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Letter from the Editor

Gender inequality is a global phenomenon and it is a tragic reality that women, in general, fare much worse than men vis-a-vis all human development indicators. However, we must agree that over the years there has been change. Yet, in a country like India, mired by endemic poverty and various cultural and social barriers, the position and condition of women leave much to be desired. Amartya Sen points out that gender inequality acquires many faces including inequalities in survival, natality, professional, facilities, ownership, sharing of household benefits and chores, domestic violence and physical victimisation.

Bridging the gender gap has been identified as one of the priority areas of intervention by the government and various steps have been taken to ensure that women are provided opportunities as well as made aware of and trained to make use of such opportunities. Affirmative action such as women's reservation in local governance has been implemented to provide an opportunity for women to voice their concerns. However, as it happens, policy pronouncements are not enough to change the attitudinal barriers that surround women's position and condition in the society. Women heads of panchayat, many a time are relegated to being mere ceremonial heads and the business is actually carried out by the men. It is important to complement opportunities created for women with strengthening them and their capabilities to be able to make use of these opportunities.

The advent and success of microfinance in the past two decades has put women right at the top in terms of priorities for NGOs and financial institutions working on economic and livelihood issues. This was not so earlier. Women essentially were the concern of NGOs and programmes working on so-called softer issues such as health, nutrition, family planning and child welfare. The microfinance movement that took off in Bangladesh in late 70s and then spread across the world reached out to women for organizing groups and providing financial services. The SHG experiment that started in India in mid-80s exploded in the 90s with NABARD and banks stepping in a big way. The movement expanded further but, unfortunately, went out of hand in the first decade of the new millennium with the government taking over SHG promotion. All these programmes have pre-dominantly focused on women to provide financial services. The SGSY is a national-scale, SHG-based livelihoods promotion programme of the Government of India. The upcoming National Rural Livelihoods Mission proposes to replace the SGSY and raise it to a mission mode from the prevalent scheme mode.

Does providing credit to women necessarily lead to agency enhancement? Does placing incomes in the hands of the women empower them? Of course, these are not straightforward questions with straightforward answers; experience, however, suggests that interventions in only addressing the economic needs of the household do not necessarily improve the position of women. In fact, studies on the gender impact of microfinance show that provision of credit has many a time, made women passive channels of credit, which is availed of by the men in the family. Anecdotal evidence provides indications that as women become more responsible for earning for their household, it increases her drudgery and sometimes leads to increased violence. In PRADAN, there has been an increasing realization that our approach of promoting livelihoods for the rural

poor by looking at livelihoods only from an economic empowerment perspective is not holistic. This approach seems to miss the larger malaise that afflicts women as a class in itself and that which subjects them to subjugations of varying kinds.

Women's empowerment cannot take place in a matter of months or years under a given project. It is a long haul. The terms of engagement and processes have to be carefully designed and implemented. If livelihood programmes are to achieve larger goals of empowerment and agency enhancement of women, these need to follow different processes and protocols than those being followed when income generation is the only objective. What could those areas be? How do we plan for the long haul but at the same time achieve progress predictably? Naila Kabeer talks about 'critical moments' and project planning based on them in her article in this issue of NewsReach. She postulates that the gender-blind nature of planning either leads to reinforcing the very same traditional roles of women or results in over-burdening them. Thus, the gender transformation one seeks needs to have a deliberate plan based on a well-articulated theory of change. This plan needs to be made, keeping in mind the critical moments of the project such as conceptualization, designing, implementation and monitoring. Such an approach can lead to a more desirable and predictable outcome.

This issue of *NewsReach* also presents an assortment of articles that deal with the different facets of working on gender issues. The *Nari Adalats* of Gujarat were promoted

under the celebrated Mahila Samakhya programme of the Government of India. They are informal, alternative local courts set up by women leaders of the Mahila Samakhya that help dispense justice to victims of gender discrimination and violence. These courts came into existence primarily due to the inefficacy of the traditional panchayat-the formal judicial system that addresses issues related to women's rights in a fair and time bound manner. Sushma Iyengar neatly puts the struggles of the *Nari Adalats* in perspective through this study and at the same time raises important questions that need to be posed and addressed. The question is whether these courts were indeed able to enable women to play a justice-dispensing role or not.

The description of the case of Sarasawti Bai by Vishal and the story of the para-legal workers by Subodh, from PRADAN's project in Kesla, showcase a few note-worthy examples of how the SHG-based livelihood promotion programmes can also be effective in setting off processes that address broader issues related to women's rights. Sarbani from Hazaribagh narrates a heart-rending tale of a rape victim., whose cry otherwise would have gone unheeded and most probably been hushed up, but for the existence of the women's federation that forced the arrest and detention of the wrongdoer. This raises hope and solace for a large number of victims out there to not be fearful and raise their voices against violence and injustice to get justice.

We request the readers to offer their valuable comments and opinions on these articles at newsreach@pradan.net

Women's Empowerment and Development Interventions

NAILA KABEER

The ideal approach in any intervention will be to ensure that concerns about gender equality are present in the ideas, information, vision and commitment of the different actors that conceptualize, design, implement, evaluate and learn from different stages of an intervention, in order to make an enormous difference to what the intervention is able to achieve.

WOMEN'S EMPOWERMENT AND THEORIES OF CHANGE

All development interventions operate, either explicitly or implicitly, with theories of change that make 'cause-and-effect' assumptions about the relationship between their activities and intended outcomes. However, because our understanding of social reality is never perfect and because this reality is constantly changing, in both anticipated and unanticipated ways, these assumptions need to be constantly subjected to reality checks.

There is a serious problem, however. Theories of change tend to reflect the world-view of those who formulate these interventions and *their* understanding of social reality. In a world that is characterized by an unequal distribution of power, this means that the world-views that underlie development interventions are not only partial and imperfect but are also likely to be biased. Most often, they are biased against those who do not exercise a great deal of voice or influence in either the formulation of these theories or their translation into interventions. In other words, development interventions do not always promote, or even seek to promote, greater justice in society.

Several decades of research and advocacy have shown that gender is one of the most pervasive examples of social inequality: women's needs, interests and experiences have been systematically excluded, misrepresented or subsumed, in development policy and planning, with those of men. This research also shows that interventions that seek to challenge gender inequalities can generate major gains—for women themselves, for their families and for society at large. For these reasons, it is imperative that all development planners are, at the very least, aware of the gender-related impact of their interventions. However, this paper argues for more than simple awareness. It argues for a more pro-active empowerment agenda.



