Women-Initiated Community Level Responses to Domestic Violence

Summary Report of Three Studies

Domestic Violence in India:
Exploring Strategies, Promoting Dialogue

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Summary Report of Three Studies

The Shalishi in West Bengal:
A Community Response to Domestic Violence

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Women-Initiated Responses to Domestic Violence in Uttar Pradesh
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ICRW
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A Study of the Nari Adalat and Mahila Panch

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Preface

The International Center for Research on Women, in collaboration with Indian researchers, is pleased to present the fifth in a series summarizing research studies undertaken in India on domestic violence against women. This particular volume brings together three studies documenting and assessing the impact of three innovative women-initiated community-level responses to domestic violence. The two summary reports for Gujarat and Uttar Pradesh have been prepared by Anuradha Rajan and Nandita Bhatla in collaboration with field research teams. The report for West Bengal has been prepared by an individual research team. The introduction and conclusions synthesizing the findings across the studies have been prepared by Barbara Burton, Anuradha Rajan and Nandita Bhatla. ICRW takes responsibility for any errors and omissions in this report.

Both the research teams and the ICRW team wish to thank Sally Engle Merry for her excellent comments on a draft of this report. We also wish to acknowledge the excellent editorial support provided by Margo Young and the unstinting administrative support by Miriam Escobar and T. Venugopal in the production of this report. Finally, we wish to acknowledge the overall support of Kathleen Barnett, Vice-President of ICRW, in the final phase of this project.

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Project Director

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Introduction

Barbara Burton, Anuradha Rajan, and Nandita Bhatla

Domestic violence perpetrated against women by partners and close family members has long been a matter of silent suffering within the four walls of the home. Despite the awareness others may have of a woman's ongoing experience of abuse, the phenomenon of domestic violence against women is typically identified as a private concern. From this perspective, violence is seen to be a matter of individual responsibility, and the woman is perceived to be the one responsible for either adjusting more adequately to the situation as dictated by cultural norms or developing an acceptable method of suffering silently. This basic understanding of domestic violence as a personal issue has limited the extent to which legal resolution to the problem can be actively pursued. In most societies, domestic violence against women has not been perceived to be a crime. However, as a result of feminist advocacy within the arenas of international human rights and development, social responsibility for domestic violence is slowly being acknowledged in many parts of the world.

In India, for example, families and community leaders are beginning to organize together at the local level to re-shape community norms and attitudes regarding violence against women within marriage. These local-level initiatives are important for many reasons. Research on violence undertaken in India and elsewhere has shown that women turn first to their immediate family or neighborhood for help and that informal, local-level networks are crucial in providing a site of first response to those experiencing domestic violence (ICRW 2000 and IMMIFAP 1999). In spite of improvements in the formal responses of Indian state and legal institutions, studies also indicate that reporting and prosecuting domestic violence is only a last resort for most Indian women. Instead, the increasing presence of informal community-based initiatives such as the mobilization of grassroots women's collectives, mock funeral processions of dowry victims, public shaming of perpetrators, street theatre, and local methods of dispute resolution, have been noted as some of the more effective and potentially sustainable responses to domestic violence in India. Although identified and acknowledged in previous studies of responses to domestic violence, very little documentation of such community responses exists. The following research is intended to provide better documentation of how women-led innovative responses have emerged, how they operate, and how successful they are in addressing the needs of women facing violence.

The term *community* is not necessarily used here to describe an idealized homogenous setting however, but to distinguish these efforts from state and national initiatives and to find a way to characterize and focus upon the smaller scale social mobilization that is occurring at the village and cross-village level. The fact that women-initiated dispute resolution mechanisms have emerged independently from any wider national strategy or government directive is worthy of close attention.

Collective action

In previous research by ICRW (International Center for Research on Women) documenting the range of responses to domestic violence in India (particularly Poonacha and Pandey, 1999), the practice of organizing and facilitating the creation of village women's collectives, or sanghas, was noted as a unique and important response to domestic violence. These small self-governed groups of women are intended to be a development strategy, organized by representatives from the voluntary sector and found in different permutations throughout the country.

These collectives are an ideal mechanism for raising awareness about and contending with the problem of domestic violence. Particular approaches and beliefs about domestic violence appear to vary between them; there is not necessarily a standard approach or response mandated by a larger facilitating organization. Further, since self-reliance and locally determined ideals and solutions are central to the *modus operandi* of this strategy, outside professional counselors, mediators, lawyers, doctors and even police are not necessarily included or even important to the collectives in dealing with domestic violence. Instead, responses to domestic violence emerge from culturally consistent solutions informed by the gradual increase in the organization's and women's collective power.

Innovative women-initiated community-based responses to domestic violence that have evolved from collective action are important sites for investigating, documenting and further understanding how domestic violence might be more effectively addressed in India and throughout the world.

The ICRW research project

In reviewing previous India-based research and examining widespread concerns about diverse responses to domestic violence, ICRW researchers considered several primary areas for inquiry. What kinds of compromises do these community-based initiatives have to make to remain credible and legitimate in the eyes of their communities? Do women indeed experience less violence after bringing their cases to alternative systems of justice established by women's groups to arbitrate domestic violence cases? Is the incidence of violence likely to be smaller in communities where women's collectives or organizations exist? Does the structure of the alternative justice systems, the process of handling cases, or specific elements of the organization itself have an impact on the success or sustainability of these responses? What lessons might be taken from these responses to other settings in India and around the world? And, ultimately, how exactly might collectives of women transform community norms underlying gender relations and violence?

In order to explore these questions and to provide additional opportunities to learn and grow with the development of these organizations, ICRW worked closely with domestic violence activists and development researchers to establish a set of open-ended research objectives that would depend upon both qualitative and quantitative methods as well as participatory approaches to design and implementation.

Objectives of current studies

The general objectives for the study of women-initiated community responses were:

▶ To document the process of these unique community responses to domestic violence

▶ To assess the impact of these responses and, through this process, derive indicators for evaluating such responses

▶ To build the institutional capacities of these organizations in the areas of research, process documentation and evaluation

Identifying features that distinguish a community-based response from a more formal state-initiated or institutionalized response was the first task. Discussion with community partners eventually generated the following key elements of an informal community-level response to domestic violence:

▶ That it is situated within the community setting

▶ That it is implemented by members of the community

- ▶ That it derives its authority and acceptance from the community, as in contrast to a more formal codified system of law

- ▶ That the ownership of the process and the decision lie with the community, and it is community sanction and responsibility that validates the decision and its enforcement

- ▶ That the process seeks to shape and change existing community norms

The unusual role that women and women's collectives have played in the initiation, conceptualization and implementation of these processes was found to be the final and most significant element characterizing these responses.

Choice of community responses for research

The choice of the responses was governed by availability of resources and cultural and programmatic diversity. Based on these broad criteria, the three responses covered within the study included the *Nari Adalat/Mahila Panch; Sahara Sangh;* and *the shalishi*. These responses have been used in the following three areas of this study:

- ▶ In **Gujarat**: The Nari Adalat (Women's Court) in Baroda district/the Mahila Panch (Women's Council) in Rajkot district.

- ▶ In **Uttar Pradesh**: Nari Adalats in Saharanpur district and Sahara Sanghs in the hill districts of Tehri-Garhwal.[1]

The Nari Adalat, Mahila Panch and Sahara Sanghs were all initiatives under the Mahila Samakhya (MS) program.

- ▶ In **West Bengal**: A traditional system of arbitration called the shalishi is being utilized extensively by a group called the Shramajibee Mahila Samity (SMS).

Nature of partnership

This research study was a collaborative effort borne of a mutually felt need among Mahila Samakhya (MS), a national education program for women; Shramajibee Mahila Samity (SMS), a rural working women's organization in West Bengal; and ICRW. Through the course of their work, both SMS and MS were faced with numerous questions regarding effectiveness of interventions for violence against women and the need to undertake intensive documentation. Additionally, the impending withdrawal of the MS program from certain districts raised questions of sustainability and future structure of these community-based arbitration forums, which had evolved as a result of MS program activities.

This study thus resulted in an enriching partnership among ICRW and MS/SMS—organizations with different but mutually beneficial strengths and skills. MS and SMS have a wealth of experience with ongoing interventions in the field; ICRW has rich research and advocacy skills.

Mahila Samakhya

Mahila Samakhya (MS) is an innovative women's education program which evolved out of the National Policy on Education, 1986. The program endeavors to build collectives at the village level of rural, poor, landless women that become forums for reflection, learning, and collective action. MS is characterized by its flexibility and process-oriented approach. The strength of the MS program lies in its basic principles which guide the program implementation. These include ensuring that women have the time and space to analyze their situations, to articulate their priorities and needs, and to plan and initiate change. The inherent flexibility precludes any form of blueprint development process or standard model.

The MS philosophy states that women coming together to form a group, meeting together, analyzing their life situations, discussing what can be done about it, accessing the appropriate information they want and actually acting on the issues they have identified is in itself an educational process.

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[1] Tehri-Garhwal was part of UP when this study was conducted; it subsequently has become part of a separate state, Uttaranchal. However, the district still functions as a part of Mahila Samakhya, Uttar Pradesh and will be referred to as such in the report.

The research design that was created to meet the stated objectives included:

1) *Process documentation*, which tracked accounts of the arbitration process at a typical forum, and a documentation of the process and strategies implicit in the resolution of cases.

2) *Documentation* of the history and evolution of these initiatives as they have emerged in their respective communities.

3) A quantitative impact *analysis of existing institutional records* for numeric indicators of the program's impact.

4) A *qualitative impact assessment* in each site that included *case studies* of resolved cases, *focus group discussions* with community members and

semi-*structured interviews* with key community leaders. In addition, one partner (SMS in West Bengal) undertook a *survey* of women who had sought help, and the MS partners (in Uttar Pradesh and Gujarat) did *profiles* of community activists implementing the response in order to understand the shaping of their perspectives and the impact of the program on them.

The studies

While both MS and SMS share many features and priorities, each conceives and operationalizes community involvement and dispute resolution in different ways. The political and cultural specificity of the region and of the community itself also play an important role in shaping the unique character and strategy of each program. Both programs depend upon a base of community support. The MS program builds upon the village women's collectives, while the SMS builds upon the solidarity of mass rural and working class movements. Each form of mobilization requires community support to effectively undertake face-to-face arbitration. Distinctive features were as important to the study as the overall similarities.

▶ **MS Program Initiatives:** These included Mahila Panch in Gujarat; Sahara Sangh in Uttar Pradesh; and Nari Adalat in both.

The Sahara Sangh, Mahila Panch and the Nari Adalat all evolved out of village-level processes initiated by village women's collectives, or sanghas. The sanghas, in turn, were established through the MS program. The core activity of the MS program is the formation of village-level women's collectives for reflection, learning and collective action. In the communities researched, sanghas initially mobilized around issues of concern to the entire village, such as water, health facilities and education. Success with these issues enhanced the social status of the collectives and paved the way for more controversial and complex issues. The sanghas then began to take on an increasingly significant role in the community at large.

Shramajibee Mahila Samity (SMS)

Shramajibee Mahila Samity (SMS), a rural woman-worker's organization, was formally started in 1990. The organization is an offshoot of a larger union of agricultural laborers that included men and women. The formation of SMS was seen as critical to provide a forum for women agricultural laborers to articulate their specific issues. Over time, domestic violence emerged as a central issue as SMS began to mobilize women agricultural laborers on a larger scale.

