

Nari Adalat: Justice for Women and Women for Justice

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Positioned as a social justice system between wronged village women and the formal legal mechanism, the Nari Adalat plays a significant role in bringing about conflict resolution within families, ensuring that the voice of the woman is heard and she lives a life of dignity

INTRODUCTION: TOWARDS SOCIAL JUSTICE

Many forms of judicial proceedings exist in India, creating a decentralized system of justice. Alternative local dispute resolution in the sphere of social justice has been practised since historical times—some of these still exist such as the *panch*, the *jati panchayat* and the *khap panchayat*.

In 1950, the concept of *nyaya panchayats* emerged along with the traditional *panchayats*. Unlike traditional *panchayats*, the *nyaya panchayats* were designed to follow statutory laws, rather than indigenous practices. Other than these, Public Interest Litigation (early 1980s), *Lok Adalats* (1982), Family Courts (1984), and Legal Services Authority (1987) also emerged gradually.

Lok Adalats were first conceptualized in Gujarat in 1982. Members of the legal profession, college students, social organizations, charitable and philanthropic institutions and other similar organizations are associated with *Lok Adalats*. The salient features of this system of dispute resolution are participation, accommodation, fairness, expectations, voluntariness, neighbourliness, transparency and lack of animosity. After studying a case, *Lok Adalats* try to resolve simple differences through mutual understanding and compromise—differences that otherwise may have far-reaching consequences.

In 1985, the Government of India constituted the Department of Women and Children and, in 1986, the National Education Policy demonstrated a level of progressiveness with its policy of 'Education for Women's Equality'. The Mahila Samakhya Programme, which began in three States, was a direct consequence of this policy. It was influenced by the realization that equality and equity for women could not evolve only through economic development of poor women but had to stem from a process of socio-political empowerment that made women themselves the main agents of their transformation.

The first *Nari Adalat* began operations beneath a *neem* (margosa) tree in September 1995 in front of the *Taluk Panchayat Bhawan* in Vadodara. Now, there are 29 *Nari Adalats* in six districts of Gujarat. The *Mahila Samakhya* programme (MS programme) is an initiative of the central government for empowering rural women. Between 1995 and 2001, as many as 1,200 cases were resolved in Vadodara.

Gradually, the model has been replicated in other states of the country such as Uttar Pradesh, Andhra Pradesh and Karnataka. Experienced members from Vadodara began training the members from these states.

Incidents of domestic violence, marital abuse and other forms of gender-based violence were brought into the public eye through mass mobilization, which took different forms in different Indian States. Modelled on a similar concept, the *Nari Adalat...Insaaf ki Awaaz*, is run voluntarily by the women groups of Damodar Mahila Mandal Sangh (DMMS), a women's organization working in Koderma district of Jharkhand.

DAMODAR MAHILA MANDAL SANGH

The DMMS is a group of federated poor women from several villages, mobilized by PRADAN. Initially, it was a collectivization of all the 32 villages, evacuated for the construction of Tellaiya Reservoir by Damodar Valley Corporation (DVC). The DMMS mobilized the people to fight against DVC, to fulfill the demands of the people for compensation and rehabilitation.

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The handing over of the legal documents of the land distributed by the DVC was a big issue. The villagers had some other demands as well such as the construction of roads, a school building, installation of hand pumps for drinking water, infrastructure creation to facilitate irrigated agriculture, input distribution of agriculture and a health awareness programme, which had been promised to them but had not been implemented.

In 1992, PRADAN started work in these villages with the objective of impacting livelihoods. They began by organizing women into Self Help Groups (SHGs), leading to the formation of DMMS. There are about 10,000 women members organized into about 900 SHGs in five blocks of Koderma district: Chandwara, Jainagar, Satgawan, Koderma and Domchanch. The foundation of DMMS is its village-level SHGs, followed by the Clusters formed by combining SHGs of two to three villages. Two members from each SHG are selected as Cluster members, and two members from each Cluster are selected to come to the block level, which is known as a Federation, or the General Body (GB).