A THEORY OF CHANGE: GENDERED ANALYSIS OF STRUCTURE AND AGENCY

To understand what is meant by empowerment, it is important to understand what is meant by power. Power can be conceptualized in terms of people's capacity to make strategic life choices and exercise influence. Empowerment then refers to the processes by which this capacity is acquired by those who have been hitherto denied it. People who exercise a great deal of choice in their lives, to the extent of imposing their choices on others, may be very *powerful* but they are not *empowered* in the sense in which the term is used here because they were not disempowered in the first place. Our theory of change, therefore, relates to change in power relations. It rests on the intertwined notions of *structure*—the institutionalized (and, hence, often invisible) constraints on human action that give rise to durable forms of inequality, and *agency*, the role of human actors and their efforts to reproduce, modify or transform structural inequality.

GENDER AND THE STRUCTURES OF CONSTRAINT

Structures are constituted by the rules, norms, beliefs and practices that define social relationships among different groups in a society, assigning greater authority, influence and resources to some groups relative to others, and placing them in positions of dominance. As a result, dominant groups are not only better placed to exercise choice over their own lives but also to impose their choices on others. Relations of power take different forms and define different kinds of inequality. This means that whereas women may have certain interests in common as a group, they will also share other interests with men from the same class, caste or racial group. Gender-related structures are manifested in the lives of men and women in the form of different kinds of constraints on their actions. We describe the distinctions of three of these constraints.

Gender-specific constraints: These refer to norms, values and customs that apply to women and men by virtue of their gender. Whereas different societies have their own views about masculinity and femininity, most societies tend to associate men with more valued attributes, abilities and predispositions and women with less valued ones. They also ascribe primary bread-winning roles to men whereas women are expected to bear the main responsibility for unpaid reproductive work. Societies vary as to the extent they expect women to undertake productive or paid work. For example, women are expected to play an active and often independent role in farming in sub-Saharan Africa but have culturally restricted mobility outside the home in South Asia. These constraints help to explain the varying but widely observed asymmetries in

the distribution of men and women between sectors, occupations and activities.

Gender-intensified

constraints: Associated with the norms and values that define gender identities and roles in different societies are gender inequalities in the distribution of valued resources. These may be defined by the norms and values in question: for instance, patrilineal norms of inheritance place women at a major disadvantage to men in the distribution of land and other property rights. Or these may reflect behavioural responses to the devaluation of women: for instance, discrimination against girls and women in the family distribution of food or access to education. We refer to these as *gender-intensified constraints*, to draw attention to the fact that both men and women from low-income households may be disadvantaged in their access to valued resources but these disadvantages are likely to be exacerbated by gender. Thus, data from different regions of the world, as encapsulated in the Millennium Development Goals Report 2010, show that whereas children from poorer wealth quintiles are far more likely to be out of school than children from wealthier quintiles, within each wealth quintile, girls are far more likely to be out of school than boys.

Imposed gender constraints: Gender-specific norms and values are generally rooted in the informal institutions of a society. The public spheres of state, market and civil society are purportedly impersonal and gender-neutral institutions. However, when their principal actors behave, consciously or unconsciously, in discriminatory ways, we can think in terms

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of a third category of *imposed gender constraints*. For instance, the legal system in many societies upholds customary forms of discrimination against women. In Democratic Republic of Congo, women need their husbands' permission to start a business and they run only 18 per cent of small businesses. In neighbouring Rwanda, women do not face such restrictions; they run 41 per cent of businesses. This very fact finds mention in the *Gender in*

Agriculture Source Book prepared by World Bank, FAO and IFAD (2009). At the same time, it is perfectly possible for social actors, particularly those with authority, to adopt rules, norms and practices that serve to *offset* and *transform* long-standing gender inequalities. It has been pointed out, for example, that the adoption of the Convention for the Elimination of Discrimination against Women by the international community played a major role in empowering women's organizations in Latin America, to press for women's land rights in the region's transition to democracy (See Deere and Leon, 2001, *Empowering Women: Land and Property Rights in Latin America*, Pittsburgh: University of Pittsburgh).

GENDER, AGENCY AND EMPOWERMENT

The concept of *agency* shifts the focus from social structures to the capacity of different groups to exercise choices and pursue goals. Theories about agency provide important insights into the perspective of less empowered groups and their struggles to challenge structures and negotiate change. Hirschman's work on *Exit, Voice and Loyalty* (1970) provides a useful entry point into this discussion. We take 'voice' to refer to the



different ways in which women might seek, individually or collectively, to bring about desired forms of change in their lives and relationships. Their capacity for voice is closely related to their ability to 'exit', to either withdraw or withhold co-operation, in relation to an unfavourable situation or relationship.

The capacity for voice and exit will in turn depend on the resources that actors are able to mobilize. Such resources may be material in the sense of land, wages, equipment, housing and so on. They may be human both in the narrow sense of 'human capital' for market-related investments and the broader sense of human capabilities needed for critical reflection and analysis. Alternatively, access

to resources may be gained through the membership of social groups and networks. However, the relevance of these resources for women's voice and exit options does not lie in access alone but also in their strategic potential. Access to resources must promote some degree of security outside the existing arrangements if these are to promote women's empowerment.

The intermediate concept of 'loyalty' has received less attention in economic literature but it has a particular relevance to the analysis of power. The absence of protest with regard to an existing set of arrangements or the failure to leave can be given a benign interpretation as evidence of genuine

satisfaction with these arrangements. There are also more negative interpretations. It may reflect the power of prevailing ideologies about women's inferiority, which are internalized by both men and women. Or it may represent the capacity of more powerful groups to use coercive tactics to control the behaviour of others: the widespread incidence of domestic violence is an obvious example in the context of gender relations.

Mainstream theories of power have tended to deal with power in the negative sense of *power over*: the ability of dominant groups to impose their choices on others. By contrast, the processes of change associated with empowerment involve more positive concepts of power. First of all, empowerment has a cognitive dimension: *power within*. This involves changes in how women view themselves. Their sense of agency and self-worth is critical if they are to bring about

change in other aspects of their lives. Second, empowerment has a behavioural dimension, reflecting women's increased ability to make strategic choices and exercise influence in the society they live in. This is *power to*.

Finally, there is a critical relational dimension to empowerment: *power with*. Women do not exist in isolation either from each other or from men in their society. Changes in individual women are unlikely to go very far in changing structures but women coming together to reflect, to question and to act on their subordinate status can be a powerful force for change. Equally, however, men's attitudes and behaviour to women in different spheres of lives will be critical to the kinds of change women are able to achieve. And men's willingness to ally themselves with women in their struggles for gender justice will provide a powerful reinforcement of the momentum for change.