SMS began to organize shalishis—a dispute resolution mechanism—to address the issue of domestic violence. The shalishi is a traditional method used in West Bengal by various institutions and organizations, predominantly at the community level. As opposed to other shalishis, a distinctive feature of shalishis organized by SMS on the issue of violence is the primacy given to women's voice and broader involvement of the community. Where a typical shalishi would only include the two parties involved in the dispute, the SMS shalishis also include both disputant's families and neighbors from both villages. Another distinctive feature is that the community is involved in the implementation and monitoring of the resolution agreed upon within the shalishi.

Nari Adalat and Mahila Panch

In all three districts where this study was conducted, violence emerged as a significant community issue. However, addressing violence at the sangha level had certain limitations. To create a more structured para-legal forum for dispute hearings or for advising and supporting local sanghas, inter-sangha linkages were formed. Training, mobilization and critical reflection increased the sensitivity and awareness of the complexities of domestic violence. Gradually, village-level sanghas created a separate forum specifically designed to deal with violence against women. Thus the Nari Adalat, or Women's Courts, in Baroda, Gujarat, were the first of their kind to be formed within the MS program. The Rajkot districts of Gujarat implemented a similar institution, the Mahila Panch, or Women's Council. In Uttar Pradesh, villages in the Saharanpur District also began to run Nari Adalat forums.

In a typical case brought to either the Nari Adalat (NA) or Mahila Panch (MP), one side of a complaint files an application, and then activists of the NA or MP write letters summoning the opposite side. Only when both sides are present is the process of arbitration initiated. The local sangha plays the role of collecting all basic facts, generating opinion in favor of the woman at the village level and monitoring the decision. Usually a number of sessions are required before a mutually agreeable solution is arrived upon. The resolution is formalized through a written and signed agreement.

Sahara Sangh

The Sahara Sangh (SS) initiatives are federations of village-level collectives in the hill district of Tehri. Sahara Sanghs were conceptualized differently from the Nari Adalat, in that they aim to function as a centralized pressure group or think tank, which aids the resolution process of the village-level collectives. Cases that the village-level sangha feels unable to handle are referred to the Sahara Sangh, wherein certain representatives from sanghas discuss strategies, suggest particular courses of action and coordinate inter-sangha links. By meeting in a centrally located place away from the village, the Sahara Sanghs can also raise public awareness of each case outside of the village and increase pressure on district police and administrators. Geographic and social isolation of each mountain village has contributed, in part, to the significance of this particular function.

▸ **Shramajibee Mahila Samity (SMS) initiatives:** Women's shalishi systems, organized in West Bengal

Shalishi is a word of Persian origin meaning mediation or arbitration and has long been practiced as a traditional method of dispute settlement in the villages of West Bengal. Comprised primarily of a sitting where a few respected community members arbitrate on any dispute between two parties, the form is unusually resilient and adaptive, and is seen to be partially responsible for helping to maintain the self-sufficiency of these villages through multiple regimes and political epochs. Today's research indicates that almost 95 percent of all disputes in the rural areas, and some urban areas of West Bengal, including those of village leaders, political party members and the police, are still settled through shalishis, which could also be conducted by village leaders, political party members, the police etc. Community sanctions and the fear of community ostracism continue to be two of the main forces that make people listen to the decisions of the shalishi. The community remains an important source of support and help in the absence of other social support systems or any kind of welfare state, so people are not very willing to disobey decisions reached in the community.

Adapted and utilized by a regional women's collective called the Shramajibee Mahila Samity (SMS), shalishis are now being used to address cases of domestic violence. The shalishidars, or facilitators, are women who have been trained and sensitized to adopt a women-centered approach. The shalishi process encompasses all that occurs in resolving a case, from receiving an application, to an enquiry at the village level after the application is sought, to an extensive follow-up after the decision is taken.

An important additional feature of the shalishi approach to domestic violence is that the women's collective (SMS) is part of a larger peasant's activist organization with the explicit aim of building a mass movement. Within the uniquely politicized atmosphere of West Bengal, the women's shalishis are thus carefully crafted to both contribute to the spread of the organization's membership and avoid partisanship and bias by distinguishing it from other shalishi processes associated with party politics.

Methodology[2]

Given the threefold objectives of this study, namely documentation, evaluation/impact assessment, and building the institutional research capacities, the methodology for this research was understandably complex. The research methodology was based on two key principles: a) that the research process is participatory and b) that research capacities of the partner organizations are strengthened through the research process.

The decision to adhere to participatory research was arrived at through a process of reflection and discussion with partner organizations. A central issue was who makes the judgment about a program's effectiveness, on what basis and against which parameters? Can persons from "outside," i.e. who are not part of the organization implementing the response, truly understand and appreciate the reasons, dynamics and operational limitations to be able to make such a judgment? Would suggestions and recommendations made by an external evaluator be internalized and inform subsequent action? In other words, a means had to be determined of how to negotiate the politics of "who controls" and "who sets the agenda" and "for whom is this exercise undertaken." It was agreed that participatory research, based on collective sharing and reflection, would ensure a realistic, relevant and culture-specific framework for a more sensitive and nuanced understanding and evaluation of the intervention.

The objective of building institutional research capacities of the partner organizations was guided by the belief that continuous monitoring, periodic evaluation and reflection on the interventions are critical for their long term effectiveness. Further, strong research skills would enable the organizations to synthesize their ongoing experience and set critical directions for the future.

The research design and methodology was thus not specified or preset in advance, but evolved through a participatory process. Workshops were held at each individual site, with participation by the respective research teams and ICRW. They focused building the organization's capacities by facilitating an analysis and translation of experience into a research framework. A major concern at the outset was that the design should do justice to the complexity and variety inherent within the responses. Thus, the course of the study was characterized by intense interaction serving to ensure joint ownership of research objectives, formulation of appropriate research questions and collective analysis for relevant advocacy efforts.

Some of the key premises guiding the research process included acknowledging the subjectivity of research, engaging women implementing response in all stages from design to analysis to incorporate their interpretations, valuing their own experience as a valid source of information, and merging the personal and political. It was also felt that collective reflection is a potent tool for analysis which can be effective in bringing about social change. A final premise was that translation of experience into an analytical framework will transform the lens through which the intervention is viewed, thereby making the process of evaluation non-threatening and leading to an automatic "informing" of the response.

These premises stemmed from critical issues that needed to be addressed to realize the central objectives of the research. Firstly it is critical to under-

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[2] The term methodology here is defined as "a theory and analysis of how research does or should proceed" as opposed to method which refers to "a technique for (or way of proceeding in) gathering evidence."

stand the way women create and give meaning to their experience. Certain key questions raised in the documentation were how is a community response created, what goes into involving the community in decision making around a "personal" issue such as violence, how do implementers bring their understanding of social processes, realities and cultural values and norms into judgments of arbitration, and how do they weave in their own perspective on women's rights. As these community responses are ongoing, it becomes imperative to unravel the past – both the origins of these responses and influences that have shaped them. Due to lack of adequate existing documentation, the richest source of information and understanding was the activist who had been part of the process. In order to truly represent this understanding it is important to use their testimonies and present their analysis of gains and losses.

Another critical dimension for documentation was the process of how a case is resolved. A key issue was whether an "outsider" could understand the subtle changes in strategy, the *how* behind what and why something was said at a particular moment. Much of what happens is assumed as known and a part of the larger shared knowledge or experience. Yet this very fact could also prevent someone who is part of the process—an "insider—from documenting things that he or she assumed were obvious. Thus, by involving both "outsiders" and "insiders," both of these potential pitfalls were avoided.

Impact evaluation was another critical objective of the research. As all the interventions are part of the broader work on development issues being undertaken by the partner organizations, it was not possible to isolate impact indicators from their overall objectives and philosophy. It was clear that observed outcomes would have to be "judged" against indicators based on the activist notion of how progress should be measured and results interpreted. Further interactions with women who had approached the forum indicated that there was a tendency to paint experience in broad strokes or to minimize past experiences. It was essential therefore to rely on the existing knowledge and relationship that the activist shared with the woman. Additionally, inevitable factors of incorrect recall, desirable response, details withheld **could be minimized if the activist who has handled the case was to be the one interviewing the woman**. Where to hint, to probe, where to stop and what aspect to stress, all of these would be an extension of the existing skill of sensitive handling of the case. An additional advantage would be of rapport, and more than that, a relationship with not only with the woman, but with the members of her family who might not raise eyebrows at the activists going but would definitely object to repeated visits by an outsider. Given these considerations, activists—i.e., the functionaries who are implementing the intervention—formed the research teams for the study and were involved in conceptualization, data gathering and analysis of findings.

Operationalizing premises: The research process

I. Initial visits

Initial visits, undertaken by ICRW to observe and understand the community response, also served to discuss the purpose and relevance of the study in greater detail with partner organizations. Interest and institutional capacities for undertaking research were assessed and the nature of collaboration finalized. Within this, detailing of roles, authorship of reports and the financial arrangements were discussed. Dissemination of findings, within the organization and at the local level to advocate and give visibility to the intervention, was also central to these discussions. It was decided that the study would be undertaken with a research team of six to eight activists who arbitrate on the forums—*sahyoginis* within the MS program, and the senior activists of SMS—who showed keen interest, had been associated with the intervention for a substantial period of time, and had good analytical capabilities. In Uttar Pradesh, a research assistant was hired for each district to assist the sahyoginis.

II. The initial training workshops: evolving the design

Through the course of the study, interaction between the partners took the shape of intensive, residential workshops in each site. The purpose of these workshops was to enable the individual research teams to reflect upon their experiences. They also served as forums for learning, training, debriefing and analysis. In the initial workshops, discussion enabled the researchers to arrive at a research design and methodology for the study, with the latter focused on sharing of data collection experiences, findings, problems, and issues. The ongoing reflection and interpretation of data, which was a prominent feature of this research study, helped to sharpen the analytical framework for the study. The process of these trainings was largely participatory, or rather feminist in its basic orientation (Bhaiyya and Sen, 1989). The first workshop was particularly significant as it was important to ensure that each of the participants had clarity on the purpose and nature of the study and understood the basics of research before the study could proceed any further.

Moving from experience to a research framework: the process of building capacities

This process involved posing broad questions to the group. The answers were then discussed, leading to concrete steps of the methodology. This process is presented below:

▸ ***What do we undertake this study for? What is it that we hope to find out?*** Turning questions, doubts, dilemmas into research questions & objectives

It was not feasible to answer certain questions. For example, there was a desire to find out whether violence against women has decreased or increased as a result of the organization's work. Official statistics were rejected as being unreliable, and undertaking a prevalence survey would only highlight the situation as it is today. A before-after comparison of change was impossible. Discussion also centered on the pos-

sibility and complications of actually measuring such a change.

▸ ***How do we best describe what we mean?*** Discussion on operational definitions

There was extensive discussion on what constitutes a *community* response and how domestic violence needs to be defined. Since the functioning of the forums are governed by the perspectives of the individual organization, their respective understanding of what constitutes violence was taken as the starting point. While SMS recorded precise definitions for each of these aspects (see box), within the MS program, the understanding of violence encompasses a broader spectrum defined as *"any violation of the woman's rights that impinges on her sense of freedom and equality."*

SMS Report

For the purpose of the study, *domestic violence was defined as spousal violence in particular and included violence (mental, physical and sexual) by the husband and/or his family on the wife.*

The following terms have been used in the report to describe the nature of violence:

✓ "Deprivation of basic needs" means depriving the woman and her children of food, clothes, medicine, and other things the woman feels are of daily necessity. It also includes turning the woman out of the house, as this implies deprivation of shelter.

✓ "Physical violence" means physical assaults on the woman, causing mild or severe injury and attempts to kill her.

