



Nari Adalat: Balancing Tradition and Justice in Resolving Marital Conflicts

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Abstract:

In India, women's courts, often referred to as Nari Adalat, are a distinctive method of resolving disputes that specifically focus on marital and family matters concerning women. These courts circumvent formal litigation by promoting compromise solutions that require promises to modify conflict behaviours. Consisting exclusively of female mediators who share similar local, social, and cultural origins with the women they assist, these courts provide a welcoming environment for economically disadvantaged and less educated women to express their concerns.

These courts have difficulties because of cultural disparities between mediators, who are typically from affluent or upper-class backgrounds and have had a college education. This can result in communication obstacles and impractical resolutions. Criticisms also centre around the courts' dependence on patriarchal standards, leading to settlements that may curtail women's autonomy in return for assurances of improved treatment from their spouses.

Women's courts have been established as a result of judicial changes that took place after independence. The primary objective of these courts is to ensure that justice is easily accessible and effective for women who are socially or economically disadvantaged. Nevertheless, experts are currently examining the efficacy of these mechanisms, specifically in terms of their capacity to provide fairer solutions compared to official state-operated courts or alternative conflict resolution entities. These courts function inside a framework that is shaped by cultural expectations around gender roles, occasionally reinforcing the very norms that they want to

question.

Ultimately, although all-woman courts in India provide a different venue for women to resolve marital matters, their efficiency may be constrained by their adherence to patriarchal standards and the cultural disparity between mediators and clients. Additional investigation and restructuring are necessary to guarantee that these courts offer really fair and just resolutions for women experiencing hardship. In this backdrop, this paper explores the legal framework of women courts in India, its efficacy in dealing with marital problems sensitively.

Keywords: Women Courts, Marital Conflicts, Women, Justice, resolution.

Introduction:

The 'women's court' (mahila adalat or mahila mandal) is a relatively new but increasingly common occurrence in modern India. These courts function as specialised forums for alternative dispute resolution, specifically tailored to handle the marital and associated family issues faced by women. Their objective is to establish a secure and non-intimidating setting where women can express their complaints, negotiate fair resolutions with their spouses and in-laws, or explore options to completely extricate themselves from challenging circumstances.¹

Mahila (or nari) adalat (women's court), mahila mandal (women's circle), mahila panchayat (women's council), mahila manch (women's platform), nari nyaya samiti (women's justice committee), and similar designations are operated by voluntary organisations under the guidance and with financial assistance from government agencies charged for promoting the well-being and empowerment of women, which are frequently operated by women's NGOs and sometimes receive financial support from foreign donor agencies or government bodies like State Women's Commissions or Legal Aid Societies, aim to promote informal resolution of domestic disputes among women instead of relying on the state's judicial institutions.²

In India, discussions on gender equality and justice have focused on feminists and women activists attributing the issues to traditional values and patriarchy, especially as seen in societal legal forums, or the state's failure to enforce anti-discrimination laws against women.³ These campaigners are relying on legislative reforms that support women and enhance the legal system, both within India and worldwide. Nevertheless, these efforts have failed to adequately tackle the ongoing and increasingly severe discrimination against women⁴. The feminist and activist perspective strongly depends on a conviction in state institutions and the adherence to legal principles, disregarding non-state legal systems⁵ and the varied experiences of individuals. This essay offers a critical analysis of the liberal, state-focused perspective, highlighting its insufficient comprehension of the ways in which women's lives are governed. In order to have a more comprehensive comprehension, it is crucial to go beyond the legal frameworks established by the state and take into account societal legal structures, such as family dynamics and power dynamics that affect women.⁶ This viewpoint is crucial, particularly considering the fact that the judicial system in India is frequently difficult to access and expensive for individuals living in poverty⁷. Typically, the state legal system is only used as a final option for settling

¹ Sylvia Vatuk, The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress, 45(1) J. Legal Pluralism & Unofficial L. 76 (2013).

² Nandita Bhatla & Anuradha Rajan, Private Concerns in Public Discourse: Women-Initiated Community Responses to Domestic Violence, 38 Econ. & Pol. Wkly. 1658, 1658-1664 (2003)

³ Ushma Iyengar, A Study of Nari Adalats (Women's Courts) and Caste Panchayats in Gujarat (2007), available at <http://regionalcentrebangkok.undp.or.th/practices/governance/a2j/docs/CaseStudy-05-India-NariAdalat.pdf>

⁴ Sibylle Potthoff, Interpretations of Justice: Conceptions of Family and Gender Justice at a Nari Adalat (Women's Court) in South India, 28(6) *Soc. & Legal Stud.* 755 (2019), <https://doi.org/10.1177/0964663918815943>.

⁵ Ibid

⁶ Sylvia Vatuk, The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress, 45(1) J. Legal Pluralism & Unofficial L. 76 (2013).