PLANNING AND LEARNING FROM INTERVENTIONS: 'CRITICAL MOMENTS' IN THE LIFE OF A PROJECT

This analysis of power highlights the need for a holistic approach to gender equality concerns within the planning process. It draws attention to the active role that development planners can play in providing an enabling environment for women's empowerment. Unfortunately, a large number of development interventions have been, and continue to be, *gender blind*: by knowingly or unknowingly ignoring the gender-related constraints on women's capacity for agency, they serve to reinforce these constraints. Gender bias has often taken the form of equating women primarily with their reproductive roles and responsibilities or in seeking to promote their productive roles without due attention to their reproductive responsibilities.

A gender-aware intervention seeks to design its goals and activities on the basis of well-informed analyses of the existing gender division of roles and responsibilities in particular contexts. In as much as it is based on factual knowledge, it is not difficult to achieve and will help to avoid intensifying existing constraints. Gender transformative interventions go farther by seeking to challenge given constraints although the deep-rooted character of these constraints means that transformation is unlikely to be a one-off event but a gradual and evolving process.

There are no blueprints for social transformation: the diversity of contexts and cultures rules this out. But any intervention that seeks to bring about structural change has to have a theory of change that is grounded in an understanding of local realities and its structure of constraint and opportunities. Just as women's cognitive

capacities are a critical element in the processes involved in their empowerment, so too the cognitive dimension of development interventions—the way interventions 'think', the ideas, values, assumptions and information that shape their practice—is an important determinant of what they are able to achieve.

Bearing this in mind, we can distinguish a number of 'critical moments' in the life cycle of an intervention when the cognitive dimension of actions taken will have profound implications for its evolution at subsequent stages and, hence, the kinds of change that it is able to bring about. We will illustrate the significance of these moments with some examples.

The first critical moment is the conceptualization of an intervention, the formulation of its vision, mission and goals. Interventions may fail to acknowledge gender inequalities in their vision for change; these may ignore women's contribution or potential contribution to its goals and objectives; or these may overlook gender-related constraints on women's capacity to participate. For instance, agricultural extension services are frequently built on the assumption noted in the Ethiopian context that 'women don't farm', leading to their widely observed exclusion. Alternatively, they may be focused only on improving the productivity of crops, ignoring the post-harvest handling, processing and storage of crops in which women are more likely to be involved. This aspect finds mention in *Gender and Governance in Rural Services* published by World Bank and IFPRI in 2010.

In Ghana, a land conservation and small-holder rehabilitation project took the decision to recognize multiple types of water users in



the water user associations such that it went beyond farmers and the need for irrigation to include gardeners, livestock owners and fisherman thus allowing women to be involved. The *Gender in Agriculture Source Book* by World Bank, FAO and IFAD (2009) makes mention of the same.

Examples of how gender-awareness at the conceptualization stage can lead to very different responses in different contexts comes from the experience of public works programmes in South Asia (See Naila Kabeer, 2009, 'Building livelihoods and empowering women: A case study of PRADAN, India,' ALINE IDS, Brighton). In Bangladesh, where restrictions on women's public mobility made

it difficult for them to work alongside men in public works programmes, the response was to set up the Rural Maintenance Programme, which specifically targeted women from extremely poor households, who were willing to undertake waged work. In India, the new National Employment Guarantee Scheme (NREGS), which guarantees 100 days employment to rural adults, explicitly included women among the intended beneficiaries and, as we see below, took measures to ensure their inclusion.

The *second critical moment* relates to the translation of goals and objectives into concrete design. The gender-blind conceptualization of goals and objectives

generally translates into gender-blind design. A classic example of this was when the 99 per cent of the beneficiaries of the Bolivian Social Emergency Fund, which was set up to provide temporary employment in the wake of structural adjustment, were men (Buvnic, 1996). By contrast, the gender-aware conceptualization of the NREGS was carried over into the design stage: a 30 per cent quota for women, crèches in projects with more than five women participants, equal remuneration rates and proximity of the projects to participants' place of residence. In many states in India, women's participation has exceeded the quota (See Sudarshan, R.M., R. Bhattacharya and G. Fernandez, 2010, 'Women's participation in the NREGA: Some observations from fieldwork in Himachal Pradesh, Kerala and Rajasthan', *IDS Bulletin* 41.4, 77–83). However, the focus on wage work has meant far lower rates of female participation in those states where women are largely constrained to self-employment.

The third *critical moment* relates to the implementation of the project—how it is put into practice. An example of the way in which gender blindness at the conceptualization stage can lead to gender-biased implementation comes from the small ruminant CRSP (Collaborative Research Support Program) in Peru, the aim of which was to improve management and health practices in relation to livestock. The men of the community regularly attended meetings, to discuss improved practices, but they constantly requested support for cropping systems. Only two years into the project, when a

The extent to which there are feedback mechanisms that allow information from different stages of the process of implementation to be used to modify practice. The presence of these mechanisms distinguishes learning organizations from those that fail to evolve over time.

practice session for castration was set up, the men stated that women should have attended the meeting because women managed the animals.

By contrast, the decision of the International Centre for Tropical Agriculture to convene a panel of female farmers in Rwanda, to evaluate its new crop varieties, paid significant dividends. A study undertaken by Sperling and Scheidegger in 1997 titled 'Results, Methods and Institutional Issues in

Participatory Selection: The Case of Beans in Rwanda' showed how the varieties selected by the women had production increases of up to 38 per cent over breeder-selected varieties and outperformed local mixtures 64–89 per cent of the time.

The fourth *critical moment* relates to the monitoring and evaluation efforts. The significance given to gender in such efforts, the methods used, the questions asked and the extent to which these are informed by gender analysis are all important if planners are to learn how an intervention is performing in relation to women's empowerment. It also helps establish the credibility of organizational claims about their own performance. Interestingly, despite the widespread claims about the empowerment potential of microfinance, very few microfinance organizations actually include indicators of women's empowerment in their monitoring efforts. Instead, these focus largely on loan disbursement and repayment rates and, in some cases, on enterprise-related indicators. Whereas there have been efforts to evaluate the empowerment impact of microfinance, it is evident that this varies considerably among

organizations, suggesting that it is not financial services alone that shape what organizations are able to achieve but the organizational strategy for delivering them. (See Kabeer, N., 2005, 'Direct social impacts of microfinance' and 'Wider impacts of micro-finance: Social exclusion and citizenship', in J. Copestake, M. Greeley, S. Johnson, N. Kabeer and A. Simanowitz, *Money with a Mission: Vol. 1. Microfinance and Poverty Reduction*, ITDG Publications.)

