

# Nari Adalat: Justice for Women by Women

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Tackling gender issues that lie at the heart of women's empowerment by setting up alternative justice systems saw the competence and compassion of the SHG members rise to the fore; they are now a force to reckon with

“THE SITUATION OF WOMEN IN OUR area has changed in the last six or seven years. Now they can speak up and raise their voice against discrimination,” says Kumari Ragini Ranjan in a bold voice. She is the President of the Damodar Mahila Mandal Sangh (DMMS), Chandwara, Koderma, a Federation of Self- Help Groups (SHGs). She also told us that the Nari Adalat (Women's Court), which is part of this Federation, has done significant amount of work to change the situation. The Nari Adalat was formed in 2008, with a special focus to resolve various issues of women. 'Nari Adalat...Insaaf Ki Awaaz' is a body that is constituted of experienced women leaders, who handle issues related to domestic violence and

gender inequalities present in the operational area of DMMS.

The concept of women's courts came about with the judicial reform movement in India that dates back to the early years after the country gained its independence from Britain. In the late 1950s, a system of judicial councils, or *nyaya panchayats*, was introduced; although these councils were modeled upon the existing rural community or caste *panchayats*, they differed from the latter in a number of ways. Most important, their members were democratically elected, rather than drawn from a self-selected group of influential local elders. Furthermore, they were to administer the law of the land, rather than to enforce local custom.

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This attempt to devise an alternative route to justice at the village level ultimately proved to be unworkable and by 1970 the institution became 'moribund' (Meschievitz and Galanter 1982). Soon, thereafter, legal reformers began advocating the establishment of a different kind of alternative dispute resolution system, the so-called 'people's court' (*lok adalat*). Thousands of cases have been 'settled' or people have arrived at a 'compromise' through the *lok adalats* since the first one began operating in 1982. Critics have cast doubts upon the extent to which these bodies actually deliver 'justice' to the weaker party.

In the late 1970s and early 1980s, feminists also began to actively press for judicial reform. This was a time when the issues of violence against women, including (but not limited to) domestic violence, were arousing increasing public concern. At present, many cases of social conflict have transformed into legal disputes, which accentuate problems rather than resolve them. Promotion and popularization of alternative methods of dispute settlement is, therefore, the need of the hour. Alternative dispute resolution mechanisms not only facilitate speedier justice but are also a process wherein the

parties involved have control over the eventual outcome. By and large, some salient features of such dispute-resolution are: participation, accommodation, fairness, voluntariness, neighbourliness, transparency and lack of animosity.

DMMS is a federated body at the block level, promoted by PRADAN's Telaiya team. The formation of SHGs in Chandwara block and in the surrounding areas of Koderma district of Jharkhand was initiated as long ago as in 1991-92. In the initial period, forming SHGs was a tough job due to the lack of trust in the promoting organization, as well as among the members themselves. Through some training programmes at the SHG level, we were able to build trust and, gradually, mobilize SHG women to show their solidarity and federate at the block level. During this period, PRADAN helped SHG members promote livelihoods with their existing resources, thereby strengthening the economic portfolio of the area.

Under the livelihoods promotion chapter, the PRADAN team helped women promote improved agriculture, set up small businesses, bring improvements in livestock rearing, etc. To

promote livelihoods, SHG members mobilized a programme fund from the block, the banks and from contributions from their own savings. PRADAN was involved in the transfer of technical knowledge to them through exposure visits, demonstrations, hand-holding, training, etc.

For the entire journey of 14-15 years, PRADAN's focus has been to stabilize the different tiers of SHGs and to promote livelihoods among people. The change in the area is visible in the form of eradication of the *mahajani* system, development of the savings habit, availability of some money in individual savings accounts, investment in livelihood activities, creation of trust among members, show of solidarity at the block level through Mahadhivesans, etc. Our facilitation has strictly been in the areas of savings and credit, strengthening Community Based organizations (CBOs) and livelihoods generation.