⁷ Sylvia Vatuk, Moving the Courts: Muslim Women and Personal Law, in *The Diversity of Muslim Women's Lives in India* 18 (Zoya Hasan & Ritu Menon eds., 2003).

family issues, even if it is available⁸. As a result, the majority of family conflicts are not brought before state courts, and the ones that are have usually already gone through mediation efforts⁹.

Examining trials at the nari adalat exposes the possibilities and constraints of sociocultural legal frameworks for women and underscores the need for achieving favourable outcomes in this developing legal domain. This research assesses the power dynamics and obstacles, both internal and external to the family, that impede women's pursuit of justice. The family structure serves a dual function, operating as both a limitation and a means of assistance in the pursuit of fairness and equality within families and between genders. To comprehend this ambivalence, it is necessary to analyse the definitions of family and gender justice in various situations, as well as the influence of specific family dynamics on these notions, going beyond a conventional liberal understanding of gender equality. The inclusion of postcolonial and post-structuralist feminist perspectives is valuable because they enable a critical reassessment of the conventional liberal connection between agency, freedom, and justice¹⁰, as well as the concept of freedom as personal liberty. This perspective acknowledges that women who are in situations where they depend on others can nevertheless acquire the capacity to change their social surroundings, despite their reliance on others.

This paper aims to examine the organisation and operations of these women's courts, based on extensive ethnographic observations and interviews spanning two decades. It also incorporates the research conducted by other researchers who have extensively researched similar institutions. The paper examines the distinctive characteristics of these courts, explains why they are preferred by many impoverished women, and assesses their efficacy in providing justice to individuals who seek their assistance.

Need for Nari Adalats in India

A recent survey conducted by the World Health Organisation (WHO) in 2021 found that almost one-third (33%) of women worldwide encounter various types of violence, and out of these incidents, 30% are perpetrated by their intimate relationships.¹¹ The National Crime Records Bureau (NCRB) in India constantly identifies domestic violence as the predominant form of violence against women.¹² However, a poll conducted by the Association for Advocacy and Legal Initiatives reveals a notable reluctance among women to engage in formal legal proceedings.¹³

In India, alternative dispute resolution mechanisms such as caste and village panchayats, religious authority, and political organisations are significant in resolving conflicts outside of the court system. Nevertheless,

⁸ Sylvia Vatuk, The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress, 45(1) *J. Legal Pluralism & Unofficial L.* 76 (2013).

⁹ Srimati Basu, Playing off Courts: The Negotiation of Divorce and Violence in Plural Legal Settings in Kolkata, 38(52) *J. Legal Pluralism* 41 (2006).

¹⁰ Geetanjali Gangoli & Martin Rew, Mothers-in-law Against Daughters-in-law: Domestic Violence and Legal Discourses Around Mother-in-Law Violence Against Daughters-in-Law in India, 34 *Women's Stud. Int'l Forum* 420, 420-429 (2011).

¹¹ Global status report on violence prevention 2014, WHO.

¹² National Crime Records Bureau 2021 Report.

¹³ Padmini Baruah et al., Paths to Justice: Surveying Judicial and Non-Judicial Dispute Resolution in India, in *Approaches to Justice in India: A Report by DAKSH* 9, 9–38 (Harish Narasappa, Shruti Vidyasagar & Ramya Sridhar Tirumalai eds., Lucknow: DAKSH and EBC 2017)

these organisations frequently lack official legal jurisdiction, which gives rise to concerns regarding their legality and commitment to upholding the principles of the legal system. The DAKSH Access to court survey, which included more than 45,000 participants, revealed that less than 15% of litigants in India are women, showing a substantial disparity in the court system. These findings indicate that women might be seeking out alternative platforms that, although easily available and culturally recognisable, frequently lack the protective measures and unbiased nature of official judicial systems.¹⁴

Additional investigation conducted by Shruti Vidyasagar and Shruthi Naik revealed that the majority of individuals favour engaging in direct negotiations or seeking assistance from friends and family when resolving disputes.¹⁵ While both men and women exhibit comparable preferences for non-judicial forums, a notably smaller proportion of women seek out gramme panchayats or caste panchayats in comparison to males. The study emphasised that high litigation costs and prolonged durations act as deterrents, in addition to the intricacy of legal procedures and choices made by the opposing party. In addition, survey participants expressed difficulties in interacting with law enforcement, particularly women who expressed a significant apprehension in reporting complaints. This highlights the absence of inclusivity and the additional obstacles that women encounter.¹⁶

Non-state dispute resolution entities in India, including as shari'at courts, mosque committees, and caste or community councils, frequently address issues related to domestic abuse and marital difficulties. However, these entities typically demonstrate a patriarchal inclination. Women are rarely granted membership and their experiences are frequently ignored or closely examined.¹⁷ Women residing in northern India, who frequently reside in their spouse's village separate from their ancestral family, face significant disadvantages. Local dispute resolution agencies exhibit a tendency to show preference towards the husband's viewpoint, so promoting male dominance and female subservience. These entities, while without formal authority, are composed of influential individuals who possess the ability to exert substantial social influence and enforce compliance with their judgements, frequently through the use of threats and violence.¹⁸