The fifth and final *critical moment* concerns the extent to which there are feedback mechanisms that allow information from different stages of the process of implementation to be used to modify practice. The presence of these mechanisms distinguishes learning organizations from those that fail to evolve over time. One example of these feedback mechanisms in operation is BRAC's Targeting the Ultra-Poor programme, set up in 2003, in response to findings from its own large research and evaluation division as well as external studies that the poorest sections of the population, destitute women and, often, female household heads were largely excluded from mainstream microfinance efforts. The effectiveness of the feedback mechanism was strengthened by the fact that these studies not only documented the exclusion of these groups but also the factors that explained their exclusion. This allowed BRAC to design a new programme that took account of these factors. Smillie's *Freedom from Want: The Remarkable Success Story of BRAC, the Global Grassroots Organization that is Winning the War Against Poverty* (2009) provides insights in this regard.

In the rest of this paper, we explore the relevance of the critical moments gender analysis in relation to the intervention supported by the Bill & Melinda Gates Founda-

tion, written as a case study for the Agricultural Learning and Impact Network (ALINE) project. The goal of ALINE is to connect, build, analyse, influence and ultimately transform how the Foundation assesses agricultural development investments. The case study pertains to PRADAN, an organization that uses a livelihoods-based approach to work with women's self-help groups in India.

A BRIEF OVERVIEW OF PRADAN'S WORK

PRADAN was set up in 1983, to support the livelihoods of poor farmers in the rain-fed hilly areas of the poorer regions of India, which had been largely bypassed by the Green Revolution technology. PRADAN recognizes that the poorest households in rural India are caught in a 'poverty trap' and require livelihood support to enable them grow out of it. It focused on women from the outset because women were seen to be more responsible than men about family welfare and also because they were perceived to be the most marginalized members of already marginalized groups.

PRADAN is one of the pioneers of the Self-Help Group (SHG) approach (widely prevalent now in India), in which women come together in groups of around 20–30, meet regularly, save a certain amount in a common fund until they have enough capital to make small interest-bearing loans to each other or to others in the village. Groups are then linked to bank loans under the Government of India's SHG-Bank Linkage programme. In addition, group members, who are interested in further strengthening their livelihoods and have the necessary assets, participate in specific programmes that provide them with training and marketing support. Whereas there is considerable scope for discussion on organizational performance among the

staff, its computerized monitoring system is limited to tracking information on women's savings and credit activities.

An evaluation study carried out in 2005 was, therefore, one of the first opportunities for the organization to gain a systematic overview of its impact. (See Kabeer, N. and H. Noponen, 2005, 'Social and economic impacts of PRADAN's Self-Help Group microfinance and livelihoods promotion: Analysis from Jharkhand, India', Impact Working Paper No. 11, IDS Brighton.) The study found that the organization had considerable success in its livelihoods promotion efforts (diversification of activities, asset accumulation, etc.). It also found positive impact on women's public participation and livelihood skills, including knowing how to sign their names and calculate interest rates. However, the evidence was far more mixed in relation to the impact on intra-household power relations, including women's role in strategic areas of decision-making and the prevalence of domestic violence.

There was one qualification to this latter finding: women who had attended PRADAN's livelihoods programmes were far more likely to report positive impact on intra-household relations than those who had not. Whereas these programmes were focused on livelihood issues, these took a very participatory approach, encouraging women to reflect on their current livelihood options and to envisage what the future might look like. The intense social interactions in these group exercises as well as the attention to cognitive change may have made the difference in these women's lives.

The study fed into ongoing debates within PRADAN. Many of its own staff thought there was a need to combine the organization's livelihood efforts with greater attention

to the empowerment of SHG members, to enable them to stand up to instances of injustice in their relations with others and to deal with those in authority.

In terms of the critical moments framework outlined earlier, we find that women were central in the conceptualization of the programme but in terms that stressed their instrumentality (responsible mothers) and victimhood (most marginal of the marginal). However, the SHG model with its stress on promoting women's capacity to save and manage their own financial affairs combined with participatory forms of training appeared to have achieved cognitive and behavioural changes that went beyond livelihood issues. Despite the lack of a formal monitoring system, the flat structure of the organization enabled lessons from the field to be communicated across the organization. This explains why questions about the limits of a livelihood focus were already being raised before the external evaluation helped to crystallize their limits.

PRADAN is currently engaged in a strategic review of its strategies, to adapt these to the new challenges and opportunities. Steps have been taken to integrate gender analysis into its staff training programme. It has also embarked on a radical new approach to its SHG programme, with a view to transforming groups into a force for transformative change within the community.

CONCLUSION

This paper has sought to incorporate a concern about women's empowerment into the management of information and ideas across the planning cycle. The theory of change that underpins this approach stresses the importance of the human element in how an intervention unfolds—from conceptualiza-



tion to final outcomes. The ideas, information, vision and commitment of the different actors that conceptualize, design, implement, evaluate and learn from different stages of an intervention will make an enormous difference to what the intervention is able to achieve.

In terms of the critical moments framework used to organize the analysis of development interventions, it is clear that the ideal approach will be to ensure that concerns with gender equality are present in each of these moments and that it is important to get it sufficiently right at the conceptualization stage, to ensure that there is follow-through at other stages. Whereas gender equality concerns can be introduced belatedly, the costs of getting it wrong are harder to rectify later in the life of a project.

At the same time, the unpredictability of social reality means that integrating these concerns early in the life of an intervention

does not fully determine its outcomes. How an intervention is designed and implemented will also matter. Whereas PRADAN did not incorporate a concern with women's empowerment into its early vision of social change, its emphasis on promoting women's self reliance and the participatory nature of the training it provides its members did contribute to these outcomes.

Note: This is a modified version of an original paper by Naila Kabeer (2010) titled 'Women's Empowerment, Development Interventions and the Management of Information Flows'. The paper was originally written to identify the gender concerns in two of the projects being supported by the Bill and Melinda Gates Foundation: (1) the MFP project being co-ordinated by UNDP and the Mali government since the 1990s, and (2) Pradan's interventions through SHGs.