✓ "Mental violence" includes taunts, abuses, scolding, restrictions on mobility, threats of violence or killing, threats to throw her out of the house, abuse of alcohol, gambling, extra-marital affairs, bigamy, threats of divorce and also complaints of neglect by the woman.

✓ "Sexual violence" includes, in the case of the husband, deprivation of sex, marital rape and excessive sexual demand; and with in-laws, unwanted sexual advances.

Across the sites, it was decided that for the purpose of the study, cases of violence would be defined as those where there is reporting of problems in the matrimonial family affecting the spousal relationship. This thus covered physical, mental and sexual abuse by the husband, in-laws and other members of the matrimonial family if residing in the same house. Cases of rape would be excluded. Categorization of cases would be based on the presenting problem and not the underlying cause of the case.

▸ *How do we find answers to our questions in a way that is acceptable to all?* Differences between evaluation, reflection, assessment and research

▸ *To reach the objectives, what will we have to do? Whom to talk to? How?* Constructing a basic research design

▸ *Are there any standardized ways in which we should talk to people?* Information about different tools used in research, elements and steps in the construction of a research design, and methods of research were shared with the group. Not only did this step mean dealing with a lot of new information and complex terms, but there was also confusion as the women tried to fit in the new concepts within their existing knowledge.

▸ *How should we conduct our study?* The above "technical" information was then matched with the constituencies that need to be addressed. Thus, the list of people from whom information had to be gathered, and the ways in which information needed to be collected was articulated in terms of the tools of research. For example, a detailed, one-one-one conversation with a woman would be classified as an "in-depth interview."

This exercise proved exceptionally difficult. Abstracting from concrete cases and placing them into discrete conceptual categories was not easy, as it involves stepping back from the very work that the organizations are steeped in day after day. Moreover, using the experience and questions to formulate a structured design meant thinking from a totally new framework. Repeated exercises in small groups helped activists internalize the information.

Given the complex and multi-layered nature of the community response, the same respondents could be asked questions on a wide array of perceptions. The prioritization of what to ask whom was an issue that had to be addressed in detail. For example, the patwari (village headman) could be involved very closely in a particular case and would thus be included in the list of respondents within the case study. However, he would also be a critical opinion leader to be interviewed for his opinion on the response as a whole, independent of the case.

The final research design that evolved from these workshops included a combination of qualitative and quantitative methods. Specifically the methods were process documentation, case studies, activists profiles, quantitative survey, and key informant interviews. The overall research design and what elements were undertaken in each site is presented below. (See Annexure I for sample details)

II. *Pilot study and subsequent workshops*

▸ *Let's test what we have to do on a small scale first: plan for the pilot* Two cases from each district were selected for the pilot. The list of criteria for the case selection included cases of domestic violence (as defined by the study) within the period Jan. 1998-April 2000, in which the persons to be interviewed are easily accessible. Case selection tried to be as responsive to the variety of cases as possible.

▸ *Let's practice: simulation* Since most of the members of the teams had never undertaken research, a series of simulation exercises involving interviews with various respondents was a critical part of the workshops. These helped to reiterate many aspects central to conducting research. For example, the danger of implementers engaging in dialogue in order to convince people, rather than elicit information, led to a discussion on **objectivity** and the **non-judgmental and non-confrontational** approach that needs to inform the interview. Similarly, instances from these simulated interviews brought out the importance of writing verbatim, to guard against misrepresentation and filtering.

▶ *Workshops during the course of the study*
Through the phase of data collection, the workshops were held to share experiences, debrief and undertake analysis. It was an opportunity for the research teams to share not just elating or disturbing experiences, but also personal gains and losses in the process of undertaking the research study. Ethical dilemmas were many, and dropouts fed into feelings of frustrations. Re-reading their own cases and eliciting impact and change was very exciting and heartening. These workshops helped to maintain the momentum of the research and retain focus as activists also continued their regular work.

For the ICRW team, the workshops held twin emotions of excitement and despair: excitement with increasing knowledge of details and nuances of the history, cultural norms and strategies of the interventions; despair if one would ever completely understand or cover each aspect of the intervention. The enormity of the task brought with it feelings of responsibility and the realization that the present study could at best lay out the various aspects in all their complexity, in what could be termed as a first step to understand the responses.
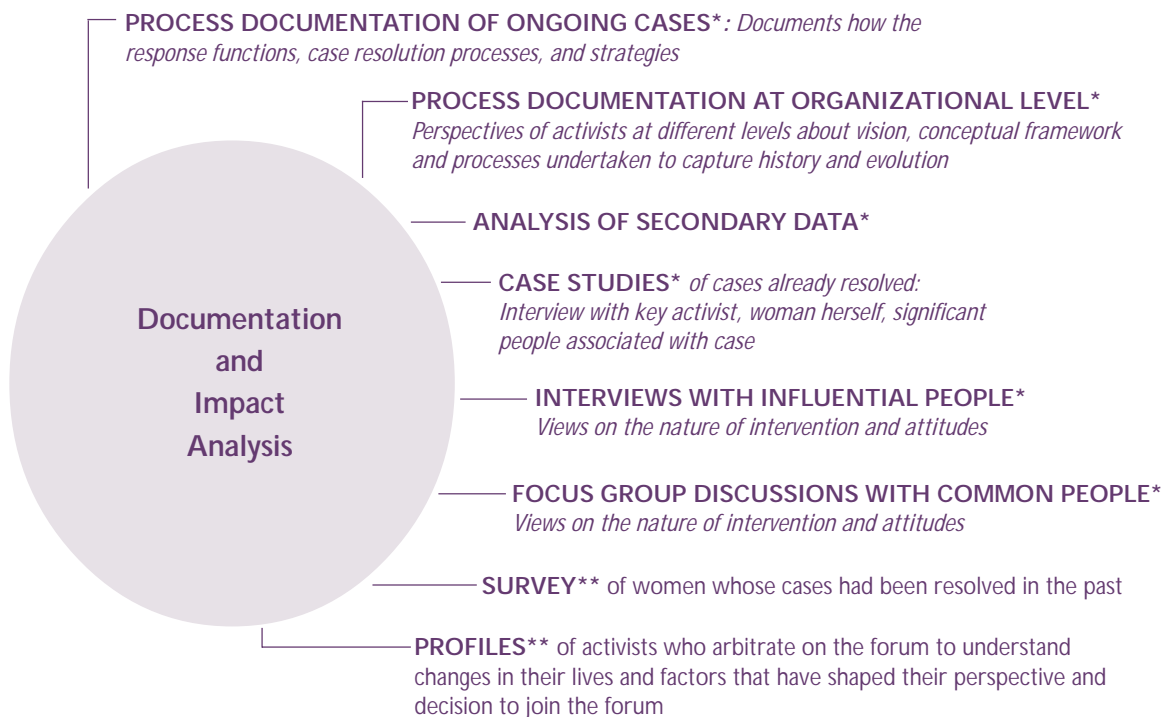
Issues of methodology and ethics

Considerable time and discussion was devoted to addressing key methodological and ethical issues. Following is a brief description of these:

Broad areas of enquiry vs. detailed questions: The experience of the pilot raised the issue of a structured vs. unstructured format for the interview with the woman. Though having broad areas of enquiry gave space for a longer narrative with some women, the absence of specific questions meant a certain lack of focus and depended too heavily on skilled probing ability. The activists preferred specific questions, but the need for flexibility to incorporate questions based on leads given by the respondent had to be pointed out repeatedly.

Use of culturally specific words: After the pilot, certain key phrases had to be substituted with culturally appropriate words. For example, domestic vio-

Research Design

PROCESS DOCUMENTATION OF ONGOING CASES*: *Documents how the response functions, case resolution processes, and strategies*

PROCESS DOCUMENTATION AT ORGANIZATIONAL LEVEL*
Perspectives of activists at different levels about vision, conceptual framework and processes undertaken to capture history and evolution

ANALYSIS OF SECONDARY DATA*

CASE STUDIES* *of cases already resolved: Interview with key activist, woman herself, significant people associated with case*

INTERVIEWS WITH INFLUENTIAL PEOPLE*
Views on the nature of intervention and attitudes

FOCUS GROUP DISCUSSIONS WITH COMMON PEOPLE*
Views on the nature of intervention and attitudes

SURVEY** of women whose cases had been resolved in the past

PROFILES** of activists who arbitrate on the forum to understand changes in their lives and factors that have shaped their perspective and decision to join the forum

Documentation and Impact Analysis

*These tools are common across all sites

**These tools are site specific. The survey was undertaken by SMS, while MS recorded life histories of the women who arbitrate on the forum.

lence translates into "gharelu hinsa," and each activist would use different terms to explain it. It was substituted with the mutually agreed upon expression, "ghar mein mar peet ya koi problem." (beating/hitting occurring in the house or any such problem.)

Incorporating the activist interview: A problem in individual case studies was that of incorrect or incomplete recall. When this situation arose, it was decided to question the activist in the case before going back to the woman for further questioning. This would furnish all details about the twists and turns that the case had taken, thus making it easier to ask additional and relevant questions besides the standard set.

Activists as researchers: The fact that the activists were involved with ICRW in undertaking the research meant planning for certain dynamics in the field. Would the power equations (as the very person who was instrumental in solving the case was the one looking to assess its impact) have implications for the validity of the data? This fear proved largely unfounded. Activists themselves felt that people would be honest about the gains and losses, given the kind of open process by which cases were solved. Further, the data of the case study was triangulated from many sources (interviews with sangha women, the family, other villagers). Another issue was that the activists were viewed as being fully knowledgeable. In the pilot phase, the many activists had to contend with responses such as "but you know everything didi!" Usually, it could be dealt with by explaining the objective of the study, how it was different from the earlier interactions, and giving importance to the respondent's assessment of the process. Additionally, problems were foreseen in cases where the activist knew that the "other" side would be resentful and angry. In such situations, it was planned for another activist, from a nearby village, to conduct the interview.

Introducing the study to the respondents and seeking consent: There was discussion amongst the group on the extent to which the real purpose of the study should be shared with the respondents. All the partners ruled out giving any other reason than the actual

The fact that activists were doing research on their own work brought along with it its own sets of problems as well as advantages. For example, the activists sometimes felt that people were saying things that they felt the activist wanted to hear, rather than what they themselves actually felt. There was therefore the need for checking and cross-checking all the time. The activists also had to draw a line between their role as activists and as researchers consciously and had to make an effort to retain the objectivity needed in research.

The advantage, however, was that activists were able to "read between the lines" and were able to provide insights into many things which an outside person would not have known. Due to the rapport that they had with the people, they were also able to get the women and their families to easily share many personal details which would have been inaccessible to other people.

purpose of the study as it might jeopardize their relationship and credibility in the future. However, agreement varied on how to present the purpose of the study to each constituency. For example, to the perpetrators, emphasis would be laid on elements like the need to understand their side of the story, give importance to what they feel, listening to their reactions on the process—whether he got a 'just' hearing or not. Another issue was that written consent was not always possible due to low literacy and fear of the written word. It was agreed to take oral consent but only after fully explaining the purpose of the study.

Maximizing privacy for the woman: Issues of how to maximize privacy was deliberated upon at length and was the focus of many interactions through the course of the study. Certain mechanisms that were put in place included:

▸ *Seeking prior permission from women:* A woman's consent had to be received before any interview could take place with either family members or anyone associated with the case, including the activist. Accompanying this was the belief that the woman's decision to go public with her experience does not give a license of its use by anyone

without her specific permission. Obtaining prior consent also had the practical advantage of minimizing the risk of dropout.

