inculcate such ideas in the minds of growing girls. Young girls are taught that they are supposed to remain submissive to men. Often, women are viewed as a commodity, dependent upon and sheltered by men. "*Pati ne hi toh maara hai, is mein kaunsi bari baat hai*," (It is just your husband who beat you, what's the big deal)," Neera

The Adalats work towards resolving disputes through mediation and counselling, and also by making the women aware of their rights

Devi (name changed) consoled her twenty year-old daughter who repeatedly complained of being beaten by her drunk husband. Later on, she sought some relief when she approached the Chandwara Nari Adalat. The girl is now leading a happy married life with a two-year old baby girl.

In many cases, if a woman were to dare to question such abuse, and were to approach the village-level *panchayats*, she would either be shooed away or be made to suffer punishment she did not deserve. As such, the scales of justice are lopsided and gender equity chokes to death.

In such a scenario, justice-imparting mechanisms such as Nari Adalats ensure a speedy redressal of grievances and, that too, at affordable fees unlike the local-level *panchayats* that charge a hefty amount.

The Adalats work towards resolving disputes through mediation and counselling, and also by making women aware of their rights. This method of working preserves the social fabric of the community that would not be possible if the formal judicial system were to be approached.

“Facilitating the approach to the formal judicial system is also made easier for the ignorant population through this institution of Nari Adalat” says Adv. Suman Jaiswal, who has been associated with the Nari Adalat in Chandwara, and offers her services to the members and victims, as and when the need arises.

IMPACT AT THE GRASS-ROOTS

Since my research work pertains to Koderma, I have tried to capture glimpses of the Nari

Nari Adalat is a concept that evolved through the initiative of the Mahila Samakhya Programme of the Ministry of Human Resources Development and has been in existence in India since 1995. The Nari Adalat, Koderma (in operation since 16 April 2008), has been initiated by PRADAN and falls under the umbrella of the Damodar Mahila Mandal Sangh, Koderma, being operated in the Chandwara block of the district.

The cases involving atrocities against women, which fail to get resolved at the Village Organization (VO) and Gram Panchayat Level Federations (GPLFs), get instituted at the Nari Adalats that are operational at the Federation Level. Those people, who are not members of the Nari Adalat, may directly approach these Adalats instead of following the hierarchy. The *didis* (this is the way the members of Nari Adalat address one another) of these Adalats make inquiries by visiting the parties and through other means so as to make a better judgement. Each Adalat has six to eight judges, assisted by 20 advisors. The judges are chosen by the members from among themselves. These groups also attempt to make people aware of their rights, thus promoting legal literacy.

The concept is still not very popular in Koderma, with only a single Nari Adalat operating for the entire district. The Adalat operates in two of the villages of Chandwara block, namely, Tham and Madanmundi on 16th and 28th of every month, respectively.

They relate to their Federation and feel proud of it. They tell us that when they say the name of their Federation, people in the villages give them respect and behave politely.

Adalat influence in Koderma, so as to get an idea of how far these Nari Adalats have come.

a teen-aged girl named Rukhsana Khatoon here (See box).

suffering injustice have sought solace through the Nari Adalat.

I would like to share the story of

Rukhsana's case is just one among several others, where women

Dhannu Saw from Chattarbar, Koderma, is another example.

THE PLIGHT OF RUKHSANA

Rukhsana, a bubbly, dainty girl aged seventeen years, greeted me at the entrance of her house. After a brief introduction, she invited me in. I explained to her the purpose of my visit, and she initially hesitated to talk about her traumatic past. She said, "*Didi, ab hum zindagi mein kaafi aage barh chuke hain. Unn puraani baaton ko bhul kar, phir se hum unn baton ko kabhi yaad nahi karna chahte.* (I have now moved on in my life, forgetting my past, I don't want to look back and remember those moments.)"

It took some effort to convince her to share her story. She finally agreed to talk at length about her life before and after her broken marriage and how she managed to smile amidst her scars. How with the Nari Adalat Chandwara, holding her hand, she had walked away from the traumatic life that she had believed was her destiny.

Youngest among her siblings, and everybody's darling, a happy-go-lucky girl belonging to a conservative Muslim family, Ruksana had to enter into the institution of marriage at the tender age of 13, while studying in the seventh standard. She is a resident of Chaurahi village, in Chandwara block of Doderma district. She was married to Saddam Ansaari, a resident of Bekobar village of Jainagar block in the same district.

At an age when her peers hopped around, chasing frogs and butterflies, an age at which she should have been holding a pen to study and nurture her dreams for the future, she instead bore the handcuffs of bangles. Still, she left her parents' home with a heavy heart, looking forward to a new journey of her life. Little did she know that she was going to be bruised for life!

It didn't take even a week for her to realize that her in-laws house was not the house of dreams. It was a nightmare instead. Her husband and her mother-in-law, both, were abusive towards her. Far from giving her the dignity of a daughter-in-law, they often beat her. They also locked her in a room without food and water. Her husband forced her to have sexual intercourse and threatened to kill her if she resisted. They took away all the money she had with her. Losing her patience, the aggrieved girl informed her parents about the atrocities she was being subjected to. Her parents called her back. After some panchayat meetings at the village level, her in-laws agreed to keep her with them and she returned. But they failed to change their attitude toward her, and the torture continued.

