

A Study of *Nari Adalats* and Caste *Panchayats* in Gujarat

SUSHMA IYENGAR

Operating as informal, conciliatory, non-adversarial 'courts' with complete lay participation, the Nari Adalats and their variations have initiated a new regime of justice for women.

INTRODUCTION

*"We came to the courts and are trapped
We have come mid-way and are stuck
My sisters, find me a way out
We fear the courts, we fear the police
My sisters, find me a way out."*

The energetic and voluble 'judges' of the *Nari Adalats* (women's courts) sing this song during review meetings, imitating the tone of the victims—often members of their *sangh* (collective)—who come to them. They remind themselves, through the song, that they have a special place in the hearts of these victims and in the arena of gender justice. Decentralized, local, alternative dispute-resolution systems in the realm of social justice have, in India, developed from the traditional and existing forums of village *panches*, caste *panchayats* and *gynati panchayats* into more recent platforms focused on 'justice for women' such as *Nari Adalats*, which emerged in the mid-nineties from a rural women's collective as a spontaneous response and reaction to domestic violence and gender abuse.

It is interesting, but not surprising, that the move to introduce judicial reforms in the late seventies and early eighties was paralleled by the events that led to the contemporary women's movement in India. Even in 1975, the International Year of the Woman, the subversion of justice in the infamous Mathura rape case provided further evidence of the need for a nascent women's movement. The failure and inadequacies of the criminal justice system triggered the first assertive anti-rape campaign in India. The protests and demands for justice that marked the years preceding the declaration of Emergency saw women take to the streets and spearhead the anti price-rise movement, participate extensively in the land reform movement, peasants' movement, etc. By the time the Emergency ended and the anti-rape campaign began, the women's movement had begun to take on a more assertive and organized form. Women no longer merely participated in other political movements; they began to engage with women's and development issues

through various platforms. In 1985, the Government of India constituted the Department of Women and Children and, in 1986, the National Education Policy demonstrated progressiveness through the 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 from the economic development of poor women but had to stem from a process of socio-political empowerment, which made women themselves the main agents of their own transformation. By the late 1980s, government-sponsored initiatives such as the Women's Development Programme in Rajasthan, the Mahila Samakhya Society (MSS, or Mahila Samakhya) in Karnataka, Uttar Pradesh and Gujarat, and civil society interventions such as Rural SEWA, Kutch Mahila Vikas Sangathan (KMVS) and MYRADA had begun to raise the critical consciousness of rural women about their condition and position in society. The feminist agenda in India was redefined and enriched by thousands of rural women, who embarked on a complex journey, questioning the notions of both rural development without women and of feminism without rural development. Incidents of domestic violence, marital abuse and other forms of gender-based violence were brought into the public eye through this mass mobilization, which took different forms in different Indian states.

The National Commission for Women (NCW) was constituted in 1992. Responding to the increase in reporting of violence by women, the NCW evolved the concept of the Parivarik Mahila Lok Adalats (an amalgamation of sorts of the Family Courts and the Lok Adalats) for the rapid disposal of women's cases. These exist as a concept and are invoked by civil

society groups but are not a vibrant mechanism; instead, these have become a scheme and a 'project' to be implemented by women's groups.

Women's human rights have increasingly become a critical point of action. In 1993, women's groups persuaded the World Conference on Human Rights to declare women's rights to be human rights. In 1995, the Fourth United Nations World Conference—the 'Platform for Action'—defined violence against women as one of the 12 key areas for action by governments. After much deliberation, India became a signatory to the Convention on Elimination of All forms of Discrimination against Women (CEDAW).

It is critical to understand here that despite the global influence of international treaties on the issue of gender-based violence and India's own legislative, judicial and institutional reforms, these would have been ineffectual had they not been accompanied by the huge grass roots movement to empower rural women. From the initial emphasis on shelters, counselling and social services, the focus of women's movements moved to influencing national laws against domestic violence, enhancing the criminal justice response and raising public consciousness on the issue of violence against women. The evolution and subsequent spread of the *Nari Adalat* concept by rural women's collectives carries with it a vibrant socio-political legacy, and has created a fertile socio-legal landscape and conditions within which marginalized rural women continue to contest established notions of gender justice.