▶ *Limiting visits to the woman*: Repeated visits, even in a case that seemed to present the least risk, were discouraged because this could give rise to suspicion (especially in Tehri where the villages are physically isolated) that the woman reopened the case, which could result in a deterioration of her situation.

Thus, during the first visit to seek the woman's permission and judge the receptivity of the family, planning on the location and the best possible time for the interview was done. Despite this, getting the woman to talk separately was a constant problem in many cases, given that the activist had a relationship with the woman as well as with the family. Thus, when the activist would arrive, everyone in the family would automatically gather around her. As one activist explained, "Our relationship of trust with the entire family would come in the way of ensuring privacy for the women." Many times, interviews had to be postponed, timings renegotiated, women called away to a neighbor's residence, all of which affected the schedule and the data quality to an extent as it had bearing on the recording procedures.

Incorporation of information given informally: Given the nature of the relationship between the activist and the families, there were often instances when information was informally shared while casually "chatting." It was decided that the respondent must give the activist permission to add the disclosed information to the interview and write it down. The concept of use of "off the record" information went through intense debate. The activist sometimes knew details that the women had shared with her by virtue of her being a member of the neighborhood or "community," rather than an organizational worker. Activists felt that such information could not be documented if it was told to them in confidence.

Construction of absolute truth: Methodologically, constructing the evolution of the entire intervention has been very challenging. Collective memory narrates a story, which has differed from the written word, and the stories of individual actors. Constructing a whole out of these different pieces of information raised dilemmas about representing "the correct story." Through this research, it became apparent that the subjective construction of truth varied with the analytical lens through which individuals decided to decode their experience. Not only is the same experience interpreted and narrated differently by different individuals, it is also interpreted and narrated differently by the same individual at different points of time.

Selecting the sample: Given the lack of documentation, it was difficult to construct the universe of cases addressed by these interventions from which to draw a sample. This was especially so in the case of MS UP. For example, the existing documentation in Tehri presents the total cases of violence dealt by MS over a period of time (i.e. taken up by the sangha and the NA/SS). Moreover, total cases reported in each quarter include both new and ongoing cases, and are not listed according to a case number or name. In Saharanpur, a composite list was not available due to many changes in the office and leadership. Thus, researchers used existing reports and running records to create the list of cases dealt by these forums in the time period chosen for the study. Many times the sahyogini who had dealt primarily with the case was not available, so the details could not be provided. Another complication was that all records did not have systematic data on categories such as years of marriage, years since the problem began and the point at which she decided to protest. One of the lessons taken from the research study was the need for systematic documentation and record keeping for mapping trends. This was incorporated into the intervention program and validated the methodological premise that the research should result in reflection and action.

Definition of Terms

Mahila Panch: Women's Council. The Mahila Panch was created by village sanghas (women's collectives), which in turn were formed through the Mahila Samakhya program.

Nari Adalat: Women's Courts. The Nari Adalat was created by village sanghas (women's collectives), which in turn were formed through the Mahila Samakhya program.

Panchayat: Local governing councils.

Para: Neighborhood.

Sahara Sangh (SS): Federation that gives support to and provides networking opportunities among village collectives, or sanghas. The SS advises sanghas on violence against women cases and also serves as a pressure group holding the state, community, and family accountable for addressing such cases. The Sahara Sangh was created by village sanghas (women's collectives), which in turn were formed through the Mahila Samakhya program.

Sahyogini: Paid Mahila Samakhya facilitator who coordinates the formation of sanghas in individual villages and also links the work of sanghas across approximately 10 villages.

Sakhi: Mahila Samakhya functionary at the village level.

Sangha: Village-level women's collective formed within the Mahila Samakhya program.

Shalishi: Traditional method of dispute resolution in West Bengal involving mediation/arbitration.

The Shalishi in West Bengal:
A Community Response to Domestic Violence

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Shalishi, the intervention discussed in this report, is a traditional dispute resolution mechanism widely used in West Bengal. This arbitration process is essentially a sitting led by locally influential people who give a judgment, which could involve a punishment or a fine or an understanding on any dispute between any two parties. It has been a particularly resilient and adaptive method of arbitration and has been a feature of rural communities for many centuries.

Community sanctions and the fear of community ostracism continue to be two of the main forces that make people listen to the decisions of the shalishi, and the sentiment that one should speak the truth in a shalishi persists. The community is an important source of support and help—especially for poor people, given the absence of other social support systems or any kind of welfare state—so people are not very willing to disobey decisions reached in the community.

While a shalishi, or a village-level dispute resolution system, seems to have advantages in the processes that it adopts (for example, of being closer to the reality of people's lives; of arriving at consensus decisions more often than punishments) over a formal justice system, two very vital problems remain when dealing with domestic violence. One, what is the shalishi's inherent concept of 'justice' or fairness? It is clear that those who dispense justice within such a system would be governed by community norms and values that are pre-dominant in society. Also, as the sanction or the legitimacy for this system is drawn from the community itself, its decisions would have to take community sentiments into account. Where community sentiments are generally in favour of keeping the family intact at all costs and where feminist notions are foreign to tradition-bound villagers, how much justice can such a system deliver to survivors of violence against women?

Second, and related to the above, who controls the shalishi? Community mechanisms seem to have traditionally excluded the weaker in society. In West Bengal, where many of the old hierarchies of caste and the zamindari system have broken down, the shalishi is no longer controlled by caste leaders or by large landlords. However, new power brokers have come up who often exercise their power through political parties. Also, public space is now completely or almost completely dominated by party politics in West Bengal. Thus, party politics influence the shalishi and ensure that the powerful win or that disputants are sharply divided along party lines, with justice and principles often being the most expendable items in these settlements. The pejorative used by people for what happens in these meetings is *partybazi*, or partisanship.

What is interesting about the shalishi is that it does not seem to be a highly structured system, or a system that is difficult to penetrate by an upcoming power group in the village. For example, in a "para," or neighbourhood, one of the first public spaces to be captured by upcoming youth groups and "mastans,"

or anti-socials, is the para bichar, or local dispute resolution. On the other hand, control of panchayats, school committees or hospital committees is more strongly institutionalised and therefore harder to capture by an upcoming political group. The shalishi is also an arena in which there is very little at stake, as compared to for example the control of the panchayat, so there is little resistance when a new power group in a village or neighbourhood attempts to usurp control over the shalishi. When it comes to women's issues, the stakes are perhaps even less for the community, as compared to, say, a dispute over land rights.

While marital disputes remain an important issue around which shalishis are conducted today, there is little effort to ensure that women's voices are central. Yet violence against women is a serious issue in the state, which is known for its militant history of leftist politics. Most women's organizations have been affiliated to one party or the other, and the autonomous women's movement become effective only recently. Even though left-leaning women's organizations claim to have huge membership figures, many rural women remain unaware of gender issues and women's rights. Figures, however, show at least some increased reportage of crimes against women, indicative of women's willingness to disclose their problems. A report of the Home Minister in the West Bengal Bidhan Sabha (Legislative assembly) showed that though there has been a decline in crimes on the whole, crimes against women have increased from 3,947 in 1990 to 7,489 in 1998. The two districts covered in this study, South and North 24 Parganas, have the dubious distinction of being the districts with the second and third highest number of cases of cruelty by husbands and relatives in India.

This increasing reportage of domestic violence is accompanied by a dismal record of the legal system's handling of these cases. In West Bengal, according to the National Crime Records Bureau, judgments were given in only 8.5 percent of the cases of cruelty by husbands and relatives in 1998. This is well below the overall figure for India and also below the conviction rate for all Indian Penal Code crimes in West Bengal. Reports from NGOs show that women litigants complain of a general feeling of helplessness when dealing with the legal system. It is this, perhaps, that makes them turn to other systems to find justice.

Sharamajibee Mahila Samity

The roots

Though the Sharamajibee Mahila Samity (SMS)[1] started formally in 1990, its launch was preceded by the work of Jana Sanghati Kendra (JSK), an NGO which promoted the SMS. The formation of the Paschim Banga Khet Majoor Samity (PBKMS), the union of agricultural labourers with which the SMS works very closely, took place two years before the constitution of the SMS. The first shalishi was done to resolve a land dispute in 1985, and the first shalishi for a case of domestic violence (Kajallata's case) was conducted in 1986 by activists of JSK. An examination of these cases brings out the following:

▶ There was no clear understanding of the issue of violence against women at that point. It was a peace-making effort.

▶ The Samity had practically no organizational base among common people, so it used the strategy of involving all the locally influential people in the shalishi, in order to neutralise opposition from them.

▶ The interest at that point was to increase the organizational base through the shalishi, rather than organizing women and men on the issue of VAW. The activists used the shalishi as they felt it was a means of resolving matters outside party politics and was a cheap alternative to expensive litigation.

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[1] While SMS is a legally defined entity and means the women's organization in particular, the study found that people perceived the intervening organization to be "the Samity", which consisted of both the SMS and the Paschim Banga Khet Majoor Samity (PBKMS), the trade union that it collaborates with. Hence the word "Samity" has been used to define this broader, and slightly nebulous, intervening entity, while SMS, or PBKMS have been used for these legally defined organizations.

▶ The case was followed up and other supportive services were provided, a practice that continues to date.

Work with women and gender issues began in 1987. This period of work laid the basis for SMS's later work amongst rural women.

▶ Trust was built up amongst men in the community that the work with women was to their advantage. The activists also developed techniques and skills of working with rural women.

▶ The JSK group, which functioned like a collective rather than a structured organization, dealt with issues like sexual harassment, wife beating, dowry, etc. in the lives of its own activists. An understanding of gender in their own lives gave the activists an understanding of patriarchy.

In 1987, a wage struggle by agricultural workers led to the formation of the PBKMS. There were, however, very few women agricultural workers in the areas. It became very difficult to involve women in the struggles of the PBKMS. Women found it difficult to speak in the meetings of the PBKMS in the presence of so many men. A debate began on the need for a separate organization for women that culminated in the formation of the SMS on 10th and 11th June, 1990, at a convention at Dum Dum.

Present structure

Presently, the three organizations, JSK, SMS and PBKMS work together. JSK plays the role of a support NGO, while SMS and PBKMS are mass organizations of the rural poor. Both the organizations have regular fee paying members and elected committees from the village to the state level. Insights into the relationship that existed and continues to exist between the PBKSM and SMS show that male activists of the PBKMS dealt with women and with survivors of violence even before the SMS became active on such issues. The SMS activists recall first helping women who complained about husbands, who were angry or had been violent about their coming to the women's meetings. The activists had begun going to

their homes to convince the husbands to allow the women to come for meetings. It was just a step further to start shalishis on more serious problems. As the number of women coming to the Samity began to increase, women activists found themselves taking independent responsibility for the shalishis.

The two organizations generally work together and have close personal and political ties. Many of the activists have married each other. In addition, many of the activists of both organizations live in communes or collectives. They pool all their income in a common fund. This collective life has important implications for their work:

▶ there is a day-to-day discussion about their work, making for good coordination and fast decision making;

▶ women have back-up services of child care and cooking, which enables them to devote all their time to the building up of the organization;

▶ they practise a lifestyle that breaks gender stereotypes.

Ideological underpinnings and activities

Three very important ideological issues form the basis of the SMS:

▶ a belief that exploitation of women in society is based both on class and gender.

▶ a strong critique of the way in which political parties have subordinated the functioning of the women's organizations affiliated to them.

▶ a belief in democracy within the organization.