Gradually, apart from livelihoods, other social issues also began to be addressed in SHGs and Clusters. If the SHG was not able to solve an issue, it was taken to the Cluster and from there, if needed, to the Federation. Within the structure, there are various roles played by the members such as: agriculture service providers, SHG service providers, paralegals and women leaders. These role players are provided training by PRADAN and they help create awareness amongst the masses residing at the grass roots. The *Nari Adalat* is an outcome of the need of those members of

the DMMS and even outside the DMMS who were facing abuse—mentally, physically and sexually by their husbands or their families, a problem that was found to be rampant and widespread in Koderma.

NARI ADALAT... INSAAF KI AWAAZ: THE BEGINNING

Many training programmes and workshops were conducted for the women of DMMS. In 2006, PRADAN, partnering with JAGORI (a Delhi-based NGO working on women's issues), provided a four-day training on 'Gender and Patriarchy' to 45 women from the Chandwara Block. In March 2007, an exposure visit to the *Nari Adalat* run by DISHA (an NGO working on women's empowerment), in Saharanpur, Uttar Pradesh, was organized by PRADAN, for the women leaders. The leaders got an opportunity to follow and learn the procedure that DISHA uses to run the *Adalat*. These training programmes and exposure visits encouraged the women to share their problems with their peers, resulting in many cases of violence coming to light and being taken up at the SHG level; if not solved, these were taken up at the Cluster and the Federation levels. Women leaders took the initiative to bring cases from the villages to the SHGs. A visioning exercise was conducted in the General Body meeting and the women began to understand the need for such an initiative. They spoke of why a forum such as the *Nari Adalat* was needed. They thought that there was need for greater intervention in women's issues such as in the physical abuse that women face; husbands getting married a second time; the lack of value for women in village-level, conflict resolution bodies; and their dependency on men for justice (due to the patriarchal system, the village-level conflict resolution body does not provide justice to women).

With the aim of helping women overcome such hurdles, some of the leaders began moving from village to village searching for cases to resolve. They met once a month to review their progress and the challenges that they faced. In the process, women leaders began to participate in the village-level conflict resolution body (the *panchayats*). They began to speak up in the village forum, where they started to get some recognition. SHG members started to invite them for conflict resolution and they were appreciated for their fair decisions.

Gradually, the number of cases in the Clusters began to increase. After two years of such interventions, the women realized that it was not possible to solve the cases in an SHG or a Cluster meeting, and they needed something more formal. Significant amount of time and additional skills were required to listen to a victim, her family members and the accused, and then to come to a conclusion. The Cluster and the SHG meetings had many other matters to discuss.

For leaders to go from village to village was also not possible on a regular basis; every case required a minimum of three to five meetings, and follow-up required continuous engagement. Cases and decisions needed to be documented in detail for future reference, and educated women were required to do this. The DMMS made a decision to give the appellants a specific time-frame, to solve their cases. Based on these learnings and ideas, the *Nari Sahayata Kendra* was initiated in two Clusters, namely, Madangundi and Tham in Chandwara block in April 2010.

Simultaneously, PRADAN, in collaboration with JAGORI and realizing the need for greater focus on women's issues, initiated the Gender Equality Programme (GEP) in 2010. Under this programme, training programmes

are provided to SHG members on gender and patriarchy, violence, the availability of assistance to women through various government schemes, etc. The awareness created encouraged the women to bring to light the violence they were being subjected to. It took on such a momentum that cases of violence were registered almost every day.

The advantage of this system is that these complaints are attended to by women from the same community as those who were registering their complaints. The *Nari Sahayata Kendra* over time changed into the *Nari Adalat...Insaaf ki Awaaz*. Today, it has become a forum where a woman can share her suffering fearlessly because she knows that the person listening to her, a woman like her, will understand her problems.