Despite widespread public outcry and demands for government intervention, there has been minimal endeavour to restrain the influence of these organisations. Feminist activists have extensively condemned both the formal judiciary and traditional quasi-courts for their failure to provide justice to women who experience violence.¹⁹ Women's organisations campaigned for gender-specific alternative dispute resolution mechanisms in response. In the late 1980s, many government ministries initiated the establishment of similar bodies, under

¹⁴ Harish Narasappa, Shruti Vidyasagar & Ramya Sridhar Tirumalai eds., Lucknow: DAKSH and EBC 2017

¹⁵ Shruti Vidyasagar & Shruti Nayar, *Experiences of Dispute Resolution in Non-Court Forums: Justice Sans Rule Of Law?*, 17 Socio-Legal Rev. 27 (2021).

¹⁶ Ibid

¹⁷ Sabiha Hussain, *Shariat Courts and Women's Rights in India* (2006), available at <http://www.cwds.ac.in/OCPaper/ShariatCourts-Sabiha-ocpaper.pdf>.

¹⁸ Madhu Mehra, *Adjudicating Family Law in Muslim Courts in India: The Role of Cultural Practices*, 46 Ind. J. Gender Stud. 499 (2009), Catherine Masud, *Constructing Masculinity: The Transformation of Gender in Urdu Novels* (2008).

¹⁹ C. Raj Kumar, *Corruption and Human Rights in India: Comparative Perspectives on Transparency and Good Governance* (2011).

the influence of these organisations. These publicly-funded organisations strive to resolve marital and family disputes through mutual agreement, so circumventing the necessity for legal litigation.²⁰

Police stations have created specialised units to address issues such as dowry harassment, domestic violence, and related matters specifically affecting women. These units are staffed by female officers or social workers who have received training to handle such cases. The purpose of these units is to provide a supportive environment for women to seek help without immediately resorting to formal legal actions.²¹

Women's Courts are unique in that they are facilitated by women who share the same social and cultural backgrounds as the individuals bringing forth the petitions, thereby creating a "peer mediation" setting. NGOs and government agencies operate these courts, where native women are recruited and trained as mediators to uphold cultural understanding and empathy. This technique facilitates the connection between the mediators and the women seeking assistance, promoting transparent communication and effective resolutions.²²

Nevertheless, it is still uncertain whether women's courts offer more efficient and equitable resolutions in comparison to official courts, government-endorsed ADR organisations, or non-state dispute resolution bodies. Although researchers and activists may hold varying viewpoints, there is a general agreement that women's courts, including those that are solely for females, are impacted by traditional cultural attitudes regarding women's roles in marriage and society.²³ The settlements suggested are influenced by these views, frequently resulting in concessions on women's autonomy in return for assurances of improved treatment or financial assistance from their spouses.

However, women's courts provide a comparatively secure and welcoming setting for economically disadvantaged and inexperienced women to voice their concerns. Women, in certain instances, experience a sense of confidence that their words will be comprehended and accurately deciphered. Nevertheless, the commonly held cultural beliefs can result in women making concessions that restrict their liberty and independence. Although there are certain constraints, women's courts are a noteworthy advancement in offering accessible and compassionate conflict resolution for women in India.

Development of Women Courts in India

After India obtained independence from Great Britain in 1947, judicial reform initiatives led to the creation of Nari Adalats, or women's courts. Inefficiencies, packed dockets, corruption, and other faults in India's courts have eroded public trust in the legal system. "Civil courts cannot remedy or safeguard large parts of

²⁰ Shalini Grover, *Marriage, Love, Caste and Kinship Support: Lived Experiences of the Urban Poor in India* (2011)

²¹ John Griffiths, *What is Legal Pluralism?*, 24 J. Legal Pluralism & Unofficial L. 1, 1-40 (1986).

²² Jim Yardley, *Unelected Councils in India Run Villages with Stern Hand*, N.Y. Times (June 4, 2011), available at <http://www.nytimes.com/2011/06/05/world/asia/05india.html?pagewanted=all>

²³ Biswajit Ghosh & Tanima Choudhuri, *Legal Protection Against Domestic Violence in India: Scope and Limitations*, 26 J. Fam. Violence 219, 219-330 (2011).

society or widespread behavior.” When a given sort of complaint requires effective remedies, it is sensible to circumvent the lower courts rather than reform them.

As a response, the Indian government established specialised tribunals and pushed arbitration processes detailed in the 1940 Arbitration Act. In the late 1950s, judicial councils and nyaya panchayats were established to revive or transform ancient conflict resolution methods. Despite being founded on rural community or caste panchayats, these councils had significant variations, especially in democratic member elections and legal system implementation. This building became stagnant and lifeless by 1970²⁴.