SMS's activities focus around making its members aware of the rights that they have and of the various ways in which they face exploitation. It takes up movements and struggles and organizes its members to fight for better wages, more employment, proper implementation of government programs, etc. It also focuses on organizing women to break liquor dens and to stop gambling. The shalishi and the work on violence is therefore only one part of its work. Its work

on violence against women also involves taking up local campaigns to pressurise the police to function properly, organizing legal aid for women who cannot be helped through the shalishi and taking up wider state level campaigns and advocacy around violence, by itself and as a member of Maitree, a network of women's organizations.

> **The following is an excerpt from the report of a workshop held with ICRW**
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> There has been no specific training around how to run a shalishi. The activists stated that all skills associated with dispute resolution were learnt from different sources and different movements. Training which enabled the group to understand the ideological framework within which class and gender can be analysed, as well as hands-on experience of running a shalishi, enabled the activists to build the skills to run the shalishi. Several training programs on the Marxist analysis of class and gender fed into developing the activists' own understanding of women's position in society, of patriarchy, history of society, structural violence etc. The contradictions between class and gender became clearer through ideological training programs, debates/discussions. This, along with the passion in them to work for the underprivileged, enabled them to start focusing on violence against women as an important area of intervention.

As the entire work of the mass organizations is coordinated through meetings of committees, the activists have a lot of experience of working in groups to decide on personal and political issues. This experience is useful in dealing with group dynamics during the shalishi. The meetings mentioned above are also forums where review of the response and an ongoing evaluation of its impact are carried out.

The women and their context

This study included process documentation, case studies, key informant interviews, and focus group discussions with both men and women. A distinctive feature of the methodology undertaken in this study was a quantitative survey of 151 women who had utilized the shalishi to document impact (see Table 1). Further, an analysis of 1,671 existing organizational records was undertaken.

The study areas are mostly rural. Nearly 40 percent of the women surveyed were Muslims. Most of the people who take help through the shalishi process are agricultural labourers, marginal and small peasants. According to the survey data, 3.8 percent of the family members of the women surveyed were in regular jobs. The largest numbers were in casual labour (31.4 percent) and self-employed work (23.2 percent), while the women were mainly in unpaid household work (41.2 percent).

According to the 1991 census, West Bengal shows one of the lowest female work participation rates in India. Women's work contributes in irreplaceable ways to the survival of poor families, but, as it has no "economic" value in the parlance of Indian planners and statisticians; it is not counted as "work" in the census. Nearly 80 percent of the surveyed women were involved in unpaid labour. Most women have no wages to rely on if they leave their husbands. As the majority of the husbands are self-employed, it is difficult to obtain maintenance. Women also face shrinking work opportunities with new agricultural technologies being developed. In government programs to create employment, the number of person days created per agricultural labourer has more than halved from 10.22 to 4.79 from 1990-91 to 1999-2000. Women's share in poverty alleviation programs has been low at 20-30 percent. This is in spite of the

Table 1: Location of the Survey Respondents

Location	Number	Percent
Midnapore (Datan 1 block)	5	3.3
South 24 Parganas (Diamond Harbour and Kakdwip subdivisions)	104	68.9
North 24 Parganas (Basirhat and Barasat subdivisions)	42	27.8
TOTAL	151	100.0

fact that there are government orders which say that 33-50 percent of the funds in these schemes are to be allocated for women only. Women have also not benefited from the Left Front's land reform program.

SMS has over the years tried to mobilise government funds for survivors of violence. Its experience has not been very positive. The problems of government programs catering to this need are that these women are unskilled and without education (49 percent of the women interviewed for the survey were illiterate), and they are often without land or assets (80.8 percent of the respondents surveyed were living in families with less than 1 acre of land, while 19.2 percent of these families had no land at all of their own).

In addition, spending at the panchayat level and at all levels are based on political party affiliations or on the basis of where cuts and commissions are available. The women SMS helps, therefore, are rarely able to access government funds. Single or deserted and destitute women are also not recognised as a separate category in need of special help. They are also sometimes not recognised as residents or voters of the natal village after they have been deserted by the husband.

Many of the women surveyed (43.7 percent) were living in joint or extended families. Relations of the woman with her female relatives in the matrimonial family are often tense. The status of women within the family is low. Dowry is a big problem and there are a large numbers of cases of bigamy.

The *para,* or the neighbourhood, is often an extension of the family, with people from an extended family and members of the same caste group forming a neighbourhood. The neighbourhood is also the social force that controls women's behaviour and perpetuates values that create violent situations. However it can also be helpful, if tapped properly, in stopping domestic violence by creating pressure on the perpetrators to control their violent behaviour.

An extremely important force that has become an integral part of community life in West Bengal is party politics. A long history of grassroots party activity has sharply divided villages into groups with a mixed class character, which owe allegiance to various political parties. Party affiliations play an especially important role in all local disputes— people from one political party take shelter with their leaders, while their opponents in the dispute most often go to the party which opposes the first political party. Disputes between groups that owe allegiance to different political parties sometimes turn violent, and the use of arms in such disputes is quite common. A distressing feature is the tendency of local level party leaders to keep such disputes alive instead of resolving them, as they seem to think that more people involved in such disputes will result in greater dependence on the leaders. Incidents of violence against women have unfortunately become areas for such narrow partisan behaviour. SMS sometimes finds itself in the midst of such disputes and has to face threats of violence from one of the disputants and the party that supports it.

The shalishi process

Receiving the complaint

An examination of the process that precedes a shalishi reveals the following:

‣ The case studies showed that the Samity activists were deeply involved in village life. Often even before the receipt of a formal application, activists of the Samity have intervened in a case as neighbours or family members.

‣ The Samity's organization acts as a network to reach out to women in distress. Around 45 percent of the women who were surveyed have said they were referred by the Samity's (PBKMS or SMS) committee members and ordinary members. Its mere presence, in some case studies, had also encouraged survivors of violence to protest.

▸ Women in the neighbourhood played a very important role. Sixty-five percent of the women surveyed were referred to the Samity by other women.

▸ Perpetrators also have been taking recourse to the Samity's shalishi. Of the 1,499 records where the applicant was traced, 24 percent were men or members of the matrimonial family.

▸ Eighty-two percent of the women surveyed said they came to the Samity expecting their family life to be restored. This means that the Samity has to ensure that its action does not lead to a break up of the family. It means that the Samity's intervention has to be long-term, so that if peace is not restored, it can help the woman, through shalishis, to build courage to leave a violent home.

▸ The Samity's initial action when a woman comes is to provide her with emotional support. Other practical help is also organized, such as arranging for medical treatment at the government health centre.

The enquiry

After the receipt of a written application, the Samity begins its enquiry. It visits the two families concerned and has discussions with the neighbours and influential people in the neighbourhood. Apart from gathering information, the visits also help in gauging the mood of the neighbourhood and the kind of support or opposition they are likely to get from the community.

The enquiry is an occasion to bring the private issue into the public. As the Samity's aim is to organize the rural poor, villages visits are steps towards community involvement and organization. It is a process to create public responsibility for the problem.

A problem in every enquiry visit to meet the perpetrators is convincing them to attend the shalishi. The activists use many strategies to persuade the perpetrators. They listen patiently to the perpetrators and even express sympathy when the perpetrators blame the woman. The perpetrators are given the assurance that the Samity will play a non-partisan role. Pressure is created, explaining the legal implications of neglecting the problem. Written notices about the date and place of the shalishi are given to ensure that they come for the shalishi.

The perpetrators often seek the protection of political party leaders in the area. One of the tasks of the Samity is to convince these leaders of the need for a shalishi and seek their co-operation and involvement.

The shalishi

The Samity generally conducts shalishis at its own centre or in the village when it wants to involve the local people in large numbers. The shalishi is attended by the woman, the perpetrator(s), and the natal and matrimonial family, along with their witnesses. The Samity also invites locally important people like panchayat members, the secretary of the local youth club, etc.

To set the tone for the shalishi, after a brief introduction on the Samity's work, the main activist who is going to facilitate the shalishi lays down rules for the shalishi to ensure that the discussion takes place peacefully, without a fight breaking out. The Samity organizes the shalishi like a public hearing where everyone, starting with the complaintant, is asked to narrate the events. This has several advantages:

▸ It boosts the woman's confidence, as this is in contrast to the usual practice, where women are not allowed to say much in public.

▸ Speaking out is cathartic for everyone present and helps to clear the air between the disputants to some extent.

▸ It is very difficult for anyone to justify physical violence in a meeting with Samity activists. There is therefore condemnation of the perpetrator's behaviour.

▸ Everyone acts as a mirror, with the disputants getting others' reflections of their acts.

▶ All the facts are collected and verified and versions of events can be corroborated and areas of difference can also be identified.

▶ As everyone knows the facts it is possible for the activist to move the entire forum with her/him when the time comes to take decisions.

The process documentation revealed that the main activist plays the role of a facilitator during the shalishi. With the help of other activists he/she ensures that each person gets a chance to speak. He/she makes space for ideas that are supportive of the woman, and tries to avoid people who could speak against her. The facilitator also decides to talk to the husband and wife in private if necessary. To illustrate:

Swapna [the facilitator] came back with both of them. She said that after talking to Karim, she talked to Noorie separately. But their versions of the same thing differed. So she talked to both together. After doing so, she realised that they do not have a serious sexual problem at all. It is the woman who gets angry and upset with Karim because he does not even talk to her properly other than at night. So she refuses to react to Karim's sexual advances. Karim gets angry, so he beats her up for this. Both of them were very young and immature. They were not aware of how to initiate and nurture a relationship. (process documentation data, Milan More, September, 1999)

As a facilitator, the main activist also ensures that after a heated discussion (which is usual in all shalishis) decisions are reached. She/he sometimes also asks the forum to break up into smaller groups for discussions if she/he feels that things have reached a stalemate.

An important component of the latter part of the shalishi is dealing with community beliefs and norms. The statements made by perpetrators and village people who support them, and even by the victim and her family, are full of traditional ideas about women's roles and violence against women. The activists have to negotiate their way skillfully through these in order to ensure that they are able to change situations for women without attacking community beliefs. Some examples given by activists in an organizational process documentation are given below.

The man was very angry with his daughter-in-law because of her behaviour during a shalishi between a husband and a wife. We then appealed to him saying 'if this had been your daughter, would you have been able to kick her out of the house?' The father-in-law's tone softened after that. We used his patriarchal beliefs to bring him on the side of the daughter-in-law. In the end, the father-in-law scolded the son and helped settle things.
(Representative from Kalikapur, report of group 2, 18th May, 2001, second organizational process documentation workshop.)

The husband used to drink and gamble. In that shalishi, the social taboo against drinking and gambling was used to get the panchayat member and the village people to side with the woman and to take decisions accordingly. The man used to get violent and abusive when drunk and spoiled the village atmosphere. The woman was a quiet person. The village people and the panchayat member sided with the Samity to help the woman. (Report of group 2, 18th May, 2001, second organizational process documentation workshop.)

In dealing with the perpetrator, the main activist uses both pressure and sympathy. If the intention is restoration of family life, which is what the women want most often, it becomes necessary to deal sympathetically with the perpetrator. This also springs from the philosophical underpinnings of the Samity that it's not a man versus woman situation, and that even the perpetrator can be changed sometimes.

In another case, the problem was one of excessive sexual demands by the husband. After trying to sort out the matter through a private meeting between the husband and wife, Chameli, and the mother-in-law, who was the complainant, the Samity called a more public meeting to create pressure on the husband. A compromise with him became necessary, because even though Chameli said at times that she wanted to

leave him, she was not really mentally prepared for it. Also, the couple was very young and the activists felt that with regular follow-up things could change. However, with the development of the case (as we found in other case studies) it was apparent the perpetrator could be dealt with more harshly with the use of legal and police action.