THE STRUCTURE OF THE NARI ADALAT... INSAAF KI AWAAZ

Four years of experience and learning brought about the understanding that it is important to maintain a smoother linkage with the mainstream legal system, that is, the courts, the protection officer, the police administration and other governmental forums. The *Nari Adalat* has eight judges drawn from different villages. They are the decision-makers. There are two to three paralegals responsible for the tracking records and for counselling the victim and the accused. Some members are allowed to express their opinion on the issues being discussed. Other than that, whoever wants to witness the proceedings can sit as audience.

The judges and the members are rural women, not necessarily literate, who volunteer some of their time for a just and equitable society. The paralegals are literate rural women, selected

by the DMMS. They are being given training on legalities by PRADAN, with assistance from MARG (Multiple Action Research Group), a Delhi-based NGO with expertise in working on legal issues at the grass roots.

FILING THE CASE

The registers and files for documentation of cases such as the case register file, the case detail register, the notice file and the judgment paper file are maintained by the paralegals. The filing process has been streamlined. The victim first submits an application addressed to the president of the *Nari Adalat*, listing the details of the incident. The *Adalat* assesses the intensity of the case. If the intensity is such that only the Cluster can handle it, it refers the victim to the Cluster.

After the assessment, the *Nari Adalat* registers the case. It is registered in a particular format in the case register; case details, as described by the victim, are noted in the case detail register. Additional details are taken from the witnesses present—family members, friend or neighbour. A notice is then prepared against the accused, asking for his/her presence in the next *Nari Adalat*. The decision given by the judges is documented on the judgment paper.

THE PROCESS

The objective of initiating such a forum for rural women was to settle family disputes, so that a woman can breathe freely and live a life of dignity. The SHGs at the village level are the first forum, which the victim approaches to put forward her case. The intensity of the case determines whether it should be referred to the SHG or the Cluster. The *Nari Adalat* is the last option for justice within the DMMS's arena of influence.

When it began, the *Nari Adalat* was held one day every month at the Chandwara block, where cases from various blocks such as Koderma, Jainagar and Chandwara were heard. However, considering the number of cases being registered, the *Nari Adalat* at Chandwara began to be held twice a month and DMMS General Body of Jainagar block began another *Nari Adalat*. Now the *Nari Adalat* meets on the 16th and 28th of every month at Chandwara block, and on the 6th of every month at Jainagar Block. On the 16th, the venue is at the Tham *Panchayat Bhawan*, about 12 km from Tellaiya town and on the 28th it is held at the Madangundi *Panchayat Bhawan*, 8 km from the Tellaiya. In Jainagar block, the venue is the DMMS training hall, which is in the block headquarters.

The victim or the first party, along with family members or peers, comes to the venue. The case is registered in the *Adalat*. Before registering the case, the *Adalat* asks the victim and his/her family whether they will abide by the decision given by the *Nari Adalat*. Only if the party agrees is process taken forward. The accused, called the second party, is then sent a notice, mentioning the charges filed by the victim and is asked to appear in the next

Adalat. A maximum of two notices are sent by the *Adalat* and if the accused fails to appear, necessary legal action is taken against the accused; this is also mentioned in the notice sent to them.

After the case is registered, three or four members from the *Adalat* go to the village where the incident has occurred, to conduct further investigations. They approach the SHGs or the neighbours for more details. This process is conducted secretly so that the maximum information is gathered, to help the *Adalat*, arrive at a decision.

The case moves forward only when the accused or the second party arrives after getting the notice. As the accused and his/her family arrive in the *Adalat*, details of the case are taken from them as well. Before giving the judgment, each paralegal sits with the victim as well the accused and counsels them. After hearing both the parties and their witnesses, the Judge gives a decision, which is documented in the judgment paper. Also mentioned in the judgment is the warning that in case of any violation of the decisions, necessary legal action will be taken by the *Adalat*.