In the 1970s and 1980s, legal reformers advocated for 'people's courts' or lok adalats. Mediation courts were created to be more accessible and efficient than formal courts, especially for the poor. Lok adalats resolve disputes that are better suited for arbitration or discussion to relieve traditional courts. Although these committees provided procedural benefits, critics claimed they often forced less powerful parties to accept less acceptable solutions²⁵.

Feminists have sought judicial reforms on violence against women. Their efforts resulted in major legislative changes, including IPC reforms and new dowry harassment laws like Section 498A of the Criminal Procedure Code (CrPC). Despite their effectiveness, these rules were limited, leading the 2005 Protection of Women from Domestic Violence Act (PWDVA). Due to funding constraints and a lack of protection officers, the act's wide civil remedies were difficult to implement. 2011²⁶.

The notion of Nari Adalats originated in the 1980s and 1990s, mostly as a result of the efforts of women's non-governmental organisations (NGOs) and grassroots initiatives.²⁷ The purpose of these courts was to establish a readily available and encouraging platform for women seeking legal resolution in issues related to marriage and family. Unlike conventional judicial systems, Nari Adalats prioritise mediation and counselling, with a strong emphasis on promoting reconciliation and compromise instead than engaging in confrontational litigation.

Nari Adalats often comprise a group of female mediators from the nearby community, frequently with the assistance of non-governmental organisations (NGOs)²⁸. These mediators receive instruction in fundamental legal principles, counselling methodologies, and mediation proficiencies. The procedure commences with an initial evaluation of the complaint, followed by informal mediation sessions designed to foster communication and promote mutual comprehension amongst the parties involved. Subsequent visits are conducted to confirm that the agreements are being followed, although the act of enforcing them is difficult due to the absence of official legal power.²⁹

Nari Adalats encounter various obstacles, such as cultural differences between mediators and clients, and the possibility of reinforcing patriarchal norms by prioritising reconciliation. Critics contend that settlements

²⁴ Catherine S. Meschievitz & Marc Galanter, ***In Search of Nyaya Panchayats: The Politics of a Moribund Institution***, in **The Politics of Informal Justice: Comparative Studies** 47-77 (Richard Abel ed., Academic Press 1982).

²⁵ Marc Galanter & Jayanth K. Krishnan, *Debased Informalism: Lok Adalats and Legal Rights in Modern India*, in *Beyond Common Knowledge: Empirical Approaches to the Rule of Law* 96, 96-141 (Erik G. Jensen & Thomas C. Heller eds., 2003).

²⁶ Bhumika Jhamb, *The Missing Link in the Domestic Violence Act*, 46 *Econ. & Pol. Wkly.* 45, 45-50 (2011).

²⁷ Kameshwari Jandhyala, *Empowering Education: The Mahila Samakhya Experience* (n.d.), available at www.portal.unesco.org/ea8dc35fd1a0a150c7f436b3ba0380afEmpoweringEducationTheMahilaSamakhyaExperience.doc

²⁸ Malika Basu, *Solution Exchange for the Gender Community Consolidated Reply: Nyaya Samitis for Dispensing Gender Justice – Experiences, Advice* (2011), available at [ftp://ftp.solutionexchange.net.in/public/gen/cr/cr-se-gen-20071001.pdf](http://ftp.solutionexchange.net.in/public/gen/cr/cr-se-gen-20071001.pdf)

²⁹ Ibid

frequently prioritise the preservation of familial concord at the expense of individual rights, which may curtail women's autonomy.³⁰

Ongoing efforts are being made to link Nari Adalats with official legal institutions in order to improve their validity and efficacy. Creating official connections with government-run judicial and legal aid systems can offer a more extensive support network for women, tackling problems with enforcement and guaranteeing legally enforceable resolutions.

Low Court Admission Rate for Women

Although laws that are favourable to women have been put in place, the majority of women who experience domestic abuse and marital problems do not seek assistance from the government. In legal proceedings, litigants frequently employ forum shopping tactics in order to get out-of-court settlements.

Usually, a woman in a violent or unhappy marriage initially attempts to persuade the elders of her husband's family to pay attention to her grievances. With some hesitation, she may finally disclose the information to her biological family, who frequently encourage her to adapt to the circumstances. If the informal attempts prove unsuccessful, she can seek assistance from local non-state conflict resolution entities, such as councils of elders specific to her caste or community.³¹

There are other factors that contribute to the low rate at which women seek legal recourse in courts. The expenses related to legal proceedings, including as bribes, fees, and lawyer fees, are too high for many women to afford. The provision of official legal aid frequently falls short and is incapable of satisfying the substantial demand.³² Legal matters, including those in family courts, can last for an extended period of time, spanning months or even years, which can dissuade women from pursuing legal remedies. Engaging in legal proceedings to resolve a family quarrel is perceived as disgraceful, particularly for women. Family conflicts are considered to be private affairs that should not be publicly disclosed. There is a prevalent perception that the judiciary is tainted by corruption and prejudice, showing preference towards individuals with more substantial financial means. In addition, judges frequently uphold patriarchal beliefs, exerting pressure on women to reconcile with their husbands irrespective of the circumstances.