During our engagement, we noticed that the status of women was poor. Domestic violence in the family was rampant, the situation of single women was deplorable, the social position of women was extremely low and their participation in decision-

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making was minimal. We did not encourage SHG women to discuss these issues with us because of our own lack of competency in the field. Most of the time, the women did not even discuss these issues of atrocities against women in the presence of PRADAN professionals.

The participation of SHG members in livelihood-promotion activities fluctuated significantly and sometimes went so low as to be embarrassing for the livelihood-promotion organization. In 2005, we organized a camp to map the future direction of the Federation. In that camp, the Federation members prioritized many issues pertinent for their development. Of these issues, 'improving their status' emerged as the first priority.

During further discussions, we heard details of the issues related to women. Many SHG members became quite vocal at that time and requested PRADAN's support to change the situation. The journey began that day when SHG members voiced their concerns. The Federation began to discuss the issue of violence in their monthly meetings. In every Federation meeting, there was a long line of SHG members, who wanted help to resolve their

problems. Often, the issue could not be resolved in one session and had to be heard over a few days before any justice could be dispensed.

In 2007, the Federation members visited Disha, a Civil Society Organization, in Saharanpur, Uttar Pradesh, to understand how it worked. For the first time, the women experienced an alternative dispute redressal system in the form of a '*Nari Adalat*'. They observed the various processes followed during the redressal and the impact it had for women at the societal level. DMMS took a prompt decision to promote an alternative dispute redressal mechanism, to address the issues raised by its members in various forums.

In 2008, the Federation initiated a body comprising experienced women leaders as members, on a voluntary basis. One criterion for being a member of this body was that the person had to have shown her concern for women's issues. The other criteria were: a) Engagement of the member would be purely voluntary and no remuneration would be paid; b) The member should have a good understanding about women's issues, try to resolve them and extend a helping hand to those in distress; c) The member should

have a good understanding about gender and patriarchy; d) The member should be able to facilitate discussions on gender issues; e) The member should engage with the line department without any hesitation and; f) The member should have patience to listen to the issues.

Initially, there were 20 women leaders, who volunteered at the Federation meeting, and a separate platform was formed to deal with women's issues. At that time, the name of the forum was Nari Sahayata Kendra (NSK). In the first meeting on 16 September 2008 at Tham Panchayat Building, some 20 women leaders, along with PRADAN professionals, met and discussed the purpose of the forum. The roles and responsibilities of the members of this forum was discussed; from the very beginning, it was clear that all the women leaders would work in a voluntary capacity. Also discussed was how this forum would be more acceptable in society, particularly in comparison to the caste *panchayat*.

The drawbacks of a caste-based *panchayat* was discussed at length and we tried to incorporate its best practices in NSK. From the very beginning, it was decided that there would be no charge

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to any party and at all times the gender lens would be used to solve the cases. Apart from that, it was decided that the local administration such as the police station, the block officials and other influential people would be informed about the forum and that support would be drawn from them, as and when required.

In that first meeting, no cases were taken up. Another important decision taken was to identify two SHG members and have them trained as paralegals to support NSK. The date and venue of the next meeting were finalized. A significant number of women leaders from Tham and

the Madangundi *panchayats* were present. Therefore, it was decided that the next meeting would take place at Madangundi *panchayat*.

Once it was formed, Federation members transferred the cases of violence against women, handled in its monthly meetings, to NSK. The Federation members also informed the people in their areas about the formation of NSK.

From the second meeting onwards, cases began to come in and these were registered in a systematic manner. In the fourth meeting, an SHG member from Madangundi brought up a case of a land dispute. NSK, however, did

not take it up. During one of its review meetings, members shared that the SHG member's husband was trying to capture the land illegally and that the issue was not related to women. Later, a decision was taken to avoid any land-related issue unless the land was in the name of a woman.