Table: Cases in the Nari Adalat...Insaaf ki Awaaz

Type of Cases	Total Cases till Date	Cases Solved by Nari Adalat	FIR Filed/ Legal Punishment	Solved through Court	Pending	Not solved
Domestic violence	64	42	6	4	8	8
Rape	1	-	1	1	0	0
Separation	4	4	4	0	0	0

The responsibility of the *Nari Adalat*, however, does not end there. The *Nari Adalat* follows up on whether the situation has improved and whether there has been any violation of the decision by any of the parties. If there is a recurrence of the incident, the case is taken forward for legal action, with the consent of the victim.

FROM THE DIARY OF THE NARI ADALAT...INSAAF KI AWAAZ

Case Study 1: Registration date: 28/02/2010

Anju Devi (names changed) was married to Manoj Rabidas, a resident of Chilodih village of Chandwara Block of Koderma district, Jharkhand, in 2008. She was originally from Barhi, a block in the Hazaribagh district of Jharkhand. Within two years of her marriage, Anju Devi's husband began to torture her mentally by saying that she was having an extra-marital affair. She was tortured to the level that her husband denied accepting the unborn baby in her womb. Not only her husband but also her mother-in-law and her husband's maternal uncle were involved in the torture. Gradually, the mental torture changed to physical violence and she was beaten up by her husband on many occasions. Once she was beaten because she was taking a bath near a well. Her husband fought with her saying that she was bathing in the open to attract other men. She was called characterless, again and again.

One day, she decided to share her problem with the SHG women of her village. The case was taken up at the Cluster level. But justice still eluded Anju. She was then advised by the Cluster to approach the *Nari Adalat*, which she did in February 2010. At that time, her daughter was about eight months old.

Nari Adalat registered the case against her husband and mother-in-law, Dulari Devi, and filed a notice asking for their presence in the next meeting. Anju Devi had accused them of mental and physical violence. Anju Devi and her parents from Barhi, and Manoj Rabidas with his parents from Chilodih arrived at the meeting. The *Nari Adalat* couldn't arrive at a decision on that day because the accused party overpowered the victim's family and started accusing the victim and her family and refused to allow the proceedings to continue.

The victim's party asked for more time. Another date was fixed for the meeting when the parties were asked to bring along the *mukhiyas* from their villages, to be witness to the proceedings. A second meeting was held at Urwan, a place located between Chandwara and Barhi. But the situation became violent because some men from the victim's party attacked the accused Manoj and his family. The *Nari Adalat* decided to take the help of the Chandwara police station. The police advised both the parties to go with the decision of the *Nari Adalat*, otherwise legal action would be taken against them. The situation was thus controlled; the *Nari Adalat* gave the judgment that Anju and Manoj were to live together peacefully and in case of any further violence, legal action would be taken by the *Adalat*.

But that was not the end of the case. After the judgment, Anju continued to be tortured mentally. She was not allowed to talk to her parents at Barhi. She was also not allowed to visit her mother's house. Manoj Rabidas was given another warning by the *Nari Adalat*, which was following the case. Since then there have been no further incidents. Today, Anju Devi is a mother of two children—a daughter and a son.

**Case Study 2: Registration date:
16/4/2011**

Rakhi is from Baradih, a village in Chandwara block. Manoj is from Mahuadohar village of the same block. The distance between both the villages is only 2 km. Rakhi's mother and Raju's mother belong to the same Cluster.

Rakhi and Manoj were married in 2006. Raju migrated to Mumbai for livelihood. Rakhi was pregnant at the time. Due to the lack of proper medical check-ups, she lost her child. After five years of their marriage, she came to know that her husband had married another girl in Mumbai and had two children. When the information reached the village, the *Jati panchayat* gave the decision that Raju would have to divide his time equally between both the wives. But Raju fled to Mumbai, leaving Rakhi behind.

After that, her in-laws started torturing her mentally, telling her to leave the house. She was even forced to attempt suicide by her in-laws. Rakhi decided to approach the *Nari Adalat* when the torture from her in-laws became physical.