The verdicts passed by the Nari Adalat have an acceptance owing to the social sanction. The effects of the prevailing patriarchy are diminishing wherever such institutions are operative.

After bearing all this for about one year, Rukshana heard about the Nari Adalat from Sudha Devi, a service provider of Nari Adalat, Chandwara. After some efforts at mediation by the members of the Adalat, the Nari Adalat members helped Rukhsana approach a court of Law. She got relief, and her in-laws were asked to pay a compensation of Rs 2,00,000.

Two years have passed. Meanwhile, living with her parents, she has completed her matriculation and is looking forward to getting enrolled for the intermediate examinations. She is also getting married again this October and she is looking forward to a happy married life, where all her cherished hopes and desires get fulfilled.

As I was about to take leave of her, she insisted that I take some sweets and she invited me to attend her wedding ceremony. Thereafter, I bid her adieu hoping that she be blessed with a happy conjugal life where her past doesn't haunt her anymore.

After delivering a baby girl, she was tortured and abused by her in-laws. She was asked to bear all the expenses incurred on her daughter. It became difficult for her to live there. When she approached Nari Adalat, the matter was resolved through mediation and she now enjoys a happy family life.

Nari Adalat clearly has a far-reaching influence on the lives of women, particularly those belonging to the marginalized community. The organization helps them walk with their heads held high.

The verdicts passed by the Nari Adalat have an acceptance owing to the social sanction. The effects of the prevailing patriarchy are diminishing wherever such institutions are operative. No

doubt, Nari Adalat has brought about a drastic change in society. Whereas earlier, women were hesitant to sit beside the male members of the family, they are now out in the field, fighting for a good cause and spreading legal awareness.

IMPEDIMENTS AND LOOPHOLES

—
The enthusiasm of women, coupled with active participation, with the aim of liberating themselves is no doubt, commendable. Such enthusiasm is fuelled every time justice is imparted. But their spirit often gets dampened by the many impediments posed by society and authority. Such hindrances are not new for those who have been associated with Nari Adalats since the journey began.

Initially PRADAN, Koderma, took the responsibility of propagating the concept of this institution among village women, who were ignorant about their rights. It was a tedious task to convince them to unite on a common platform and address the problems of law and order exclusive to women. Convincing them was difficult, first, because they were women, accustomed to living within the four walls of their homes. Second, because most of them were illiterate and uneducated, it took great effort to make them realize the need for such an institution.

Societal biases also performed their role of discouraging women at every level. People were disparaging of the women who had recently begun to realize their worth and dignity

Thereafter, there began a phase when a few women, who realized the importance of the Nari Adalats joined hands and began propagating the concept of this institution. They were exposed to several rigorous paralegal training sessions at the initiative of PRADAN

and were trying to figure out if they 'actually' deserved equal treatment. Often, they were accused of being negligent of their household chores while being active outside their homes, the supposedly male domain. They were often chided for competing with men. This traditional mentality of society often created awkward situations for women, making each step difficult for them.

Thereafter, there began a phase when a few women, who realized the importance of the Nari Adalats joined hands and began propagating the concept of this institution. They were exposed to several rigorous paralegal training sessions at the initiative of PRADAN. They often faced constraints imposed upon them by the very authorities meant to assist them. When they required the assistance of police officials, they were often asked to pay bribes in lieu of the services that were due as a right to every citizen of the country. Not only this, many a times force was used upon these women when they tried to seek assistance.

It is not that this Adalat faces glitches only on account of external factors. It also had some lacunae in its own conduct that

need to be addressed urgently. The lack of efficiency causes delays in trial procedures. Verdicts of this court are often challenged on the grounds of the inadequacy of the jury members. Several times, influential people visit the sessions of these Adalats and try to manipulate ignorant members. Certain cases of betrayal by the Adalat members have also emerged, shaking the faith in the sanctity of the institution. The mode of operation of such Adalats is time-consuming, causing a large number of cases to not even come up for hearing. The frequency of operation of such Adalats also needs to be increased from the current once a month, so as to be able to take up a maximum number of cases.

SUGGESTIONS

—

A thorough analysis of the working of this institution throws up certain suggestions for its improvement and to increase the span of its influence, thereby, enhancing the efficacy of Nari Adalats:

- *Promoting the institution:* This institution needs to be promoted on a larger scale. Various means may be adopted

such as newspapers, television and radio, which are more popular in rural areas. Even pamphlets may be circulated in this regard.

- *Rigorous training of paralegals:* There is a lack of efficiency among the members trained for the purpose. Regular paralegal training sessions should be organized in order to have these institutions working better.
- *Regular meetings:* Meetings should be organized among the members themselves in order to discuss the problems faced by them in running the Adalats and the ways to sort them out.
- *Proper monitoring:* The sessions of these Adalats should be monitored, at least for the first few years of their establishment. This may be done by professionals especially recruited for the purpose.
- *Co-ordination between the government and the NGOs:* Properly co-ordinated efforts of the government and the NGOs could bear fruit. The government may assign these tasks to specific NGOs.

Namita Raje is a student of National University of Study and Research in Law, Ranchi and did her internship with PRADAN