During the shalishi, the pressure by the activists on the perpetrator is generally during the later part of the shalishi. By then, the narration of the events and the cross examination by the main activist has made it clear to the others present that the perpetrator is also at fault. The pressure could be in the form of other Samity members and activists taunting the man and passing sarcastic comments. Scolding him in public is also a tactic that is used. Asking questions again and again, giving examples of other cases, especially where there has been recourse to legal action, are other methods that are used.

The last role that the main activist has to play during the shalishi is to help everyone come to a decision. Decisions are, however, made as participatory as possible, with the woman's wishes being the most important factor. At this stage it is especially important for the activists to include the opinions and proposals of locally influential people and important family members in the discussion so that they do not feel left out and so that they do not create problems later.

In the end the decisions are written down with signatures of the two disputants and of other witnesses. A committee is also formed with people who are present to follow up the case and to see that decisions are followed. Members are chosen by the disputants and the activist for their accessibility and because they are likely to play an unbaised role. The entire shalishi would take about an hour or two if the problem is simple, but could last for five to six hours if the problem is complicated.

Follow-up

After the shalishi, the task of the activist does not end. He/she keeps in touch with the couple or the couple and their families keep in touch with the

Samity. Generally matters do not end with a single shalishi. Follow-up shalishis are arranged whenever things get out of hand and when the committee reports or the woman reports that the violence or the problems have not been resolved.

The Samity tries to involve the panchayat in most of its shalishis if it feels their involvement will be beneficial to the woman or in finding a solution. In cases where the Samity fails to resolve the case through its own shalishi, it also uses the panchayat as "a higher court of appeal," as the panchayat has a more official status than the Samity.

The police are resorted to at an even later stage, when both the Samity and the panchayat have failed. The police are also first used to call for a shalishi, which is not part of the police's official function. However, they take this extra legal step in order to avoid a case and all the extra work involved. They also do it out of consideration for the Samity and in order to help the woman in distress.

The last resort is always the court of law, as the Samity is well aware of the pitfalls, the expenses and the huge time gap before a legal solution can be reached. Where legal action is taken, often the perpetrator comes back to the Samity requesting an out of court settlement. The Samity would then organize a shalishi to clear up matters.

The Samity also tries to ensure that the documentation at the shalishi, the *Shalishinama,* is exhaustive, as the document can later be used as evidence in a court case. There have been problems with this in the past, because not all activists are well-versed in legal matters and also because sometimes the disputants do not want everything put down in writing.

Activists in all the case studies have recalled values that they have discussed during the course of the shalishi. The process documentation of various cases show that the scope for discussion on feminist values is limited during a shalishi. In fact, one of the realisations that came about during the course of the study was that the Samity should make a conscious

effort to actually spend some more time during each shalishi to discuss feminist values. Another feeling, however, is that even though little discussion takes place around values in a shalishi, it is likely to have a great deal of impact because the decisions, which reflect these values, are implemented in a real life situation.

People's opinions on the shalishi process

The opinions of women surveyed sheds light on the public image of the process adopted by the Samity during its shalishi. Ninety percent of the women surveyed said they were satisfied or very satisfied with the Samity's shalishi process, while 41.9 percent have said they liked everything in the shalishi process. The preference to refer other women to the Samity rather than to other organizations is strong, showing that the Samity is seen as an effective organization in cases of violence.

Other insights are available from the data. The first set of information available is from the responses of the women on what they liked or disliked during the entire shalishi process. Another set is from the responses of the women as to why they were satisfied with the work of the Samity. A third set of information on the process is available from the reasons given by the women on why people obey the decisions of the Samity.

In all three sets of data, the follow-up and continuous response given by the Samity were considered to be important. Secondly, the dual role that the Samity takes against the perpetrator also finds an echo in all three sets of data, with the pressure on perpetrator and the use of fear being as important as the sympathetic dealing with the perpetrator. The quality of the judgment as well as fear are given as important reasons for obedience. A third factor considered important is the Samity's ability to restore family life. The quality of the Samity's intervention in general—its good behaviour, the way in which the shalishi event is conducted—is a fourth important component of the shalishi process which find mention in all three sets of data.

The analysis of the responses from the survey of influential people provides another view of the public image of the shalishi. The Samity's power seems to come from its use of the shalishi within the broader canvas of its work as a mass-based organization. Its struggles and the activities of its members as an organized force to deal with issues of deprivation and poverty give it the strength to also get people to obey its decisions. Along with this, the use of persuasion and consensus during the processes rather than force and coercion is seen as a factor which influences people's acceptance of decisions. Impartiality and the ability to remain above the considerations of party affiliations also give the process legitimacy. The dedication and commitment of its workers and their good behaviour have also been pointed out by influential people as important factors which make people accept their decisions and are a source of the Samity's power.

The five determinants of the shalishi process

In the second organizational process documentation workshop, the activists of PBKMS and SMS identified five factors that influence the shalishi process and determine its course.

1. *The feminist ideology of the organization:* The Samity understands gender and women's rights. For example, it believes that men and women should have equal rights over property; that polygamous relationships by men are unfair and exploitative of women; that dowry is unfair and the reason for a great deal of neglect of women; that a woman's relationship with her in-laws, and that of her husband with his in-laws, must be one of mutual respect, care and love; that women must have control over their bodies and their sex lives; that women's work is undervalued; that sex role stereotyping must be broken; that child marriage and deprivation of the girl child is wrong; etc. The Samity activists try to see that these beliefs are actually put into practise when decisions are made in the shalishi.

2. ***Community beliefs and norms:*** In spite of its beliefs, the Samity has to work within the reality of the villages that it works in. The Samity cannot ignore the community because it is ultimately the community that enforces the decisions of the shalishi. The community is the source of the Samity's power. The woman has to live in the community—the Samity cannot keep protecting her, so the community must accept what is decided for her. The Samity also wants in the long term to organize the community and to change attitudes of the community towards violence. The activists therefore have to be tactful with community members. On the other hand, the Samity also knows that the conservative beliefs of the community are responsible for the woman's problems. Therefore, during the shalishi process the activist has to do a balancing act between tradition and change. The Samity also has to constantly self-evaluate to see that it is not compromising on principles or the safety of the woman in order to get community support. With the expansion of the support base for the Samity, activists feel that they are able to take decisions that are radical, as far as the woman is concerned, compared to decisions it could take earlier.

3. ***The organization's belief in democracy:*** The Samity believes that in all forums people should have the right to participate in discussions. To create space for those who are silent, the Samity's shalishi tries to ensure that the woman who is the victim of violence is given support to speak and that she is given a patient and sympathetic hearing. If the activists feel that the public space of the shalishi is proving to be a barrier for the man or woman to express their problems, the activist makes space for private discussions with them. It also tries to ensure that ordinary women who attend the shalishi can speak out and that, besides the leaders, ordinary people can express their views. Decisions are taken after the opinions of all concerned on possible solutions have been debated. Consent from both the disputants and definitely the woman and her family is sought. The activist is therefore a person who facilitates a process in a particular direction; she/he does not give a decision or a judgment, as was done by the shalishidars, who did the shalishis traditionally. The Samity's belief in democratic functioning also manifests itself in other ways; for example, money power of any one of the disputants and party politics are not allowed to influence the decisions.

4. ***The legal and administrative framework:*** In the background of the shalishi process is the legal and administrative framework within which the Samity is functioning. Laws such as the Section 498A against physical and mental torture of the woman by her husband and matrimonial family, the section on maintenance for the woman (125 Cr.PC), the Hindu Marriage Act, etc. are always kept in mind while pushing for the rights of the woman in the shalishi process. The Samity often takes decisions that are beyond the rights given by the law, but they also know these have to be implemented through community pressure. They are also aware that if community pressure fails, these rights will not be legally enforceable. The activists in the shalishi also know what their relationship at that point with the panchayat and the police is like. They keep this in mind when they think of what they can enforce in case the shalishi fails. The increasing responsiveness of the police to the Samity's demands on behalf of survivors of violence in many areas has meant that the activist feels more secure in creating more pressure on the perpetrator, whereas in a new area, where the police and panchayat are unknown, the activist would also be more cautious in the shalishi.

5. ***The organizational goal of the Samity:*** The long term goal of both the PBKMS and SMS is to become strong, non-party, independent organizations of the rural poor. They also want their work on violence against women to become a movement instead of responses to individual cases. The intention is therefore to use the shalishi as a tool to educate the people present about women's rights. The activists often ask people attending the shalishi to help them start the Samity in new villages and areas. It also encourages the woman and members of the two families to work with the Samity.

Impact on the woman: some indicators

The general premise with which this study started was that the Samity's intervention on the issue of domestic violence has been effective in terms of leading to an improvement in the status of women in the family and in society. The study revealed five indicators that could be used to understand the impact of the intervention.

1. **Growth of the intervention:** This shows the ability of the Samity to reach out to more and more women. This growth has been in numbers (see graph below), in geographical spread and in the ability of the Samity to reach out to Muslims, an economically and socially disadvantaged community in the areas in which it works. As of June 2000—the date of the most current data available for this study—the trend of increased growth in applicants was continuing, with 200 cases already registered with the SMS.

Chart 1: Growth in Number of Applicants Over Time
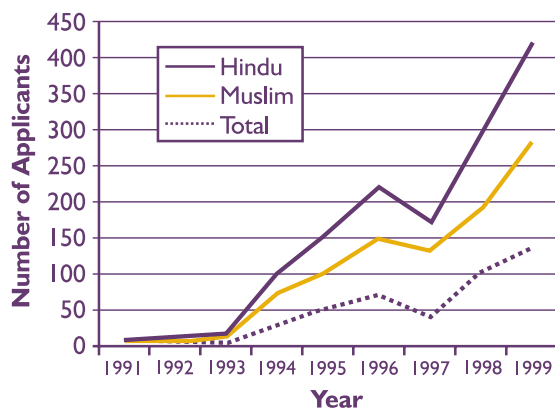
2. **Change in the woman's condition:** Women were grouped into three categories to understand whether there had been a change in their condition.

    I   women who are definitely better off, i.e. women who say that they have no problem or are better off in all or some ways.

    II women who are in the same condition or who are definitely worse off

    III women who are a mixed group, i.e. women who are better off or have no problem in some aspects, but also say their problem is the same or worse off in other aspects.

Most women (65.7 percent) reported that they were definitely better off. Only eight percent said they had no change or were worse off.

Table 2: Change In The Condition Of The Woman

Condition	Number	Percentage
Definitely better off	94	65.7
Definitely worse off or the same	11	7.7
Better and worse off mixed	38	26.6
TOTAL	143	100

Note: There were 143 women out of the total 151 cases who had given a response for all the problems that they had stated initially. Hence only 143 cases have been taken for this analysis

3. **Change in self-confidence:** Eighty-six percent of the women said that they had gained more self-confidence. Forty-two percent of these women said that the change in self-confidence is due to the Samity. Around 40-50 percent of the women mentioned specific changes, such as the ability to protest and express themselves, increased mobility, courage and mental strength.

4. **Change in the ability to seek help:** Women with problems come to the Samity fairly early, showing better help-seeking behaviour. Amongst all applicants, 33 percent had reported the problem within the first year of its occurrence and 73 percent percent had reported it within five years of occurrence. Also, with time, the women themselves have gradually become the biggest group applying for help, while fathers and husbands as applicants have declined slightly.