The *Nari Adalat* registered the case on 16 April 2011. Rakhi Devi accused her mother-in-law, as well as her father-in-law of mental and physical torture, and her husband of forcing her to leave his house. The accused were sent a notice. As per the rules of the *Nari Adalat*, both the parties gathered at the next meeting.

Rakhi wanted to stay in her in-laws house because that was her right. But her in-laws were not ready to take her back. The *Nari Adalat* couldn't arrive at a decision in the first meeting because the accused party asked for more time. In the following meeting as well, the accused party was not ready to take her back. Rakhi Devi then gave the husband's family three options: to search for a groom

for her and arrange her marriage or give Rs 1,000,000 as compensation or she would take the case to Court. The accused party accepted the option of taking the case to Court.

An FIR was filed against the husband, the mother-in-law and the father-in-law. Because the police prepared an arrest warrant, some people from the accused party went to Baradih and met Rakhi and her parents. They asked for a decrease in the compensation amount. After looking into the assets and property of her in-laws, she agreed to a compensation of Rs 2,50,000, more because she did not want to create a problem for her parents. The *Nari Adalat* and her parents agreed with her decision, accepting that she could invest the sum to start some form of livelihood activity and secure her future.

With the help of the *Nari Adalat*, Rakhi took the compensation and got a legal divorce. Of the amount, Rs 2,00,000 has been placed in a fixed deposit in the Jharkhand Gramin Bank and Rs 50,000 has been deposited in a savings account in Rakhi Devi's name. She has bought a sewing machine and has learned to stitch. Today, she is happily married to a resident of Bendi village of Chandwara block. Now she is expecting a child.

**Case Study 3, Registration
dated 16/11/2013**

Kameswar Yadav, a resident of Ghorwatanr village of Chandwara block complained about his wife's frequent visits to her parents' house, and her expectation that he would accompany her and live in his in-laws' house. They had been married for five years. His mother and he want her to stay in their house peacefully.

Usha Devi, on the other hand, said that her husband drank every day and beat her over the smallest issues. She said that she was not

treated well at home and was not given proper food. She also complained that her mother-in-law as well as sister-in-law tortured her mentally and blamed her for the problems. Therefore, she did not want to stay in her husband's house.

The *Nari Adalat* counselled the family and the couple separately. Kameswar agreed to take care of Usha Devi, give her respect as a wife, and provide her with all the basic requirements, and to not consume alcohol any more. He promised not to torture Usha Devi, mentally or physically, and said he would ensure that

no other member of his family tortured her. He would give her money to run the household. Usha Devi promised she would stay in the house of the in-laws and would help her in-laws in the household chores and would go to her parents' house occasionally.

Any violation of this agreement, from either party would invite legal action.

Today Kameswar and Usha are living happily in Kameswar's house and there have been no further complaints.

Sunita Kumari (name changed), a 17-year-old girl, is a resident of *Jarga panchayat*, Koderma block, Koderma district. She lost her mother at a very early age. She lives with her father, a younger sister and brother. Her father is a daily wage labourer. She could not continue her studies after standard VIII because of financial problems and the pressure of household chores.

On 22 February, 2012, at about 5 p.m., Sunita was busy with her daily household chores; her father was out of the house for work. Seeing her alone, two persons entered her house and assaulted her. One was married and the other was not. According to Sunita, the unmarried person was the one who assaulted her sexually. The person was from Jharkhi village of Bisunpur *panchayat*, Koderma block. Both of them were known to her because they used to visit her relatives' house frequently.

In Sunita's words:

"That day I was all alone at home. My father hadn't returned from the jungle yet. I was preparing the meal. Two persons, namely Sanichar Singh and Karu Singh entered my house and began teasing me. When I tried to stop them, Karu Singh held me tightly and tied my legs and hands in the *khatia* and went out of the room. Sanichar then assaulted me sexually. When I started screaming, he shut my mouth with his hand and said that if I do not stop shouting and tell this incident to anyone, they would kill me and throw my body in the jungle. Due to this fear, I did not share the incident with my father. But gathering some courage, I did share it with my aunt later.