Process for Dispute Resolution in Nari Adalat:

Complaint Reception: The pursuit of justice commences with the submission of a complaint. The diligent employees of Nari Adalat thoroughly examine every complaint to determine if it falls under their authority. If considered suitable, a receipt is provided, and a modest cost, varying from ₹0 to ₹251, is levied depending

³⁰ Nandita Bhatla & Anuradha Rajan, Private Concerns in Public Discourse: Women-Initiated Community Responses to Domestic Violence, 38 Econ. & Pol. Wkly. 1658, 1658-1664 (2003)

³¹ Shalini Grover, Marriage, Love, Caste and Kinship Support: Lived Experiences of the Urban Poor in India (2011).

³² Sylvia Vatuk, The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress, 45(1) J. Legal Pluralism & Unofficial L. 76 (2013).

on the financial capability of the complaint. This comprehensive strategy guarantees that financial limitations do not impede the ability to obtain justice.³³

Verification: In order to maintain the honesty and genuineness of the claims, teams of Nari Adalat workers carry out on-site visits to confirm the accuracy of the information provided by the person making the complaint. On-site verification is essential for constructing a strong case and ensuring that justice is delivered based on reliable and direct facts.³⁴

Dispatch Notice: After verifying the complaint details, the next action is to inform the respondents. Notices are sent out, calling upon the respondents to attend a legal process. This official notification establishes the framework for the process of resolving the dispute.³⁵

Procedure: In the course of the processes, both parties are provided with an equitable platform to articulate their perspectives and complaints. Nari Adalat prioritises reciprocal communication and comprehension, with the objective of facilitating a mutually agreeable resolution. Subsequently, the compromise deed is officially documented on stamp paper, establishing a legally enforceable agreement. This action not only guarantees adherence but also represents the determination established via discussion and mutual agreement.³⁶

Continuation: Nari Adalat's dedication to justice goes beyond the original resolution. Periodic evaluations are carried out at intervals of 15 days to one month to verify compliance with the terms of the agreement. This ongoing involvement facilitates the monitoring of the situation and the provision of ongoing assistance to the individuals making complaints.

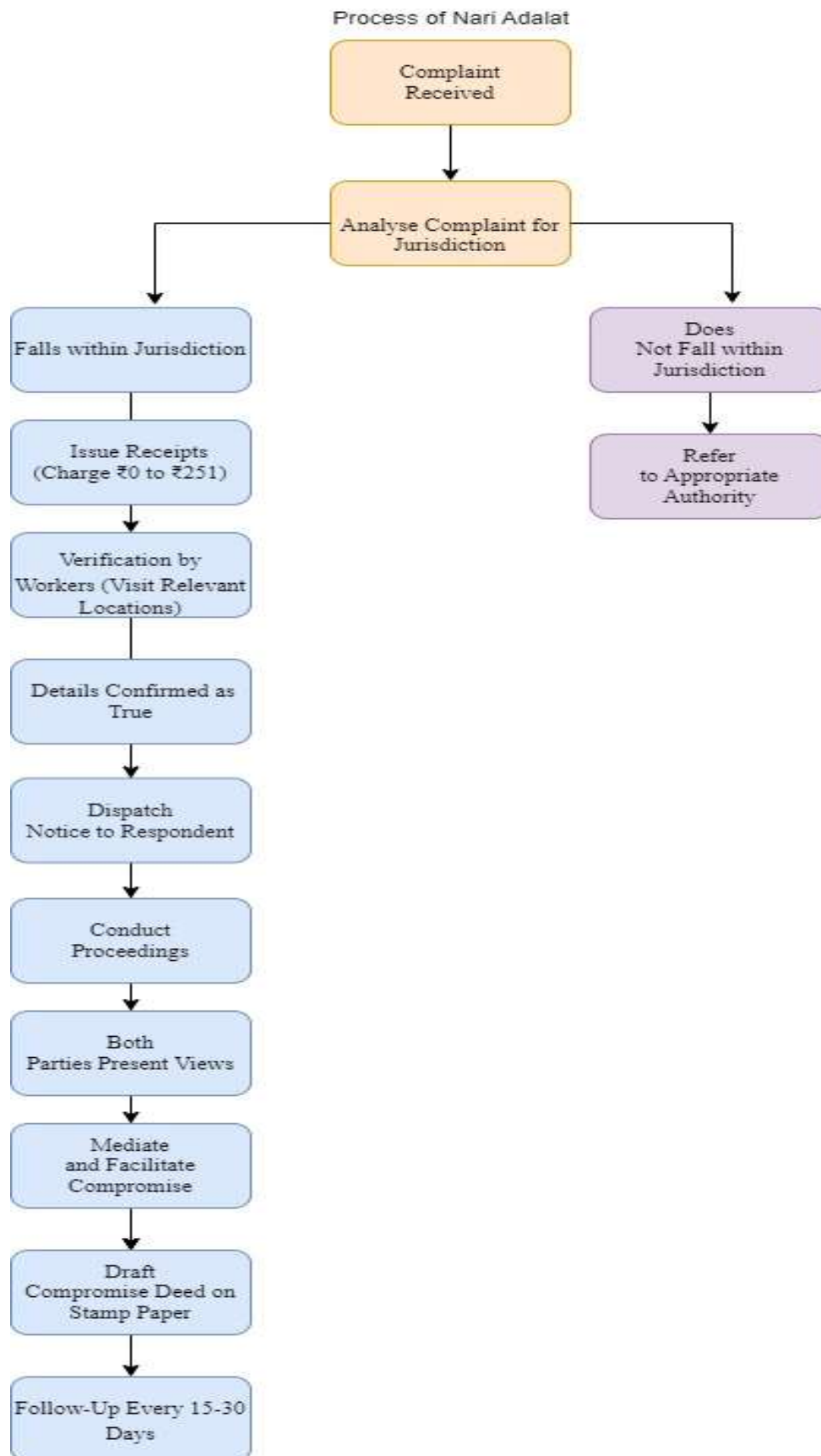
Categories of Documents: The documentation in Nari Adalat changes based on the specific characteristics of the case. Essential documents comprise complaint forms, verification reports, notices, compromise deeds on stamp paper, and follow-up reports. These documents guarantee clarity and responsibility in the procedures.