5. **Change in the involvement in the movement against violence:** A large number—42.5 percent of the women—had begun thinking about the causes of violence against women (VAW) subse-

quent to their case being discussed at the shalishi. The Samity, however, has not been able to involve large numbers of women in its work to help other survivors of violence, as 65 percent women said that they would prefer not to do anything when they hear about a VAW case. A sizeable section (30 percent of the responses) said that they had referred women who were survivors of violence to the Samity, while 17 percent of the responses were for taking action themselves. There was also a small group of six women who have subsequently become activists of the Samity.

Impact on the woman: further insight into indicators

The broad general picture given above, when examined more closely, brings out the following nuances:

1. Not all aspects of violence have been equally affected by the intervention. Nearly 90 percent of the women say that physical violence by the husband has decreased or stopped, and 85 percent of the women said the same about physical violence by the in-laws. Provision of basic needs by the husband has also been positively affected with 87 percent women saying this is no longer any problem or is less. Such a dramatic improvement was not seen with respect to mental violence by the husband and sexual violence by the in-laws and husband: in the case of mental violence, 75 percent of the women reported that it stopped or was less, while 11 percent reported that it had increased. Similarly, data on the recurrence of the problem and occurrence of new problems shows that there is a shift away from physical violence and deprivation of basic needs to mental violence after the Samity's intervention. Data on the change in the family's behaviour towards the woman also shows a similar shift. This can be interpreted to mean that legal remedies (IPC's Section 498A for physical violence and Section 125 of the Cr. PC for maintenance) help in improving the situation. It is also comparatively easier to mobilize community opinion against the more severe forms of physical violence. Similarly, it is easier to get maintenance for the woman because the community belief is that

once she is married, it is the husband who must feed the woman.

2. Over 57 percent of the women reported recurrence of the problem, while 46.4 percent reported that new problems had occurred after the Samity had intervened. The difference between a successful case and a failed one often lay in the ability of the Samity to follow up cases consistently and to change its intervention and the kinds of solutions being found in the shalishis with the changing situation of the woman.

3. Factors other than the Samity's intervention seemed to affect the impact. Younger women showed greater improvement in condition, just as Muslim women fared better. Women in extended families were also comparatively better off as compared to women in nuclear families. Separated women reported better conditions than those who were still with their husbands. Women living neither with the natal family nor with the matrimonial family also reported being better off. Lastly, women from families with small bits of land were better off than the totally landless and also better off than those with more land.

4. The study had started off with the hypothesis that the impact of the intervention would be greater in places where the Samity's organizational presence was strong. The relationship of the indicators with the extent of organizational presence, however, showed mixed results. A larger percentage of women living near the centre, where there is no organized movement of the Samity, or in far away villages, said that development of self-confidence is a change in their lives. They also report better change in condition, and a smaller percentage of such women say there is no change in their lives. On the other hand as far as the ability to seek help and involvement in other cases of violence is concerned, women who live in or near villages which have a strong organizational presence show more active help-seeking behaviour and are also more actively involved in cases of violence. What this seems to show is that the organization's presence is necessary for women to develop the ability to

protest and seek help, and it also gives them the courage to get involved in other cases. Change in the woman's condition and self-confidence seem to depend on many other factors, such as:

▸ ability to earn income

▸ the complexity of the case (the study seemed to show that that more complex cases came from areas where the Samity's organizational presence is strong);

▸ the quality of the intervention (almost all the women who report change in condition in spite of being in areas without a strong organizational presence are from the Badu centre, where the quality of the intervention, in terms of activist presence and infrastructure, is better than the other areas of the Samity);

▸ the social milieu (the centre we have mentioned above, Badu, is a suburban area, with a greater awareness of rights than in the other areas).

5. Women seem to prefer the strategy of tolerating the problem first and then trying to solve it while staying at home. Only if this fails do they turn to their families, the Samity and the neighbours for help with their problem. The patterns of help-seeking behaviour show the limited options that are available to women who face violence. The presence of the Samity seems to be an important factor prompting women to seek help. On the other hand, it is apparent that measures by the state like arrangements for income and temporary shelter would make it easier for women to protest.

6. The study reveals that the Samity was able to involve only a small number of the women who were surveyed in the wider movement on issues related to violence against women. Case studies also show the importance of training, ideological discussions, and a lively involvement in the Samity's general activities to actually motivate survivors of violence to become activists for women's rights. They also revealed the need for long-term work for results in this aspect. On the whole it seemed that this was an area in which the Samity needed to pay more attention in order to devise conscious strategies to involve survivors of violence in its work.

Impact on the family

The family is the most important institution as far as domestic violence is concerned, both as the cause of the problem and the arena in which solutions are found. From the survey it emerged that both the husband and other members of the matrimonial family could be perpetrators. The reportage on mental violence by the other members of the matrimonial family was especially high at 66.2 percent. The natal family was the most popular resource that women turned to, with 66 percent of the women saying they had gone back to parents and relatives on recurrence of the problem.

On the whole, from the survey, it seems that the Samity has caused the most change in the husband's behaviour and the least in the natal family's behaviour. Also, wherever there has been change, it has resulted in the woman being treated better. This can also be taken as a positive indication of the impact of the Samity's intervention, which has resulted in making the natal family more supportive and which has made perpetrators less violent.

The kinds of changes in behaviour also show that the Samity's work goes beyond changes in matters which are backed by legal remedies. Forty-nine percent of the women reporting better behaviour by the husband said their relationship had improved. Thirty-one percent of the women reporting better behaviour by their in-laws reported active support from their in-laws. The perpetrator's attitude towards the Samity, according to the survey, ranges from faith and trust in the Samity to anger, resentment and fear.

These factors seem to be the fruits of an intervention that is more process-oriented and which deals with underlying causes on a long-term basis. It is the result of the dual strategy that the Samity adopts towards the perpetrators. It uses sympathy as well as pressure to deal with the perpetrators. It does not reject them outright, but also takes firm steps to see

that the woman's rights are established, even at the cost of hurting the perpetrator's interests, and sometimes even the Samity's organizational interests. It also utilizes community pressure to change the perpetrator's behaviour.

Insights from the case studies of the Samity's strategy towards the perpetrators confirm the above. The following factors seemed important:

▶ The fear of legal action and its threat helps to change behaviour of the perpetrator.

▶ The Samity's follow-up and repeated intervention build up pressure to make the perpetrator change.

▶ The Samity's intervention, through discussions and feedback in public forums, makes the perpetrator reflect on his own behaviour. This could be seen as the first step towards change.

▶ The public exposure of a private affair makes it a matter of prestige for the perpetrator and helps to change his behaviour.

▶ The discussion of problems and the airing of differences in the shalishi between the husband and wife and between the wife and the in-laws helps to clear the air and makes for better relationships

▶ There is internal change and real change in the perpetrator due to his involvement in the Samity's work and due to long-term work with him by the Samity activists, in terms of making the perpetrator a member of the PBKMS and SMS.

▶ When attempts to change the perpetrator fail, the Samity helps the woman to separate so that she is no longer endangered by the perpetrator's behaviour.

As far as the natal family is concerned, amongst the 11 women who report being worse off, 10 have reported that there is no change in the behaviour of their natal family. Almost all these women also said that there was no change or a worsening in their husband's and in-laws behaviour. This shows that the woman's matrimonial family continues to be violent or becomes even more violent, without any increased support from her own family. If her natal family helps her, she is

secure, and if it does not, there is no law under which she can demand protection from them.

It is also apparent that, for the woman and for society, the family is sacrosanct. About 82 percent of the women surveyed said that when they first came to the Samity, they wanted to re-establish their broken family life. For policymakers and organizations who want to intervene in domestic violence, this has important implications. If one wants to start from where the woman is, it means that a dual strategy—of pressure and coaxing—towards the family and the perpetrators is necessary. It also again reflects on the reality in which women live, where the options available are so bleak that for them even a violent family seems to be not such a bad choice. This makes it imperative that policies and laws that ensure women's access to income, shelter and land are enforced, along with social support, so that living in a violent family is no longer a matter of compulsion.

Impact on society

The role played by the neighbourhood in all affairs in West Bengal is very important. The *para,* or the immediate neighbourhood, is a very important reference point for all kinds of matters—it provides a social support system of sorts for the poor in times of trouble, and it is also the force that keeps women in subjugation, through the upholding of community taboos and norms.

For the Samity's intervention, which relies on a community-based approach to deal with violence, its impact on the neighbourhood is of importance. The Samity believes strongly that violence can be ended by the intervention of a neighbourhood that believes in women's rights. Hence, it is essential that opinions be changed at the local level.

The village plays an important role in dealing with VAW. The neighbours are an important source of information about the Samity. Thirty of the 151 women surveyed said they had been told about the Samity by neighbours. Sixty-six percent of the women said they had gone to the neighbourhood or village people for help at some point, when the problem re-

curred after the Samity's intervention. Forty-seven percent of the women who had no recurrence of the problem said they would go to the neighbourhood if they had a problem again.

The survey results show that the men and women in the neighbourhood seem to play a much more active role than the police, panchayat and political leaders in a particular woman's immediate problem. Of the 151 women surveyed, 141 women reported that male and female neighbours in the natal and matrimonial villages had played a role in their problem. However, the role of influential people may be important to create a generally supportive atmosphere for survivors of violence.

The neighbourhood's role also seems to have an impact on the woman's condition. We found that there was a positive association between the condition of the woman and the role played by the neighbourhood. Women who reported an unchanged or deteriorating condition were also those amongst whom the largest percentage of women said their neighbourhood played no role. Similarly, women who were better off have the largest percentage of women who say their neighbourhood women helped them.

The Samity, through its other work, seems to have influenced the neighbourhood in favour of the woman, more so within its organizational area. It has especially inspired neighbourhood women to actively help other women through its movements on other issues with these women. The strategy of forming committees of concerned people seems to have worked well, both to prevent further violence on the woman and as a means of getting society involved in the problem of VAW. The committee's role seemed most positive in areas where the Samity had its organizational base, where it played the role of making organizational members active. For women in areas which are far away, it played the role of filling in the gap caused by lack of organizational backup.

Focus group discussions with local people showed that villagers seemed interested in taking action on problems of violence against women. They were mostly in favour of organizing village level shalishis to deal with cases of violence against women. They preferred the Samity over other organizations for referral of cases that they could not handle. The majority of opinions gathered from villagers shows that they now perceive the shalishi, a traditional male domain, as a forum where women can participate actively in fairly large numbers, and as a place which is suitable for discussion of women's problems. The shalishi thus seems to have had some impact on villagers' perceptions on the position and role of women in society. This seems to be an important contribution of the Samity's work, i.e., transforming the shalishi, a traditional male domain, into a space for women.

There has also been some change in the values of people, such as acceptance of women living alone and condemnation of physical violence. However, another value, that men and women should have equal rights to property, does not have wide acceptance. The Samity's shalishi process seems responsible to some extent for the change in values and beliefs: in 10 focus group discussions, a definite answer was given that being in the Samity's shalishi had changed people's values.

The study also found that some political leaders sometimes seem to see the Samity as a threat and tend to ignore or oppose women who come to the Samity for help. After the neighbourhood, the panchayat seems to be the institution most involved by the Samity in its intervention. The Samity is able to influence the panchayat and police in favour of the woman, perhaps because it is able to pressure them into doing their legal or statutory duty towards such women.

On the whole, however, there was wide acceptance of the Samity's shalishi process by influential people from all political parties and all sections. The above is validated by the following:

i. Referrals to the Samity seem to come from all political parties and all sections of influential people.

ii. Twenty-three out of the 29 influential people interviewed felt the Samity was the preferred way of dealing with women's cases.

iii. Except for one person, all respondents agreed that the Samity was benefiting VAW victims.

iv. Thirty-nine of the 40 respondents said that society in general had benefited from the Samity's shalishi process and its other work.