THE MAHILA SAMAKHYA SOCIETY

The MSS is an autonomous registered society sponsored and supported by the Ministry of Human Resource Development, Department



of Education. As mentioned earlier, it was initiated in 1989 as a movement for women's equality in three states—Karnataka, Gujarat and Uttar Pradesh. The MSS straddles the dual identities of being both a government programme and a voluntary movement.

The programme in Gujarat covers six districts Vadodara, Sabarkantha, Banas-kantha, Panchmahal, Surendranagar and Dang—with *mahila sanghs* (women's groups) in 38 blocks and 1,621 villages. Its total membership is 44,500 women in about 1,553 *mahila sanghs*. It has a three-tiered structure, beginning with the village-level groups, which conglomerate at the block level to form what is called a *mahasangh*—a block-level federation. The *mahasanghs* federate at the district level to form a district *mahasangh*. For

almost a decade after the programme's inception, it focused on setting up the village-level structure of *mahila sanghs*. However, since 2001, it has been forming block-level federations. The *mahila sanghs* nominate women into responsible positions within the *mahasangh*; these women are then allocated sector-specific responsibilities and are invested with programmatic powers in the areas of education, social justice, livelihoods, etc. The programme is a cadre-based intervention and its dynamic volunteers are its nerve centre. Women animators at the village level are called *sakhis* whereas a senior volunteer, who manages a cluster of 10 village groups, is called *sahyogini*. The *sahyoginis*—semi-educated, trained rural women—are the 'bridge' between the programme staff and the rural volunteers; they translate mission

documents into grass roots action, and integrate the ideas, dreams, thoughts, frustrations and aspirations of the rural members into programme strategies. The *Nari Adalat* grew out of the combined anger, aspirations, ideas and strategies of the *sakhis*, *sahyoginis*, coordinators and resource teams of Vaghodia Block in the Vadodara district. Today, the concept has taken root in 19 blocks in Gujarat, as well as the Mahila Samakhya districts in other Indian states. Not all of these are called *Nari Adalats*; in Gujarat itself these are variously known as *Mahila Manch* (Women's Platform), and *Mahila Ranch* (Women's Governance).

Whereas *Nari Adalat* was the particular nomenclature given to women's courts, different versions of the same concept, with different names, were simultaneously mushrooming in different parts of the state and country. In an effort to broaden and validate the patterns in our findings in this study, we have included two other women's organizations, which have also sponsored women-run 'courts' and legal redress mechanisms. One is SWATI, an organization working with rural women on the issues of women's empowerment in Surendranagar—also a Mahila Samakhya district and which supports *Nari Adalats* in two blocks, namely, Patdi and Lakhtar of the district. The second organization is KMVS, a membership-based organization of 15,000 rural women, which was initiated alongside Mahila Samakhya. In the 1990s and with the *sangathans* of two blocks (Mundra and Abdasa), these too established forums for gender justice run by women.

The evolution and subsequent spread of the Nari Adalat concept by rural women's collectives carries with it a vibrant socio-political legacy, and has created a fertile socio-legal landscape and conditions within which marginalized rural women continue to contest established notions of gender justice.

NARI ADALATS

A decade after the concept of the local women's courts (run entirely by volunteers) took root, the *Nari Adalats* stand today at a critical crossroad of the grass roots women's movement in India. The increased participation of women in the public arena and in the sphere of political governance has been accompanied by increased entitlements to legal rights for women. It has also been accompanied by an increased

rate of violence against women, in both the private and the public spheres. This phenomenon has led to an increase in alternative courts such as the *Nari Adalats*, which attempt to carry constitutional rights to the poor and, in particular, to victims of gender violence. Such forms of redress have not been constrained by legal particularities surrounding rules of evidence and procedures. Rather, they have given priority to approaches that are practical and gender-sensitive. In this 'home-grown' arena of social justice, proper law is not really an issue; cost is not an issue; venue is not an issue; and the most complicated cases of fact and law are resolved in a few days. Methods of enforcement are built into settled agreements. The informality of these procedures has meant that the 'clients' are not intimidated by the system. The alternative courts seem to have created opportunities for developing meaningful relationships not only with the complainant but also with the defendant, that is, both the violator and larger society.