³³ Ministry of Women and Child Development, Nari Adalat Standard Operating Procedure.

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid



Women's Lok Adalats

Women's Lok Adalats, which have been functioning in multiple states for the last three decades, serve as platforms specifically created to address legal matters concerning women. These matters include divorce, maintenance orders, dowry harassment, and acts of cruelty.³⁷ These adalats, established by state governments, with the objective of reconciling spouses through the process of arbitration. The hearing of a case is contingent upon the mutual agreement of both the husband and wife to participate in the procedure. The ruling rendered is conclusive, with no possibility for recourse; unhappy parties must initiate new proceedings in ordinary courts. These meetings frequently prioritise the preservation of marriages and the amicable resolution of disagreements.

Weekly Madar Sangam

The Tamil Nadu State Legal Aid Authority in Chennai organises weekly madar sangam sessions with the objective of settling marital disputes. The panel consists of a diverse group of professionals, including social workers and addiction counsellors. These sessions frequently consist of intense debates among participants, which highlight the differences in social class and gender. The mediation process is influenced by the panel's hierarchy, with male panellists frequently exerting dominance over the conversations³⁸. Attempts are made to achieve mutually acceptable agreements, but, the context and interactions expose notable disparities in power. Women's counselling sessions organised by political parties, such as the Shiv Sena and the All-India Democratic Women's Association (AIDWA), also organise and facilitate mediation meetings.³⁹ In New Delhi, AIDWA's method comprises conducting private sessions with the goal of empowering women and promoting their independence, rather than focusing on reconciling couples.⁴⁰ The mediators, who are frequently middle-class women, prioritise ensuring that women has the necessary resources to live autonomously, should they opt for such a path.

Feminist activists promote the establishment of all-female, peer-led courts that specifically tackle the inequalities based on social class and gender that exist in other mediation platforms. Typically, non-governmental organisations (NGOs) supervise these tribunals, and they are staffed by local women who have similar social and cultural backgrounds as the individuals filing complaints.⁴¹ They convene on a regular basis and adhere to protocols akin to those of civil courts, meticulously documenting proceedings and summoning those accused of wrongdoing for deliberations. The objective is to establish a nurturing atmosphere where

³⁷ Prem Chowdhry, *Redeeming Honour Through Violence: Unravelling the Concept and Its Application*, 40 *Econ. & Pol. Wkly.* 79, 79-86 (2005).

³⁸ Zoe E. Headley, "The Devil's Court!" The Trial of 'Katta Panchayat' in Tamil Nadu, in Daniela Berti & Devika Bordia (eds), *Regimes of Legality: Ethnography of Criminal Cases in South Asia* 227 (OUP 2004)

³⁹ Tarini Bedi, *Shiv Sena Women and the Gendered Politics of Performance in Maharashtra, India* (2009) (unpublished Ph.D. dissertation, Univ. of Illinois at Chicago).