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

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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

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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)

The Journey of Saraswati Bai

VISHAL JAMKAR

Physical violence, abuse and desertion failed to break Saraswati bai's spirit. With support from her SHG, CRP and her lawyer, she not only became financially self-sufficient but also succeeded in challenging the social norms of the village

Saraswati bai belongs to Gowadi village in Shahpur block, Betul district, Madhya Pradesh. Saraswati bai, like many others, is a Gond. Her village is dominated by Gonds. Cases of violence are common in the area; however, these are not reported. A single mother of a teenage daughter, it took 16 long years for Saraswati bai to file a case against her husband and her in-laws. The husband, apart from causing physical injury to Saraswati bai, had deserted her when she was pregnant. The physical violence, as evident from the burn marks on her face and neck, was of such extreme nature that Saraswati bai deems herself lucky to be alive. Actually Saraswati bai was asleep at the time, and is not sure whether it was her husband or in-laws who set her on fire.

After many years of torture, Saraswati bai finally returned to her maternal home in 1993. Sustaining herself was her biggest challenge. In 2005, she joined a Gowadi-based SHG called Belakali Mahila Samiti. The SHG was being promoted by the Narmada Mahila Sangh—the larger federating body of SHGs organized by PRADAN in the region. Initially skeptical of the SHG model, she would often discourage other SHG women members of her village from attending such meetings, or even placing their concerns out in the open. However, her opinions underwent a transformation after she noticed the many positive changes the SHGs had succeeded in ushering.

Saraswati bai had a daughter to take care of. Setting aside her psychological trauma or, perhaps, burying it deep within, Saraswati bai took up to goat rearing, with an initial loan from the SHG. The income from goat rearing was crucial in supporting the two of them and in providing for her daughter's education.

Soon after, in 2006, she attended training programmes on gender empowerment. The first of such meetings was organized in Saharanpur. On being asked by one of the participants at the training about the ghastly burn marks on her neck, she for the first time publicly narrated her life's struggle. The training in Saharanpur was followed by another at the PRADAN campus in Kesla. Both the training programmes focused on how women could seek legal recourse in times of distress. The programmes shed light on the procedures, laws, sections, enabling policies and



provisions that make it possible for women to assert their rights more fully. Saraswati bai says that these programmes helped her discover a different energy and strength within herself.

The training programmes became the turning point in Saraswati bai's life. She returned with the faith that she deserved something better; that it was after all her right to claim maintenance and seek justice for the way her husband had treated her. The SHG of which Saraswati bai was a member played a very important role at this stage. The federation took the initiative and with the help of a few members of her group succeeded in calling

for a village-level meeting to address the injury and hurt that had been caused to Saraswati bai. The meeting, which took place in June 2007, sought the presence of the Saraswati bai's in-laws and other close relatives, residing in the same village. The husband, by this time, had absconded. The meeting came to naught when the in-laws refused to support the needs of Saraswati bai. They also reminded Saraswati bai that her husband had re-married.

When the news of this decision reached the husband, he somewhat half-heartedly conveyed through his relatives that Saraswati

bai could go and stay with his parents but he made no promise whatsoever to ensure her safety in the house; he offered no guarantee whatsoever that his parents and siblings would not cause harm. The husband declared that this was the only offer he could make, and there was no chance of him paying any maintenance.

This was the last straw; Saraswati bai, supported by other group members, decided to file a case at Bhoura police station. In addition, they filed a case at the Betul district court, with the assistance of the *Vidhik Sahayta Kendra*, namely, Legal Aid Centre. The *Vidhik Sahayata Kendra* extends its services to the marginalized sections; this includes members of the lower castes, especially women, children in distress, physically challenged, the unemployed and the aged. The services of the Kendra are free for those whose annual income is less than Rs 25, 000.

However, the public prosecutor to whom Saraswati bai's case was referred to by the *Kendra* did not pay much attention to her case and kept on delaying her hearings. In fact, the public prosecutor failed to verify the address of the respondent, namely, the husband, on account of which the court summons were delivered to a wrong address. This prolonged the case. In December 2008, Saraswati bai, along with the support and guidance of the other SHG and federation members, decided to file the case in Bhopal. This was not an

It was not usual for women to participate in gram sabhas because it has always been attended by men in the past. However, this time, the women decided to change the norm. When women tried to attend the gram sabha, the men, especially the Sarpanch, questioned the women on their presence in the gram sabha. Saraswati bai replied that it is their right just as much as that of the men to attend and participate in the gram sabha.

easy decision because Bhopal was a distant town. The support PRADAN offered at this stage by identifying a sensitive lawyer, Sadhna Pathak, was critical. Advocate Pathak's willingness to take on the case, in turn, became reason for Saraswati bai to move her case to a higher and more appropriate bench.

Pathak's help and Saraswati bai resolve saw them winning part of the case, under section 125 of the Criminal Procedure Code of 1973. The court decided that Saraswati bai would be paid Rs. 3,000 per month by her husband towards the expenses of their daughter. Later, as per the Domestic Violence Act of 2005, it was decided that she would be paid Rs 4,000 per month. This made it a total of Rs. 7,000. As part of the more recent developments, the court ordered that the husband be arrested and produced before court because he had defaulted in the payment of maintenance as instructed by the court.

The court also considered the physical violence that has been inflicted upon Saraswati Bai more seriously. Though the accused, namely, the husband and his parents, had initially rubbished Saraswati bai's claims of physical violence and even gone to the extent of saying that her burn marks were on account of the bursting of a stove, the court is now eager to preside over the details of the matter yet again. This will make the corrective action being undertaken against the husband more stringent. The court has demanded an account of the expenses

incurred for the treatment of Saraswati bai after her burns in 1993, and the matter is being processed with the court.

All the positive results can certainly be attributed to the strong resolve of Saraswati bai, backed by Geeta bai, the Community Resource Person (CRP) of the Narmada Mahila Sangh and advocate Sadhana Pathak. The federation members and CRPs had attended gender training programmes, followed by legal training; both Saraswati bai and Geeta bai were part of these. Geeta bai accompanied Saraswati bai to Bhopal for every hearing. What is equally interesting is that the change has not stopped with Saraswati bai's need for her own dignity and justice. In late 2007 itself, Saraswati bai had begun to question the structures around her and thought that women should have as much of a right to participate in the decision-making of the *gram sabha*. Saraswati bai organized the SHG members of her village and encouraged them to attend one of the *gram sabhas* on 26 January 2007.

It was not usual for women to participate in *gram sabhas* because it has always been attended by men in the past. However, this time, the women decided to change the

norm. When women tried to attend the *gram sabha*, the men, especially the *Sarpanch*, questioned the women on their presence in the *gram sabha*. Saraswati bai replied that it is their right just as much as that of the men to attend and participate in the *gram sabha*. The men were equally resolute. Seeing this, Saraswati bai announced that if they were not allowed to attend the *gram sabha*, the women would stage a hunger strike. Initially, the men chose to ignore this warning. But the women under Saraswati bai's comradeship refused to budge. They stayed till the next day at the site of the *gram sabha* without having a morsel of food. This drastic and unique step—the first of its sort—was strong enough to move the administration. The very next day, the CEO of Shahpur block visited the village. He took stern steps against the people, who opposed these women, and a police complaint was lodged against one of the *panches*. The men backtracked and the women were accommodated in the *gram sabha*.