The women leaders of *Nari Adalats* use their knowledge of local practices, customs and

social networks to gather evidence and negotiate agreements. They adjust meetings to the rhythm of life, and use state symbols such as vehicles to establish authority if necessary. Operating as informal, conciliatory, non-adversarial 'courts' with complete lay participation, the *Nari Adalats* and their variations have initiated a new regime of justice for women. Reflecting the approach to which Justice Bhagwati aspired when instituting the concept of *Lok Adalats*, these women's courts are "...manned [sic] by people with the thoughts, customs, habits, attitudes, and values of those who sit before them."

A CRITICAL OVERVIEW

It is important to question whether the attempt of the *Nari Adalats* to mirror the values and attitudes of those for whom they adjudicate has led to the administration of justice becoming a subversion of human rights or whether they have, in fact, indigenized the formality of official law and justice, thereby demystifying it and making it more easily accepted.

Nari Adalats function largely like 'OPDs'. Finding collective 'listenership' from a group of empathetic women is very important for the complainants, who are mostly women. Typically, large numbers of *sangh* women are present at the proceedings; they are proactive witnesses to the arguments and agreements, and stand by to ensure compliance. When assessing the extent of injustice to which the victim has been subjected, they retain their emphasis on ascertaining the rights of women within the framework of marriage, rather than outside it. Even as they generate social pressure on the offender—usually the aggrieved woman's marital family and spouse—and quite often use the law

WHO ACCESSES THE *NARI ADALATS*?

The *Nari Adalats* are clearly petitioned mostly by women, who are being beaten, and physically and psychologically abused and harassed in their marital homes for reasons ranging from demand for dowries not being met to the birth of daughters. Women are subjected to aspersions regarding their fidelity; they face 'unreasonable' behaviour from spouses, who are often also alcoholic, bigamous, etc. Those who want a separation seek help to gain custody of their children, their rightful share in the property and a return of the assets that belong to them. In the past decade, 89 per cent of the cases that have come to the *Nari Adalats* in the past decade belong primarily to these categories. In the Mahila Samakhya and Swati *Nari Adalats*, approximately 92 per cent of the 'clients' are *sangh* members or are brought by *sangh* members; in Kutch, 70 per cent of the cases are those of members of the *sangathan* or brought by them. Nearly 35 per cent of the women whose cases are heard by the *Nari Adalats* of the Mahila Samakhya go there having already knocked on the doors of the traditional ranch. Having failed to obtain a resolution from the *ranch* or, worse still, having received an unjust verdict, they go to the *Nari Adalats*. By and large, women and families, who are economically vulnerable and are not bound by the censure of the traditional panchayat, use the *Nari Adalat* mechanism, although there are, of course, exceptions, including an instance of the government's chief district revenue officer's wife petitioning the Surendranagar Mahila Samakhya's *Nari Adalat*.

In another instance, after the Sahayata Kendra's intervention, in a camp court held by Assistant Labour Commissioner in June 2009, 265 NREGS workers were each given Rs 2,000 as compensation for delayed payment. The people responsible for the delay were fined under Payment of Wages Act 1936.

enforcement system informally to intimidate a defiant violator, they acknowledge that maintaining the home and family is critical to their core understanding of gender justice. Their priority is to 'find a solution' for the woman within the ambit of social justice rather than applying more generic principles of judicial procedure or human rights. *Nari Adalats* apply thus, a combination of indigenous norms based on a social understanding of women's rights and the statutory principles governing them.

The popularity of the *Nari Adalats* also lies in the relatively high sense of control that the petitioner experiences there, in comparison with the traditional *panches* and the courts. Cost, time and venue are critical aspects in sponsoring a sense of control in a woman. The *Nari Adalats*, on an average, take 3–8 months to resolve a case. The process does not cost the petitioner much more than a thousand rupees although this varies a little among *Nari Adalats*.