⁴⁰ Ibid

⁴¹ Srimati Basu, *The Politics of Giving: Dowry and Inheritance as Feminist Issues*, in *Dowry and Inheritance* i, i-liv (Srimati Basu ed., 2005)

women may express themselves without restraint and pursue suitable remedies, such as reporting grievances to law enforcement or initiating divorce proceedings if deemed necessary.⁴²

An exemplary instance is the women's jama'at in Pudukottai, Tamil Nadu, which is structured after mosque committees managed by men and particularly caters to Muslim women.⁴³ Another example is the mahila adalat in Lucknow, which specifically deals with matters like as unilateral divorce and dowry harassment. The Women's Research and Action Group (WRAG) in Mumbai operates mahila shakti mandals, which address a range of topics such as educational disputes and dowry harassment, with the goal of resolving these issues through community-based mediation.⁴⁴

These alternative conflict resolution venues emphasise the need of gender-sensitive techniques that enable women to actively pursue justice and receive assistance within their communities.

Action India's Mahila Panchayats:

Action India (AI) is a non-governmental organisation (NGO) based in Delhi. It was initially established as a voluntary welfare project in the 1970s and started mobilising women at the grassroots level in 1979.⁴⁵ AI sought to empower women by establishing independent groups, called sabla mahila sanghs, inspired by India's women's movement. To address the increasing instances of domestic abuse in the 1990s, AI initiated a programme in 1992 that specifically targeted women and the legal system. This programme established mahila panchayats, which are conflict resolution committees comprised entirely of women. AI currently manages these panchayats and provides training to members of 84 comparable courts managed by other NGOs, supported by money from the Delhi Commission for Women.⁴⁶

Between September 2004 and November 2009, AI's network managed 6756 cases, out of which 5720 were classified as "solved," however the specific criteria for determining this classification remain unclear. AI purports to have positive effects, such as empowering domestic violence victims and boosting their self-esteem. However, there is a lack of thorough investigation on the long-term consequences of these outcomes.⁴⁷

Studies on AI's panchayats have consistently found instances of financial negligence and domestic violence, frequently resulting in women returning to abusive spouses following mediated resolutions. These settlements generally uphold conventional gender norms, wherein women accept limitations in exchange for assurances of improved treatment from their spouses. Although the panchayats strive to establish democratic and female-

⁴² Ibid

⁴³ M. Raja, Legal Aid Programme in Tamil Nadu, Unpublished Report, Tamil Nadu State Legal Services Authority (1998).

⁴⁴ Padmini Baruah et al., Paths to Justice: Surveying Judicial and Non-Judicial Dispute Resolution in India, in Approaches to Justice in India: A Report by DAKSH 9, 9–38 (Harish Narasappa, Shruti Vidyasagar & Ramya Sridhar Tirumalai eds., Lucknow: DAKSH and EBC 2017)

⁴⁵ Action India, Mahila Panchayat Program (2009), available at <http://actionindiaworld.org/pages/programs-campaigns/women-law-and-social-change-mahila-panchayat-program.php>

⁴⁶ Flavia Agnes, Violence Against Women: Review of Recent Enactments, in In the Name of Justice: Women and Law in Society 81, 81-116 (Swapna Mukhopadhyay ed., 1998)

⁴⁷ Ibid

focused environments, they frequently uphold the gender norms they seek to question. Ethnographers criticise these agreements for perpetuating patriarchal notions rather than attaining enhanced gender equality.

Women's courts supported by Mahila Samakhya:

Nari adalats are an extensive network that receives backing from state governments in different regions of India. These courts were established in the mid-1990s through a collaboration between non-governmental organisations (NGOs) and the governments of Gujarat, Karnataka, and Uttar Pradesh.⁴⁸ The establishment of these courts may be traced back to the inception of Mahila Samakhya (MS) in 1989, which was initiated by the Ministry of Human Resource Development with the specific aim of promoting women's empowerment.⁴⁹ These courts are situated in specific sites, typically government buildings, and primarily handle cases related to marriage and family matters. The cases are submitted by women from nearby villages and mainly involve difficulties like as domestic abuse, dowry demands, accusations of infidelity, alcohol or drug addiction, and other related concerns. Complaints are lodged, and both parties are called for negotiations held in a transparent and public setting, with the involvement of local women's groups in gathering data, generating opinions, and monitoring decisions.⁵⁰

The courts prioritise resolving issues based on principles of social justice, utilising community influence to ensure compliance with their rulings. Nevertheless, evaluations express apprehensions over their concentration on women's rights inside the institution of marriage rather than including concepts of judicial procedure or human rights in a more comprehensive manner. Although they efficiently utilise local knowledge and social networks, their fundamental comprehension of gender justice restricts the solutions they provide for women who have experienced violence, placing significant emphasis on preserving the household and family.

Effectiveness of Nari Adalat

The effectiveness of Nari Adalats in resolving marital problems and delivering justice to women is a topic that continues to be debated. Although these courts have received commendation for their ease of use and consideration, they also encounter certain obstacles that hinder their efficiency⁵¹.