There was a huge struggle to establish NSK in the area. The villagers usually organized a *panch* (village-level informal court), based mainly on caste lines. The general practice at the *panch* was to receive some funds from both the parties as fees, discuss the issue amongst themselves and provide the verdict. Most times,



**Hearing proceedings in the Nari Adalat**

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these verdicts were influenced by the strong patriarchal thoughts of the *panch* members. Sometimes, their verdict was influenced by the hefty bribes they received. The villagers, and especially the women, were not always happy with the verdicts the *panch* gave.

After NSK was formed, women complainants were accompanied by the trained women leaders to the village court; these women leaders confronted the *panch* during the discussions. They argued with the *panch* about their patriarchal mindsets and challenged their decisions.

This was the very first step to dismantle the *panch* in the local area; sometimes, the *panch* refused to handle any domestic violence-related cases.

Simultaneously, PRADAN focused on developing three things at the local level to strengthen NSK. The first was to create awareness about gender issues at the SHG level, the second to promote paralegals and the third to create linkages with the concerned line departments such as the blocks, police stations and district-level legal bodies to draw support for NSK, as and when required.

Initially, most of the cases were of domestic violence, largely because PRADAN had initiated training programmes around discrimination, violence and gender issues. NSK volunteers collected information from the neighbours and the relatives of the complainant, discussed the matter with the family members and tried to identify the causes behind the violence. A significant number of cases have been resolved through NSK, mainly through facilitation. NSK members also provide women with a different perspective and, in difficult cases, they even drew



**Paralegals document the statements of the victim and the accused**



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support from the local police station for punitive measures to be taken. During discussions at the family level, sometimes NSK volunteers invite the well-wishers of the family, to facilitate the process.

In 2009, NSK volunteers first visited the local police station for support to resolve a case. That was the first time the police officers came to hear about the existence of this platform to resolve cases related to women's issues. At this juncture, PRADAN realized the need to orient volunteers on the laws of the Indian Penal Code (IPC), specifically about the laws relating to women.

The issue was discussed at the Federation level and the women identified five SHG members from among themselves (all of them were literate), to be trained as paralegals to assist NSK volunteers in handling legal issues. All the five women have been trained by MARG (Multiple Action Research Group), a resource organization in the field of legal aid. Once trained, the volunteers became more aware about the laws protecting the interests of women in society. Gradually, the number of cases being handled by the NSK forum has increased and there has been

an acceptance of the organization in society.

Initially, the redressal system was open only to SHG members; slowly, several non-SHG members began to bring their issues to NSK for resolution. At the same time, the police officer of the local station began to advise the people to first take their issues to NSK; if NSK could not resolve the matter, they could bring it to the police. The officer said, "Please approach NSK because the members have the heart and the head to resolve any case. We, on the contrary, don't have any heart when resolving cases."

Of the 20 members, three usually play the role of the jury, and the others act as advisory members for the day. After registering the case, a group of volunteers try to understand the issue through interrogation of the complainant, and determine the nature of the case as to whether it is a case of domestic violence or of sexual harassment. Cases of the second nature are usually transferred immediately to the police station.

For the domestic violence cases, two to three volunteers go to the concerned village to gather information about the case; during this visit, they speak with the complainant, the relatives,

the neighbours and the women leaders of the village. This 'investigation' usually takes place within a few days so that the volunteers can present their findings in the next meeting. A letter is then sent to the complainant and the parties are summoned for a physical appearance in the next NSK meeting. The letter also mentions that in case either party does not want to appear, the case can be transferred to the appropriate authority.

During the hearing, the three judges usually ask questions to ascertain the issue and finalize the verdict. Before the finalization of the verdict, the judges also seek support from the Advisory Committee. Finally, both parties receive the verdict in writing, which they both sign, along with some witnesses, as a token of acceptance of the verdict.