Some critical observations about the impact of the system's informality on the outcome are:

- ♦ The lack of formal and standard legal documentation, especially when executing divorces or settling maintenance amounts poses serious problems.
- ♦ The absence of even a basic understanding of legal procedures and provisions means that the client had not been provided with information on the laws nor empowered to make informed choices vis-a-vis the outcome. The legal provisions were often far more progressive and

The popularity of the Nari Adalats also lies in the relatively high sense of control that the petitioner experiences there, in comparison with the traditional panches and the courts. Cost, time and venue are critical aspects in sponsoring a sense of control in a woman.

women-centred than some of the resolutions provided by the *Nari Adalat*.

- ♦ The inability of the system to comprehend and interpret revenue and legal documents (such as property documents) held by the client and the absence of a support mechanism (such as lawyers) mean that the advice or resolutions provided by the *Nari Adalat* are left vulnerable to legal dispute, and the client is sent back and forth between the *Nari Adalat* and the court.
- ♦ The *Nari Adalat* system operates entirely through the will and courage of the MSS volunteers and *sangh* members. This makes the system personality-oriented to a large extent; in the presence of dynamic members of the *Nari Adalat*, the system is taken more seriously. This ensures better follow-ups, a more resolute and caring environment. However, the opposite is also true: in the absence of dynamic members, a positive outcome is less likely.
- ♦ In the absence of any legitimate mandate or structured partnership with state enforcement agencies or the formal judicial system, the 'fear' inspired in the violator by the *Nari Adalat* is shortlived. Whereas the vast pressure of an active *Nari Adalat* means that compliance by the violator is high, there is a perception that this compliance is with a social group, not with an institution or system, and it is not necessarily sustainable.
- ♦ It has been consistently observed that *Nari Adalat* members were more constrained about taking a harsh or

objective stand when the complainant and the defendant belonged to their own caste or village.

NARI ADALATS: JUSTICE FOR WOMEN OR WOMEN FOR GENDER JUSTICE?

An analysis of the 3,514 cases received and handled by six women's courts reveals that all the cases pertain to marital disputes and to gender-based violence—primarily domestic violence. The dominant image of the *Nari Adalats* remains that of a forum where women facing violence within marriage can seek 'support' or 'justice'. However, whereas more than 89 per cent of the cases pertain to marital disputes and violence within the marital home, the *Nari Adalats* no longer deal only with women victims. In 20 per cent of the cases (714 out of 3,514), men have approached the *Nari Adalats* for justice. The reasons for this vary. In the main, men who believe that their 'errant' wives can be 'straightened out' by the women of the *Nari Adalat* have tended to file complaints against their wives. In addition, when women have filed charges of harassment against their husbands and applied to the formal courts for maintenance, the *Nari Adalats* have been approached by their husbands, in the hope that that if their wives are persuaded by the *Nari Adalats* to withdraw their court cases, they can perhaps get away with paying less maintenance and protect themselves from the time and money costs of litigation.

Whereas all six women's courts studied were embedded within a larger movement for women's empowerment, and comprised interventions by organizations of women, the study revealed that none of them received, or proactively took up, a single case of sexual harassment; nor did they hear sex workers' cases or cases dealing with women's labour

contracts, female foeticide, women victims of inter-caste or communal violence and disputes, etc. Acknowledging that these forms of gender-based violence and exploitation were endemic, the *Nari Adalats* had clearly developed and acquired the image of a local, informal 'family court', the predominant role of which is to protect the rights of the woman within the framework of marriage. Whereas a more active and conscious will to counter acts of gender-based violence outside the family exists, the lack of a clear institutional mandate, the absence of well-crafted links with the formal structures, and an inadequate understanding of the legal and judicial procedures and systems have ensured that only 5 per cent (169 cases out of 3,514) of the cases seen by *Nari Adalats* deal with rape, homicide, sexual harassment, etc. Similarly, whereas there is a demand for action on, and a consciousness of, the issue of a woman's right to inheritance, only 4 per cent of the *Nari Adalat* cases pertain to this issue (see Annex 1). These figures, however, are not only an indication of the scope or abilities of the *Nari Adalats* but are also equally related to low levels of reporting in cases of rape and the very low levels of women's willingness to litigate over inheritance entitlements.