The journey all began with one case, one step, one effort for justice. The legal case Saraswati bai has so ardently fought has become a milestone for the members of the federation and women in the area.

A Step towards Change: Fighting for Justice Together

SHARBANI BOSE

Providing solid support through their presence and rallying around a rape victim and her family by ensuring legal advice and services, the SHGs join the fight for justice in an inherently unequal social set up.

It was an unusual morning in Kundwa village in Barhi block. There was anger and astonishment on everybody's faces. A huge crowd surrounded Kaushalya's (all names changed) house. The family members were in total dismay. Ten-year-old Munni was sitting in the corner of a dark room. She was pale and could not control the tears that rolled down her face. Her mother Kaushalya was unable to speak to the little girl and could not stop crying. Her daughter had been raped.

This has become a recurrent scene in many of the villages where we work today. At this tender age when a girl should enjoy her life to the fullest, she is often scarred for rest of her life. Section 375 of Indian Penal Code defines rape (from the Latin *rapio*, meaning to carry off, to overcome) as an unlawful intercourse done by a man with a woman without her valid consent. Rape cannot be treated just as another incident because apart from physical injury and shame, the victim's soul carries with it a lifelong scar. After 1983, there have been many amendments to the rape laws, which actually define the conditions and circumstances under which the crime could be committed; these fall under Section 376 IPC, and draw severe punishment in special circumstances.

In most instances, incidents of rape are either suppressed by the relatives of the victim for fear of shameful consequences or they are not actually voiced by the victim herself. As a result, not even 25 per cent of such cases are reported to the police, leave alone bringing the rapists to justice under the law! As citizens, we are responsible for educating ourselves and others, to fight against such heinous crimes that destroy the lives of young girls, who do not get the chance to enjoy their childhood and adolescence.

This is a short story of the incident that took place a few months back in Hazaribag. I am thankful to all the members of Damodar Mahila Mandal, who brought this issue to light and showed the courage to fight against it.

It was a wedding ceremony of one of Kaushalya's relatives. All the family members went to attend it. Amongst tribals, there is a practice of consuming liquor and dancing during festive occasions; so soon everybody was dancing. It was almost 8.00 pm; little Munni was feeling sleepy and she left the place for her home. On the way, there were

some big trees and she was quite frightened by the darkness. Suddenly, two boys came from behind her and covered her mouth. They carried her away to the nearby bushes. She recognized two of them, who were from the same village but did not recognize the others. After the shameful act, they left her in the bushes with her mouth tied. She remained there unconscious the whole night.

Her family members thought that she was sleeping in the house. Early next morning when they went home, she was missing. Her brother searched for her everywhere; finally, he saw her lying unconscious in the bushes. He brought her home and when she came to her senses, she narrated the whole incident to her family. Her brother and some other boys went to search for the boys; they were able to catch only one of them. The villagers were informed. Tribals have their own traditional judicial system to settle such matters. The culprit was tied to a tree and the villagers asked the village head to do justice.

However, the SHG members said that this could not be treated as a usual case and this needed to be dealt with by police. In spite of huge resistance from the villagers, all the SHG members went to the police station to lodge an FIR. They also informed the trained paralegal workers, who help the clusters and federations in such matters, in the nearby villages, and the federation leaders of three blocks.

Within an hour, SHG members, paralegal workers and cluster leaders were present in the village. The police in-charge already had good rapport with the *mahila mandals* because the SHG members often helped him resolve small cases and also reported cases that needed police intervention. After the FIR was lodged, the police came to the village and arrested the boy. There were threats from

the villagers because they thought that the police was unnecessarily intervening in their matter. But the officer in-charge assured the SHG members that nothing would happen to them and the victim will get justice.

In any rape case, the victim should be medically examined within 24 hours before she has a bath or wash. So, Munni was taken to the *Sadar* hospital for medical check-up by a lady doctor. She was then taken to the magistrate, who recorded her statements under Section 164 of Criminal Procedure Code. Any statement recorded under this section becomes legally enforceable because it is made before a legal authority. This is also essential because the facts in the statement can stand before a court of law and cannot be distorted easily by the police or others. Also, one should see that, under no circumstances, is the victim pressurized to give her statements and whatever is recorded has to have consent in the form of a signature.

We were fortunate to have police officials who guided the SHG members and also the paralegals. After the statement was recorded, the police began to conduct further investigations. There was a brief report of the incident in the newspaper but, thankfully, the news items did not mention names. The SHG members guarded the girl and her family so that nobody questioned them and reminded them of the traumatic incident.

The relatives of the guilty were quite influential; we think they gave a huge bribe to the doctor because the medical report was strong enough. When the SHG members came to know this, they informed the clusters and the federation. In the federation board meeting, a separate committee was formed, comprising three paralegal workers, the girl's mother and six board members, for following the case. The committee went to meet the



Superintendent of Police (SP). The SP assured them that the medical report will have little weightage because the statement had been already recorded under 164 CrPC. The villagers also met the Deputy Commissioner, to bring him on board.

Within 30 days, the police in-charge released the chargesheet against the boys. The case is now in court. Back in the village, the relatives of the boys constantly threatened the victim's mother; but the SHG members were her family and supported her through all the trauma. Every 15 days, the committee visited the court; they met the magistrates and the clerks to find out the status.

Today, the case is in the Sessions court, and two boys are behind bars. The members of the SHG, the cluster and the federation as well as Munni's family are waiting for justice. This will raise hope for many such Munnis and Kaushalyas.

CONCERN

The major reasons for the success in the case, so far, are the active SHGs and the family's support and courage. What about those cases in which neither of these is available? Will such girls have to depend on the SHGs to take action?

Some expenses, for example, travel cost to court and police station, were borne by the federation. The police stations in most villages are very far off, and are neither approachable nor accessible; thus, many cases are never reported. The government does have some legal aide for such cases but these are still on paper.

The law does not provide separate and speedy trial for child rape, which is very important. How does one assure a secured and dignified life for a girl so that she is not haunted or tormented for the rest of her life?

Women Legal Para-workers

SUBODH KUMAR

Creating an awareness of the legal rights that women enjoy, and identifying and training legal para-workers to help the village women access these rights both in their homes and in the gram sabhas are steadily showing results, in terms of empowerment of these women and their position in their social milieu.