Nari Adalats offer greater accessibility to women from marginalised areas, as they provide a platform that is both physically and culturally more proximate to them compared to formal courts. The exclusive presence of women in the courts guarantees a nurturing atmosphere where women can freely express their concerns without any apprehension of criticism or coercion. The informal character of these courts results in lower

⁴⁸ Mahila Samakhya Karnataka, Gateway to Justice (2012), available at <http://www.mahilasamakhya-karnataka.org/publications.html>.

⁴⁹ Kameshwari Jandhyala, Empowering Education: The Mahila Samakhya Experience (n.d.), available at www.portal.unesco.org/ea8dc35fd1a0a150c7f436b3ba0380afEmpoweringEducationTheMahilaSamakhyaExperience.doc

⁵⁰ Veronica Magar, Empowerment Approaches to Gender-Based Violence: Women's Courts in Delhi Slums, 26 Women's Stud. Int'l Forum 509, 509-523 (2003).

⁵¹ Sylvia Vatuk, The "Women's Court" in India: An Alternative Dispute Resolution Body for Women in Distress, 45(1) J. Legal Pluralism & Unofficial L. 76 (2013)

costs compared to official litigation, making them a feasible choice for economically disadvantaged women.⁵² The participation of community members in the mediation process contributes to the development of a shared sense of accountability and assistance for resolving conflicts. Although these courts have received commendation for their ease of use and consideration, they also encounter certain obstacles that hinder their efficiency. The individuals who mediate in Nari Adalats frequently come from wealthier or higher social class backgrounds, resulting in a cultural divide between them and the women they support. This discrepancy can lead to communication obstacles and solutions that may not be feasible or applicable to the women's actual circumstances. Relying on patriarchal norms and expectations can result in settlements that strengthen conventional gender roles and restrict women's independence. Mediators may place a higher importance on achieving reconciliation rather than promoting the empowerment of women, which might result in compromises that may not be advantageous for the women involved. Due to their informal nature, Nari Adalats do not possess the necessary legal authority to implement their rulings. This can hinder their efficacy in guaranteeing adherence and offering enduring resolutions to conflicts. The lack of formality in Nari Adalats can result in inconsistent outcomes, as the resolutions might greatly differ based on the mediators involved and the individual circumstances of each case.⁵³

Conclusion:

Nari Adalats are a notable advancement in offering accessible and empathetic methods of resolving disputes for women in India. These courts possess significant advantages, including easy access, responsiveness, cost efficiency, and support from the community. Nevertheless, they face difficulties associated with cultural differences, patriarchal norms, absence of legal jurisdiction, and inconsistency in results. In order to boost their effectiveness, it is crucial to overcome these obstacles by implementing strategies such as training, capacity building, legal recognition and support, increased community involvement and awareness, and rigorous monitoring and evaluation systems.

Although formal courts possess legal jurisdiction and standardised protocols, they frequently present challenges of inaccessibility, intimidation, and financial hardship for marginalised women. In contrast, Nari Adalats provide a community-oriented, supportive, and cost-efficient alternative, albeit they lack the legal jurisdiction and uniformity of official courts.

To ensure equitable and impartial outcomes for women confronting challenges, it is essential to adopt a holistic strategy that leverages the advantages of both formal and informal methods of resolving disputes.

The objections of Nari Adalats revolve upon their reliance on patriarchal norms and the cultural differences between mediators and customers. These problems weaken the courts' capacity to deliver equitable and impartial resolutions. To improvise Nari Adalat reforms in offering extensive training to mediators on gender

⁵² Ibid

⁵³ Ibid

sensitivity, legal rights, and successful mediation procedures can help close the cultural divide and guarantee that resolutions are equitable and empowering for women. Capacity building activities should prioritise enhancing the capabilities of mediators by providing them with the necessary skills and expertise to effectively address the unique needs and concerns of the women they support.

Also, Incorporating Nari Adalats within the official legal system can bolster their jurisdiction and efficacy. Granting legal acknowledgement and assistance to these courts can guarantee that their rulings are honoured and implemented, while also establishing a system for supervision and responsibility.

Promoting community engagement and enhancing understanding regarding women's rights helps foster a conducive atmosphere for the effective operation of Nari Adalats. Community education programmes have the potential to confront patriarchal practices and advance gender equality, therefore guaranteeing that the resolutions delivered by these tribunals are fair and impartial. Implementing systems for monitoring and assessing the effectiveness of Nari Adalats can aid in identifying areas for enhancement and guaranteeing that these courts are fulfilling their goals. Periodic evaluations and input from the female users of these courts can offer valuable perspectives on their efficacy and influence. By addressing the difficulties faced by Nari Adalats and incorporating them into the official legal structure, there is the possibility of creating a judicial system that is more comprehensive and efficient for women throughout India.