Nari Adalats enjoy a high level of credibility within their own collectives, and in the blocks or *talukas* in their geographical regions. These have, however, yet to move towards a more comprehensive form of gender justice, or to become a more generic social justice mechanism governed by women. However, it would be unfair to view this lack of development in isolation. *Nari Adalats* need to be viewed within the wider context of the women's movement—in particular, the grass roots rural women's movement both in Gujarat and the rest of India.



The upsurge in the emancipation of rural women in India over the past decade and a half has been phenomenal. However, this emancipation and its manifestation in numerous acts of assertion and challenges to the patriarchal socio-political structures have not come without a cost—that of peace within the domestic sphere. The fact that women have entered the public arena and are asserting their right to public space has been met with violent reactions and resistance within the private sphere. There is a disconnect between male expectations and women's aspirations, a colossal mismatch between the pace at which women's attitudes to men and themselves are changing and that at which men's attitudes are changing. Whereas a daughter's circle of freedom is expanding, her life as a daughter-in-law has reverted to what it was a decade ago. The incidence of violence

against women, particularly domestic violence and disputes, continues to rise dangerously, even as women assert their right to expression and freedom. However, disputes and violence within the home are no longer shrouded in silence; they are announced and reported, and resolutions are sought with newfound confidence. That the *Nari Adalats*, Legal Aid Centres and the Family Counselling Centres of the Ministry of Social Empowerment all report an increase in cases each year is some indication of this.

The rural women's movement has improved rural women's abilities to organize themselves as collectives, to form pressure groups within their regions and to express and assert their rights within the family; yet, the movement's willingness to take up gender issues outside its ambit—be these violations

of prenatal sex determination tests, the rights of sex workers, labour laws to the detriment of women or the trafficking of women—have been relatively low. The *Nari Adalats* merely reflect the pattern that exists within the wider grass roots rural women's movement in different parts of India, including Gujarat.

INTERFACE WITH THE TRADITIONAL RANCH

The study team met with 11 traditional *ranch* members from as many communities in four districts of Gujarat. Two were dalit communities (Vankars and Maheshwaris), two were cattle herder communities (Rabaris and Bharwads), one was a tribal community (Rathwas), one was an upper-caste farming community (Bhanushalis) and five were Muslim communities (Memons, Mansuri, Kasbas, Ker and Mokarsi).

The *Nari Adalats*, it would seem, have emerged more as an alternative to the patriarchal caste *panchayats* than as a decentralized alternative to the formal judicial system. The *panchayats* protect the patriarchal social order of the community; the *Nari Adalats* protect the rights of women within that social order. In doing so, they have neatly appropriated the format of the *gynati/jati (caste) panchayats* in more ways than one.

Interestingly, the study found that the *Nari Adalats* and the *gynati panches* sometimes produced similar responses to completely opposite situations. In about 50 per cent of

The fact that women have entered the public arena and are asserting their right to public space has been met with violent reactions and resistance within the private sphere. There is a disconnect between male expectations and women's aspirations, a colossal mismatch between the pace at which women's attitudes to men and themselves are changing and that at which men's attitudes are changing.

the cases, in which the man was the aggrieved party and where the *Nari Adalat* women established that the man was 'wronged' by the woman, the women retreated into conditioned positions of 'matriarchs in court', with their 'maternal instincts' governing the verdict and decision-making. As judges, the members of the *Nari Adalat* respond according to their emotions, with responses to male complaints/victims being fairly gendered. In fact, the attitude of the *Nari Adalats* towards men was completely adversarial when they were defendants; but when a man was the aggrieved party, his perceived vulnerability

would draw a fairly maternal response. For instance, in Rajkot district, a woman lying about her husband's impotence to escape a bad marriage was given a punishment that had no parallel to similar instances when men had used their wives' 'sterility' as a reason for adultery and abuse. This response is similar to that of members of the *nat panch*, the attempts of which to be just and fair towards 'passive' and 'vulnerable' women wronged by their husbands at times translate into patriarchal protectionism.