Training and building the capacity of women in legal matters is a response to a felt need. This need had been frequently expressed by women, particularly the aggrieved, in SHG meetings. SHG members would often stress on the need for greater legal awareness and the need for networking with other gender-based groups rather than working in isolation. Borrowing from the experience of other groups, it was believed, would save the SHGs from trying to reinvent the wheel.

Recognizing this, a training was organized in Saharanpur in 2005–06, in collaboration with Jagoree. It was held in the campus of one of the partner agencies of Jagori called Disha. About 20 women, including Community Resource Persons (CRPs), were selected for the training. The other trainees comprised women members of SHGs that fell under the ambit of the Narmada Mahila Sangh (NMS). NMS was formed in 2001 as a federating body of 600 SHGs spread across the two districts of Hoshangabad and Betul.

The training shed light on different legal recourses available to a woman in trouble. Crucial aspects such as how does one go about filing a First Information Report (FIR), what are the precautions a woman is required to take at this stage, and what sections of the various Acts apply in different instances. Women were taken to a court and familiarized with the procedures, to remove any inhibitions they may have. What made the training special was that care was taken to ensure that even the illiterate women succeeded in grasping the basic content of the training.

On their return from the training, the women shared this newly acquired knowledge with the other women of NMS. Together they began to reach out to aggrieved women of the SHGs. Quick action was initiated to bring the accused individuals to task, more so when serious offences such as rape and murder were concerned. These women were also able to provide direction on how land disputes could be resolved. In due course, women outside of the SHGs of NMS began to approach the trained women for legal support and guidance.



The task at hand is not as simple as it appears. Legal procedures, at least in our current day and age, are rather convoluted. One has to be very careful when filing the FIR, and especially to ensure that the police book a case under the appropriate sections. The police often books a case under a lesser charge and thus enables an easy acquittal of the accused, especially if he is influential or willing to offer a handsome bribe. The police, on occasion, also misrepresents the details of the case in court, allowing influential people to get away scot-free. Apart from such instances of corruption, there are procedural delays, not to mention that petitions submitted to the court remain suspended for lack of any concrete action for years.

Although the training in Saharanpur was insightful in this regard, there emerged a

need for legal para-workers, colloquially referred to as *kanooni sakhis*, who could do the required handholding through all the precarious stages of a case with greater efficacy. Para-workers would need to ensure that the police do not deviate from the truth of the matter and to collaborate with a reliable lawyer to ensure the delivery of justice. This paved the way for a second training that was organized in collaboration with a Gujarat-based NGO called Centre for Social Justice (CSJ). Two resource persons, Nupur and Anuradha, facilitated a legal training camp at the Kesla campus of Pradan, to address the legal needs of women. The three-day training provided deeper insights on how women can ensure the delivery of justice despite the shortcomings of the system. After the training, a small test was organized for the participants.



All such efforts were brought to their logical end when on 22 February 2010 in the yearly federation meeting of the NMS, called the *Mahadhiveshan*, the district collector of Betul recognized the efforts of the legal para-workers before the general body of about 8,000 women SHG members. As per the written suggestions of the women para-workers, the collector promised to adopt the model of *Gram Suraksha Committees*, as prevalent in Maharashtra. He further assured that such bodies would enjoy state backing, and would be central in addressing instances of violation of women's rights at the village level. The collector also distributed certificates of merit and recognition to the para-workers during the federation meeting.

The collector shared the good work of the legal para-workers with the District Superintendent of Police (DSP), who in turn assured the workers that the police department would offer its fullest cooperation to the work being carried out by the women. The women para-workers then met the DSP and the collector in person. These interactions led to the inclusion of the women para-workers at the village level in the *Gram Suraksha Committees*. In Dhodramau village of Betul district, one finds a living expression of the processes at the village level. Here, women approached the police station directly and, after speaking with the concerned inspectors, have initiated the process of having themselves elected to the *Gram Suraksha*

Committees. A similar process is alive in a number of other villages as well. What is remarkable is that the local police stations now extend these workers a helping hand, which was not common before.

This is only the beginning and much remains to be done. There are a number of challenges in the work being carried out by the women legal para-workers. For one, there is a dire need to reach out to those villages, which are not a part of the NMS network. The women legal para-workers cannot turn a blind eye to the atrocities being committed on the women in neighbouring villages. On the other hand, caste and gender are closely knit at the village level.

The asymmetries in caste are reflected in the asymmetries in gender as well. Leela Dube writes about this in her essay 'Caste and Women' published in 1996. She records that upper caste men succeed in disregarding the needs of the lower caste women, by way of the power and force they wield in the male dominated *jati-panchayats*. Such *panchayats* are agencies of patriarchy and are rarely considerate of women's rights and needs. The *gram sabhas* are of no use either. They are rarely called forth in the event of any distress caused to a woman or a group of women. Women are not able to voice their needs at such forums and a 'culture of silence' pervades decision-making at this level. A similar voicelessness extends itself to the police stations, where, in the absence of lady police officers, the aggrieved women are not free enough to share the details, particularly when the offences are in the nature of eve teasing and rape. The male inspectors are often insensitive about women-related issues. Being overloaded with work and crippled by the lack of adequate police personnel, the police department very often adopts a

matter-of-fact approach to such offences. The only option then is for them to approach the court, where the services of a good lawyer are indispensable.

EXPERIENCES OF LEGAL PARA-WORKERS

The training programmes have done much for the sense of confidence of the *kanooni sakhis*. This is evident in the life-stories of Geeta Chauhan and Suneela Dhurvey. Geeta Chauhan is a resident of Polapathar, Betul district. She has studied up to 5th standard and is 35 years. She has been an SHG member for about 11 years now. She plays an important role in facilitating the meetings of the SHGs and assisting them with bank transactions and linkages. After she attended the gender training programmes, she began to reach out to women, who are victims of physical violence and sexual abuse or those who have been deserted by their husbands. She assists them in filing cases in the local police station and even in approaching the courts for justice. Geeta says that both the training programmes—the one at Saharanpur and the PRADAN campus at Kesla—were critical in boosting her confidence. Geeta adds that her knowledge of law is her strength; it has given her a voice. To Geeta, the trainings have very effectively made up for her lack of formal education.