In almost all the cases, NSK keeps a watch on the complainant's family for at least three to four months after the verdict, to ensure that the situation has improved as per the intervention. No fee is charged from either party. This is a forum created by DMMS for its SHG women, where they can share their issues without any fear, draw

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In 2011, PRADAN initiated a programme on gender awareness; SHG members underwent a series of trainings to build their perspective of gender. Discussions on the subject became very common after such trainings. The women leaders also began to keep a close watch for issues of violence in the villages and created an environment wherein women could raise their voice. Their attempt is to resolve most of the cases at the village level and transfer only the complicated cases to NSK.

In 2014, in one of the review meetings by Jagori, volunteers

realized that the women no longer required any assistance to resolve their issues; they just wanted justice. After getting an approval from the Federation, the forum renamed itself '*Nari Adalat*'.

At present, the *Nari Adalat* meets twice a month. It meets on the 16th of each month at the panchayat building in Tham, and on the 28th of the month at the panchayat building in Madangundi. Besides this, when it receives a case, a few members go and visit the village of the complainant to serve notice to the accused and to also gather first-hand data about the case. Based on the requirement, two or three of the literate members of the *Nari Adalat* constantly nurture the linkages with different stake-holders.

There are currently 21 women leaders who are members of the *Nari Adalat*. Eight of them act as judges and the others are helpers, who assist the judges. The volunteers of the *Nari Adalat* are experienced women leaders of the area and continuously raise issues related to women. They believe that women are equal to men and can take charge of their own lives. They also wish to see an equitable society. They have to devote a significant amount of time, on a voluntary basis, to bring about a change in society.

Initially, their focus was on SHG members only; however, now they extend support to all the women of the area. Mina Devi of Pipradih village, a volunteer said, "It is our role to create a violence-free village for women." Some positive help from the

**Table 1: Cases Handled So Far**

Year	Domestic Violence	Separation	Rape
2008-10	14	4	0
2011	10	2	0
2012	18	2	1
2013	22	2	0
2014	28	1	0
2015	10	0	0
2016	13	0	1
<b>Total</b>	<b>115</b>	<b>11</b>	<b>2</b>

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#### **Case Study: Rani**

Rani (name changed) is a married woman and belongs to a scheduled caste community. She is around 20 years old and got married at 18. She has two sisters and one brother and is the eldest child. Although her parents are very poor, she had enjoyed a happy life with her family. She lived in Rembo Karma village, in Chouparan block. She got married to Ravi (name changed) of Basaria village of the same block. Initially, she was happy with her in-laws; however, after a year, she was physically and mentally tortured by her husband and her father-in-law. Their main demand was more money as dowry. Initially, she did not share this demand with her parents. When the torture increased, however, she left her in-laws' house and returned to her native place, around 10 km from her marital home.

Her mother-in-law lodged a complaint against her at the *Nari Adalat* stating that her daughter-in-law is quite rude and likes to stay at her native place and also threatens them with dire consequences if they force her to return to her marital home. She didn't say anything about the physical and mental torture faced by her daughter-in-law.

The *Nari Adalat* registered the case and began investigations. When the volunteers of the *Nari Adalat* approached Rani, she did not reveal anything but refused to return to her in-laws' house. The volunteers could not understand Rani's behaviour. As per the procedure, the volunteers then tried to question her sisters and the neighbours of her native village, who shared the real story of her mental agony. To cross-verify the facts, the volunteers visited the in-laws' village and made their enquiries. The neighbours gave them a similar response.

The *Nari Adalat* asked both the parties to appear before it and asked them to speak about the issue. Her husband and father-in-law admitted to their actions and accepted their mistake. At the same time, her mother-in-law also shared her inability to protect her daughter-in-law due to her ignorance. The *Nari Adalat* gave the verdict in favour of Rani and asked her in-laws to create a violence-free environment at the family level. Both parties accepted the verdict and signed a copy of the verdict for future reference.