However, the similarities between *Nari Adalats* and *gynati panchayats* end there. The costs and expenses involved in the *gynati panchayats*, which meet when they are appealed to or are 'moved' by a complainant from their caste/religion/sect, are extremely high. The complainant has to bear the costs of bringing different members together to a common venue and feeding them and of the public meetings that ensue. These, of

course, vary from community to community, although the pattern is similar, especially among the Hindus and the tribal communities studied. Apart from the costs mentioned above, the transaction costs include a 'cut', which goes to the *panchayat*—especially if it executes a divorce or separation that entails one of the partner families paying a stipulated amount to the other family, depending on which family or partner is declared 'guilty' by the *panchayat*. In the Bharwad community, for instance, if a woman is declared sterile by her husband and seeks a separation, her family has to pay a separation amount to the man on the grounds of her 'sterility'; 50–60 per cent of that amount is taken by the Bharwad *panchayat*. The situation is similar when a man suspects his wife of infidelity and seeks a separation.

The mounting transaction costs of the *gynati panchayats*, the lack of interest or care these increasingly display when trying to find a resolution, the speed with which a separation is executed for their financial gain and the existence of alternative dispute resolution systems such as the *Nari Adalats*, *mahila panches*, etc., have all contributed to the diminished credibility of the *gynati panches* in Gujarat. Even men seeking justice in marital matters are becoming more willing to approach the *Nari Adalats* (despite the perception that they are biased towards women) or the Family Counselling Centres run by the State Social Welfare Board, rather than their caste *panchayats*.

Domestic violence is not restricted to any one branch of the law—it is civil in nature but often requires the combined applications of civil, criminal and even medical law. In dealing with domestic violence, the formal legal and judicial system has relied primarily on the criminal justice system, which has inherent limitations in dealing with domestic violence cases.

The decreased power of the *gynati panches* over the community is, however, attributed to a number of reasons other than their ineffectiveness and tendency to extort. It is argued that the urbanization of villages, the nuclearization of families and migration into towns have all led to the breakdown of the ability of the *gynati panchayat* to 'govern by control'.

AN ALTERNATIVE JUSTICE DISPENSING MECHANISM?

Domestic violence is not restricted to any one branch of the law—it is civil in nature but often requires the combined

applications of civil, criminal and even medical law. In dealing with domestic violence, the formal legal and judicial system has relied primarily on the criminal justice system, which has inherent limitations in dealing with domestic violence cases. These include the victim's extreme vulnerability faced with the law-enforcement system, the complex rules of evidence and the risk of incomplete solutions that do not deal with maintenance, custody. All of these create multiple avenues through which an abused woman has to seek justice. Hopefully, however, the Domestic Violence Act of 2005—when it becomes operational—will be better able to address these lacunae because it fundamentally links, for the first time, domestic violence with the right to property. The above apart, outmoded procedural laws have in any case provided enormous scope for delaying tactics by the legal and judicial fraternity. As of December 2005, pendency in the High Courts has increased from 27.57 lakh cases in 1999 to 35.21 lakh cases in 2005; in the subordinate courts, it increased



during that period from 2 crores to 2.56 crores. It has also led to a distinct disdain for the lower courts—one reason why so few court cases are filed compared to the numbers in other nations/societies.

The victims of domestic violence require a plurality of socio-legal remedies to ensure that they can live in a more secure physical, emotional, psychological, economic and social environment. They are not only victims of crime, but also, and primarily, victims of their family milieu. However, the formal judicial system—or even its constituted informal mechanisms such as the *Lok Adalats* and Family Courts—are often inherently inadequate to address the multiple

dimensions of the issue. Time and again, solutions have not necessarily been found through an application of the human rights framework alone, precisely because of its exclusive focus on the individual violation; in fact, the outcome of a violation and its resolution are inextricably linked to a wider, more complex web of socio-cultural considerations. The cases that come before the *Nari Adalats*, and before all similar mechanisms across India, deal with extremely specific situations of suffering and human rights violations. This is particularly so when the primary ‘clients’ are abused women, who are economically marginalized and belong to traditional rural communities. Whereas the application of human rights



through the formal justice system has been effective in ensuring resistance to acts of gender-based abuse and violence, has it equally effectively prevented or reduced a victim's oppression?