After she was assaulted sexually, she was consoled by the accused, who asked her to accompany her to his home and promised to marry her. They took her to Ghajhandi, a nearby railway station and boarded a train. They made her sit in the train and fled from there saying that they would come back in some time. But they didn't. The TTE (train ticket examiner) came and asked her for her ticket. She told him that there were two men along with her. Seeing her alone at Howrah, the TTE asked her to accompany him to his home and have some food. He then called her uncle whose mobile number Sunita remembered and two days later her uncle and aunt came to take her back.

Back in the village, when the incident was shared, the Jati *Panchayat* of both the parties sat to discuss the matter. The party from the girl's side was determined that Sanichar Singh marry her and the boy's party was against it. The Jati *Panchayat* could not take any decision in the case. Also, the party from boy's side threatened the girl's party.

There were some newly formed SHGs in that village set up by PRADAN. The issue was being discussed in the SHG and then in the Cluster. The news about the incident reached the *Nari Adalat* after 18 days. As soon as the *Nari Adalat* came to know, the members went to the village and met the victim. After counselling, she narrated the whole incident and refused to marry the accused. Soon after that, an FIR was filed in the Tellaiya police station on 14 March 2012. But even after the FIR, the police did not arrest the accused. The members of the *Nari Adalat* then began to pressurize the higher authorities, that is, the Superintendent of Police, to arrest the accused as soon as possible. After about one-and-a-half months, the accused was put behind bars.

However, it was very difficult for Sunita. She couldn't get over the whole incident; besides, it was difficult for her family, which had to face the humiliation. The members of the *Nari Adalat* supported her and also counselled her family. The SHG members also supported her. Now the case is in the High Court and Sunita is living a normal life with her family in the village. Her father is looking for a suitable boy for her marriage.

THE CHALLENGE OF BEING JUST AND RIGHT

Most of the cases being dealt with by the *Nari Adalat* are in some way or the other regarding violence against women. They are victimized by their family, husband, in-laws or by a wider community. It is not new that a woman is being beaten up by her family, in-laws or husband. But it is very rare to hear a woman raise her voice against it. In Chandwara and Jainagar blocks, women have created a forum from which they are fighting for a just and equitable society. They are breaking the barriers of illiteracy, gender and patriarchy. They are raising their voice loud enough to say that they are no longer oppressed. Today, it has become a common scenario to see male counterparts sit in the forum of the *Nari Adalat*. This is the forum where a man has to do as a woman instructs.

Running *Nari Adalats* demands a significant amount of time and dedication. The members of the *Nari Adalat* are women with families, and have to carry out their household responsibilities as well. Working as volunteers to help other women who are suffering, however, has helped build their confidence.

They do face obstacles in the form of the existing structure of gender and patriarchy. Most of the cases handled by them are about violence against women for not doing their duties as a daughter-in-law, a wife, a daughter and so on. She is beaten by her husband or in-laws because she talks on a mobile phone, or moves about freely in the house, or because she doesn't cook tasty food. She is sometimes called infertile; she is tortured for not bringing enough dowry, etc. The women who run the *Nari Adalat* today are part of the same society. They have suffered these indignities and,

therefore, are able to empathize with the victims. They are able to break the barriers, to some extent, and live a dignified life. They are extending themselves to bring changes in the lives of other women too.

Today, the *Nari Adalat...Insaaf ki Awaaz* occupies an important space in the sphere of social justice. Victims from nearby blocks and districts also approach it for justice.

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Most importantly, the victims, by and large, want to settle the disputes amicably and live happily, rather than end their marriages or divide their homes. Not only the women but the mainstream legal protectors and the government officials also appreciate this fact. This space has not been created easily. It has taken years to build. Today, people come to the *Nari Adalat* with the trust that justice will be served.