Suneela Dhurvey, a resident of the village Resalpatha, Hosangabad district, has studied up to 10th standard. She admits that she lived a life that was inhibited and withdrawn for most part till she got the opportunity to attend the training programmes on legal aspects. She states that initially she was uncomfortable to sit in a meeting where sexuality, oppression and violence were being discussed. To her, this was all too personal—something that was to be dealt with in the privacy of one's home. However, at the



meeting, she met other women, and soon learnt how such beliefs had kept many of them stifled just like her own self. Suneela was quick to realize that the label of 'impure' associated with a women menstruating was ridiculous. She saw the absurdity of the belief that water, food, or fodder, or even the oblations being offered to God got polluted simply because she was going through a natural biological process. She discussed things at home on her return from the training. This was her first step in challenging notions, and today Suneela stands amongst some of the foremost

kanooni sakhis of the region. She shows no mercy for social arrangements that are disempowering to women, and believes that when traditional arrangements fail, legal recourse is imperative.

INSTANCES OF AFFIRMATIVE ACTION OF LEGAL PARA-WORKERS

At Salimet

The village of Salimet is 6 km from Bhoura gram and is located along National Highway 69 (NH 69). An adivasi family resides here. The family comprises five members—husband, wife, a daughter and two sons. The



daughter is studying in the 10th standard, and the two sons are in the 6th and 7th grades. The adivasi head of the household is a landless labourer and earns his living by cutting and selling fuel wood from the neighbouring forests. In addition, he earns a small amount by providing labour on the lands of other farmers. His wife is a homemaker and is also a member of a SHG. On the 12 December 2009, a village lad intercepted her daughter when she was on her way to school and raped her. The girl related the story amid sobs to her parents. The father thought it pointless to approach the police

despite which a few of the family's relatives lodged a complaint. Unfortunately, the police booked the case under harassment not amounting to rape. The father on his part dithered about bringing up the matter in the *jati-panchayat*, and finally refrained.

It was only in the *Mahaadhiveshan*, when the District Collector was distributing certificates to the legal para-workers, that an elderly SHG member reported the matter to the para-worker of their village. The SHG member was the elder sister of a close friend of the aggrieved girl. She reported the matter to Geeta bai at the NMS office. Geeta bai approached the police station along with other legal para-workers. They found that a case had been registered, but as a relatively minor offence of harassment.

In order to strengthen the merits of the case and ensure that justice is delivered, it was decided that one would have re-register the case as rape (Sec 376 of IPC). Geeta bai and some of the other para-workers consulted with the Centre for Social Justice on the matter, and on the suggestions of the latter, a written petition was submitted before the Superintendent of Police (SP) and Sub Divisional Officer (SDO) and the police officer of the concerned station to file the case under more stringent sections. However, there was no response. A petition was then filed in the court through a reliable lawyer.

Meanwhile, the legal para-workers also spoke to the father of the girl, who had decided to discontinue her education by then. Once the father agreed, the school teachers were approached because they had removed the girl's name from the rolls due to her continued absence. This was a great boost for the girl's confidence, who all this while was being made to feel responsible for the

mishap. The girl successfully cleared all her exams, except English for which she will shortly be re-appearing. On the legal front, the legal para-workers are pressing hard for justice to be delivered. Both they and the concerned lawyer are confident that action will shortly be taken.

At Ojhapura

The forest village of Ojhapura is located about 8 km from NH 69. It has about 60 households. The total population of the village is about 300 people. During the construction of the Tawa dam, the villagers of Ojhapura were relocated. The main tribes here are Gond and Korkus. There is one *chamar* and one blacksmith household in the village. There are three SHGs in the village that are linked to the larger body of NMS. The three SHGs are Lakshmi Samiti, Maya Samiti and Milan Samiti.

On account of the training organized by PRADAN on gender aspects, the women members of SHGs became to see gender-based discrimination with more clarity. Gender-based discrimination, with regard to decision-making and allocation of roles and responsibilities, was discussed. Radha bai was struck by the realization that the tendency of men to abuse and violate women has a strong impact on the way children think and begin to treat the opposite sex. Lakshmi bai noticed how male children take a cue from the way a girl child is otherwise treated. They also gather messages from the jokes made at the expense of women, and rude gestures about a woman undergoing menstruation. Once the women saw that the law does not uphold such forms of discrimination, it gave them much more courage as well as a solid foundation to press for their rights as equal citizens.

In an SHG meeting in July 2010, Radha bai, Lakshmi bai and Kalavati bai shared that they had begun to sensitize the young in the household soon after the training. Positive change is more than visible, according to them. The boys, who previously had the luxury of loafing around with their friends, now partake in household responsibilities such as cooking, washing utensils and clothes with equal zest.

Knowing that the legal framework does not forbid the participation of women in forums such as the *gram sabhas* has also had a positive impact. *Gram sabhas* have always been dominated by the male members of the households. But now, the women are keen to participate in political processes. The women state that they plan to leverage a gender budget, which comprises a significant portion of the state funds that are allocated to the *panchayat* for activities that will empower women, create more awareness and create a more enabling environment for the *kanooni sakhis* to discharge their roles and responsibilities.

In cases where the system by itself fails to deliver, the *kanooni sakhis* bridge the gaps, tie up loose ends, unravel the knots, shed clarity and ensure that justice is ensured for the aggrieved. From the very common haggling that takes place in police stations, to identifying a good lawyer, and even guiding him as to the sections under which charges must be pressed—all these are the forte of *kanooni sakhis*. Their participation in larger forums and political processes is indicative of that which is referred to as 'personal is political' in feminist terms.



Gender is one of the most pervasive examples of social inequality: women's needs, interests and experiences have been systematically excluded, misrepresented or subsumed with those of men within development policy and planning. Interventions that seek to challenge gender inequalities can generate major gains—for women themselves, for their families and for society at large . For these reasons, it is imperative that all development planners are, at the very least, aware of the gender-related impact of their interventions. However, this requires a more than simple awareness. It needs a pro-active empowerment agenda from the very start.

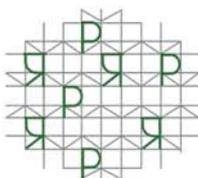
PRADAN



Pradan is a voluntary organization registered in Delhi under the Societies Registration Act. Pradan works through small teams of professionals in selected villages across eight states. The focus of Pradan's work is to promote and strengthen livelihoods for the rural poor. It involves organizing the poor, enhancing their capabilities, introducing ways to improve their income and linking them to banks, markets and other economic services. The professionals work directly with the poor, using their knowledge and skills to help remove poverty. *NewsReach*, Pradan's monthly journal, is a forum for sharing the thoughts and experiences of these professionals working in remote and far-flung areas in the field. *NewsReach* helps them to reach out and connect with each other, the development fraternity and the outside world.

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