Clearly, strategies for victims have to go beyond legal interventions to encompass confidence-building measures, the restoration of filial relationships, the mobilization of community support and the education of the victim about her rights as an individual and within the family. No one system can achieve all of these. Multiple systems of support and plural forms of resolution and justice delivery with a gender justice perspective are necessary to address

the complexities of domestic violence cases. The question is whether the *Nari Adalats* are embedded enough in the system to qualify as one of the plural mechanisms existing in the arena of gender justice or whether these merely occupy a temporary space created by the numerous shortcomings of both the traditional *panchayats* and the formal judicial system. Is the *Nari Adalat* a supplementary forum, which focuses on prelitigation conciliation and settlements, or is it a complementary system, which has defined an equally just, and perhaps more culturally acceptable, way of dealing with the issues of women's rights?

These questions were posed to at least 70 *Nari Adalat* leaders in three different *Mahila Samakhya* districts. They consistently and systematically charted both the merits and drawbacks for women of both the mainstream justice system and the *Nari Adalats*. Interestingly, whereas the *Nari Adalats* seem to have emerged initially as an alternative to the traditional *panches*, today they judge their achievements and failures in comparison with the formal justice system—much as the numerous self-help rural women's groups in the country, which emerged in reaction to exploitation by traditional moneylenders, today make the mainstream banks their points of reference.

The *Nari Adalat*, its members believe, is an institutionalized and yet informal 'space'—rather than a system—which is fear-free and barrier-free. The members take pride in their subjectivity and make no claims to be objective; their focus is exclusively on women's rights, and they make no claims to understand human rights sans women's rights.

For the *Nari Adalats* to be accepted as a parallel institution and retain their values, approach and methods, however, these require an authorized institutional mandate. At present, these *Adalats* are perceived as being too informal and 'voluntary'. *Nari Adalats* need to evolve a more standardized form of documenting records and evidence, and a more comprehensive and systematic understanding of the formal legal and judicial system, as well as the human rights framework, so as to engage with other forms of justice delivery for women. Finally, these *Adalats* need to learn ways of introducing a public discussion on social justice based on rights rather than merely on reconciliation or responsibility.

Clearly, *Nari Adalats* would like to develop into, and be accepted as, a complementary system to the mainstream. However, some of these drawbacks in the concept and its operations need to be addressed at a broader level before *Nari Adalats* can be incorporated into a pluralistic legal framework. It is important, however, that *Nari Adalats* do not lose their character and become a decentralized justice deliverance mechanism like the *Lok Adalats*. In addition, trying to formalize or mainstream the *Nari Adalat* system through the more recently resurrected

concepts of the *Gram Nyayalaya* or the *Nyaya Panchayats* is to run the risk of making them into formal systems with informal and local customs—with all the bureaucracy of the former and the ad hocism of the latter. Jayshree, the dynamic and perhaps most experienced member of the Vadodara *Mahila Samakhya*, aptly said, "We should not sacrifice our specific spaces in an effort to overcome our limitations, and end up becoming a more gender neutral space with an illusion of greater influence! We must not sacrifice women's rights in the larger interest of 'human rights'!"

The mainstream justice delivery mechanism must and will view women's rights as a fundamental part of human rights; however, there is validity in the emphasis of *Nari Adalat* on interpreting human rights through what is easily accepted and understood from the context of women's everyday experiences of abuse and violation.

Note: This is an abridged version of a study document by Sushma Iyengar in 2007. The study was carried out on behalf of the UNDP South Asia desk, and supported by the Asia Pacific Gender Mainstreaming Programme (AGMP)