A follow up from *Nari Adalat* revealed that Rani is now very happy to stay with her husband and her in-laws. She is blessed with a baby boy, who is now six months old.

#### **Case Study: Amina Khatoon**

Amina Khatoon (name changed) got married to Latif Mian (name changed) at a very early age. She has two children. Latif Mian was a migrant labourer and worked in Mirjapur (Uttar Pradesh) as a porter for a warehouse. He has a small piece of agricultural land, the produce of which is not sufficient to feed his family two square meals. He lives with Amina, their children and his parents in Bagro Baramasia village in Domchanch block, Koderma district. Amina's health does not permit her to take on heavy work on a daily wage basis. In the absence of her husband, she could not share her difficulties with her in-laws. Meanwhile, they pressurized her to bring money from her parental home to pay for her treatment as well as for their basic needs. She tried to talk to her husband to convince him about her physical state. Her father-in-law did not allow her to talk with her husband over the phone. She, somehow, was managing her life and bringing up her children.

One day, when her father in-law was away, she spoke with her husband over the phone and narrated her story. To her utter shock, her husband refused to believe her and asked her to leave the house so that he could marry



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someone else and enjoy his life. She was speechless for some time and then took a decision to return to her native place with her two children. Her in-laws also facilitated her decision and asked her to leave their house without wasting any time. This is a very common phenomenon in this place.

Amina came back to her parents’ house at Pipradih village of Chandwara block of the same district. Her mother was a very active SHG member of her village and approached the *Nari Adalat* to intervene in the matter without any delay. The *Nari Adalat* summoned both the parties on a stipulated day. In the meantime, the volunteers visited her in-laws’ village to gather information about the incident. Most of them provided information in favour of Amina and confirmed that torture had occurred at her place. Amina’s father-in-law appeared in the *Nari Adalat* but her husband was not present on that day. Her father-in-law denied all charges and was not ready to take back Amina. The volunteers tried to talk with her husband on phone but he refused to appear or accept the importance of the *Nari Adalat*.

The very next day, the volunteers approached the women’s police station with a petition from Amina, to resolve the case. There is a good rapport between the *Nari Adalat* and the police, having worked together to handle such atrocities occurring against the women of this area. Then and there, the Officer-in-Charge talked with the father-in-law and asked him to appear at the police station. Again, Amina’s husband and his father did not take the summons very seriously and deliberately missed the date. With a strong follow-up from the *Nari Adalat*, the Officer-in-Charge once more ordered him to appear before him. Finally, Amina’s husband and his father came to the police station. The police officer invited the volunteers of the *Nari Adalat* to discuss the issue. He announced that if the men did not comply with the verdict of the *Nari Adalat*, the police would act in the case.

The volunteers asked them to discuss their issues in the light of gender perspective. Both (her husband and her father-in-law) accepted their fault and agreed to bring back Amina and her children without any delay. Before leaving the police station, they signed their agreement of the verdict of the *Nari Adalat*. Amina is very happy with her husband now. He stays with her and is doing some business in the village itself.

administration at the right time also helped the *Nari Adalat* build its confidence. Another volunteer, Uma Devi, said, “The village society recognizes us now as judges, capable of providing effective solutions to resolve family disputes.”

In most villages in the operational area of the Federation, there is a visible change in the status of women. Incidents of domestic violence have declined

considerably. SHG members are well aware of domestic violence and can easily spot instances of discrimination issues; they now raise their voice in various forums. Sunita Devi said, “Due to our awareness and the presence of the *Nari Adalat*, our status has improved.” Some men are also very thankful to the *Nari Adalat* because their families have been saved. In almost all the cases, domestic violence usually

originates over a trivial issue and, gradually, becomes a more complicated issue. A police officer said, “We arrive at a conclusion by applying our brains; but the *Nari Adalat* usually uses the brain and the heart to come to a conclusion, which is very helpful in maintaining harmony in the village.”

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Avijit Mallik is based in Koderma, Jharkhand