The Samity's intervention may also have had a wider impact through the influence that it has exercised on influential people, who have commented that their own conducting of the shalishi had become more women-oriented, more democratic and more planned. Seven of the influential people gave the credit for this to the Samity.

During the study, opinions of various sections on the Samity's shalishi process were sought.

Fifty-six percent of people surveyed perceived the Samity's shalishi to be impartial and free of bias and 26 percent of the respondents viewed it as being women-centred. Twenty-four percent of the respondents also said that the samity adopts democratic processes in taking decisions and there is continual support and follow-up. Of those who had seen and/or participated in shalishis held by other agencies, 29 percent felt that these shalishis are biased and influenced by party politics. Thirty-five percent said these sahlishis are dominated by men and 36 percent felt that the decisions taken are not based on consensus, that there is lack of enforcement of decisions taken, and there is no adequate follow-up.

Most of these opinions were echoed by villagers and influential people and in some of the case studies, even the perpetrators. The Samity shalishi process is in fact preferred to other shalishis and processes in society. In the highly (party) politicised atmosphere of West Bengal, the Samity seems to have created for itself the image of an organization which is above party politics and which delivers *"clean"* justice. Most seem to feel that the processes adopted by the Samity are democratic and rely on logic and patience. The legal validity of the Samity's processes and decisions and their social acceptability were also acknowledged. The Samity's shalishi pro-

cess is also seen as being more women-centred than that of others.

There are three components in a local dispute resolution system dealing with domestic violence that should form part of any domestic violence campaign. These are firstly, a system which is just and free from the biases and influences of the political parties and the influence of money; secondly, a system which is woman-centred and keeps the woman's interests in the forefront; and thirdly, good processes which include democratic and consultative decisionmaking, a proper enquiry and continuous follow up.

Impact on the organization

The shalishi process and the work on violence against women is only one part of the activities of the SMS and PBKMS. The shalishi process seems to have contributed in three ways to the Samity's other work and objectives:

1. It has acted as a means of establishing relationships with different segments of society—survivors of violence, their families and the villages they live in. Besides this, it is the activity by which it is best known in many areas. Most locally influential people had known the Samity for as many years as they had known about its shalishi. Sometimes the reputation of the Samity's shalishi had preceded a face-to-face meeting with such people.

2. The shalishi process has sometimes helped the Samity to spread its work to new villages and increase its membership. It has also been an activity for which collecting some donations from the local people has been possible. It has acted as a training process for activists and given them an understanding of the ways in which patriarchy functions.

3. The two organizations that constitute the Samity aim to become strong, independent mass organizations of the rural working people. The activists of the Samity felt that the shalishi process was helping them to make this aim a reality by raising awareness on the issue of violence against women and by helping people from the working class resolve

problems within their own families. It also sometimes put pressure on other more traditional intervening forces, such as law enforcement agencies, making them change their ways of dealing with violence and other social problems. Finally, it also sometimes led to other movements, like anti-liquor movements.

Conclusions

The study brings out quite clearly that the shalishi process has been used fairly successfully to deal with cases of domestic violence, but it also brings out the kind of caution that must be exercised in its use. The intervention seems to be a kind of balancing act between opposing tendencies. The Samity adopts dual strategies of pressure and persuasion with perpetrators; it is working within the community to change the community; it is also organizing women along with men and ensuring that both gender and class get first priority on their agendas. The conclusion therefore is not to give a clean chit to community processes *per se,* but to understand what kind of community processes are in place and the ideology that forms the basis of these processes.

It is also clear from the study that it is an advantage for women's collectives like the SMS to work together with the men in the area in order to deal effectively with domestic violence. The close relationship between the PBKMS and the SMS has been a basic feature of the intervention and a reason for its acceptance by the local people.

Along with this, it is important to have indicators that can be used to look at these processes more closely. The study has attempted to identify some impact indicators for the woman, such as change in the woman's condition, her self-confidence, her help-seeking ability and her ability to help other survivors. It has also identified some of the essential elements of the process such as firstly, a system which is just and free from the biases and influences of the political parties, the influence of money and the influence of other socially powerful and exploitative groups; secondly, a system which is woman-centred and keeps her interests in the forefront; and thirdly, good processes

which include being even-tempered during the shalishi, making democratic and consultative decisions, offering continuous follow up.

The study has also brought up the need for further research to why perpetrators change their behaviour. There is need to understand more deeply the relationship between various socio-economic factors and the change in the woman's condition. The quality of the intervention also needs to be further defined and its relationship with changes for the woman need to be studied, as should the relationship between the various aspects that show impact on the woman.

Recommendations

The shalishi process constantly interacts with state policy and the formal legal system. Its effectiveness in reducing domestic violence is determined by a number of factors. The most vital, according to the women themselves, is the woman's ability to earn an income. Considering the abysmal record that the state has of dealing with poverty and employment generation in general, as proved by the persistence of poverty in the country and in West Bengal, it is vital that the state take special steps to guarantee employment to women who are survivors of violence and who have low levels of "marketable" skills and very few assets.

A second factor is her access to shelter and land, and here again the state has to intervene with laws that ensure her right to the homestead and property at her husband's house and in her natal family. Shelter homes set up by the state is not a good solution, as it takes women away from their own social milieu and isolates them from the community, rather than encouraging a community response to such problems.

The need for women's collectives has been clearly articulated as a needed policy measure that would help in stopping domestic violence. The general feeling one gets from the study is that people feel that these women's collectives must rise above the political party fray to be effective. They should act as a pressure group to ensure that the panchayat and law enforcement agencies function for the welfare of women and without the influence of political parties and money

when it comes to deciding the fate of a woman who is facing violence. The need therefore is for the state to support the formation and promotion of such collectives, not necessarily in financial ways only, but also by being more responsive and sensitive to their demands and needs.

Both women and influential people also expressed a desire for the proper implementation of laws. Stricter implementation of the law, more active functioning by the police, and the responsiveness of the panchayat when perpetrators indulge in violence are all areas which have been mentioned. The fear of the courts and the police is one of the factors which acts as a deterrent and makes perpetrators respond to local dispute resolution mechanisms like the Samity's shalishi. It thus seems that the proper functioning of the courts and the police could go a long way in preventing further violence, when used together with local mechanisms like the shalishi.

It seems from the study that for the more visible forms of violence, it is comparatively easier to get social sanctions. Social consciousness on these forms of violence seems to have been raised, and there are laws to address these forms of violence. Laws and social consciousness seem to be complementary. For the more hidden forms of violence (for example mental violence, sexual violence, demands for dowry, marital rape, abuse of women after drinking, extramarital affairs, polygamy, etc.), there are generally no laws in force. Where there are laws, they are proving to be more difficult to implement than the provisions for maintenance and physical violence. There should therefore be laws to deal with mental and sexual violence which are strict and easy to implement. Along with this, the state should also take measures to publicise these laws so that social consciousness on women's rights is developed. This would mean that it would become easier to mobilise community opinion against mental and sexual violence.

In conclusion, the shalishi process has emerged as a traditional system which has the potential for adaptation by women and men for resolving their own disputes, and for increasing their ability to take decisions about their own lives. It is a means of empowerment, and methods to popularise and improve it will be taken up by SMS in the future.

Women-Initiated Responses to Domestic Violence in Uttar Pradesh
A study of the Nari Adalat and Sahara Sangh

Mahila Samakhya Saharanpur

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This report discusses the evolution and impact of two responses, namely the Nari Adalat (women's court) and the Sahara Sangh (support groups), in two districts of Uttar Pradesh. Recently one of the districts, Tehri-Garhwal, has become part of a newly formed state, Uttaranchal, though it continues to be a district under Mahila Samakhya Uttar Pradesh. In the report, most data is presented on Uttar Pradesh, as comprehensive statistics for the new state are not yet available.

Uttar Pradesh, the largest state in India, has poor gender indices with a low sex ratio, low female literacy, high maternal mortality and early age of marriage for girls. The sex ratio in the state has been dropping steadily over the last 50 years. Currently it stands at 898. As in many other states, the last census shows a shocking downward trend in the sex ratio of girl children in the age group of 0-6. The state has a share of 12.5 percent of the total registered crimes committed against women in India during 1999. Just over 31 percent of dowry deaths and 12.3 percent of cases of cruelty by husband and relatives recorded in India were reported in UP (Government of India, 1999).

The two districts of Saharanpur and Tehri-Garhwal present contrasting pictures. Tehri-Garhwal, a mountainous region, has a high sex ratio of 1051, owing largely to the high level of migration of men. Almost 60 percent of the households are female-headed. Female literacy is almost 50 percent (Government of India, 2001). The women in the area have been involved in large numbers in movements on political,

environmental and economic issues. Formal reporting of violence against women in this region is one of the lowest in the state. In the NFHS 2 survey, 9.5 percent women have reported being beaten or physically mistreated since the age of 15. This figure is the lowest amongst all regions of undivided UP However, social activists from the area talk about the increasing recognition of the prevalence of violence against women.

Saharanpur, with a female literacy rate of 51 percent and a sex ratio of 868, is part of the western UP belt (Muzzafarnagar, Baghpat, Meerut), which has seen a great deal of communal violence and violence against women. The sex ratio in the age group 0-6 is an abysmal 894. Agriculture in Saharanpur has become increasingly commercialized, which has led to a sudden spurt in economic growth. However, "tall sugarcane fields, which symbolise economic prosperity for men, have become sites of sexual assault for women." (Mahila Samakhya, Saharanpur and Jagori, 1996). A minuscule fraction of cases of violence against women are registered with law enforcement agencies.

The Mahila Samakhya program

Responses to domestic violence in both Tehri-Garhwal and Saharanpur districts have evolved in the course of implementation of the Mahila Samakhya (MS) program. This is an innovative women's education program that evolved out of the National Policy on Education, 1986. MS specifically aims to build collectives of rural, poor, landless women that become forums for reflection and action. MS identifies

the process of women coming together to form a group, analyzing their life situations and acting upon them as an educational in of itself that leads to empowerment.

Mahila Samakhya UP has a three-tier management structure. At the most local level of the village, articulate and sensitive women were identified as 'sakhis' (friends) and trained in mobilising women's collectives. They were supported by 'sahyoginis' who were responsible for managing the MS program in a cluster of 10 villages. The sahyoginis were in turn supported by a district implementation unit (DIU), comprised of a district coordinator and resource persons.

The community-based response: Sahara Sangh and Nari Adalat

The Sahara Sangh (SS) in Tehri-Garhwal district and the Nari Adalat (NA) in Saharanpur district have emerged as significant interventions within the empowerment process initiated by the MS program. Both can be characterized as alternate systems of justice as they function outside the formal legal system and derive their legitimacy from community approval. These interventions have challenged the conceptualization and functioning of the formal justice system and are recognized by both the community and the law enforcement system.

The evolution of the two responses has been shaped by the social, political, economic and cultural ethos of each region. Success with issues that concerned the entire village, such as water and health facilities, enhanced the social status of the collective, and paved the way for dealing with more controversial and sensitive issues such as violence.

Evolution of Sahara Sangh in Tehri-Garhwal

The Sahara Sangh evolved out of processes initiated by village women's collectives (sangha) to address violence against women, which came up with disturbing regularity as an issue in the village sanghas formed under the MS program. In Tehri, excessive use of alcohol and its negative effects on the family formed the focus of discussions within the collectives. Train-

ing provided an analytical framework to link this direct impact of alcohol and the underlying gender norms to understand women's experiences of violence. With training, analysis and increased consciousness about the status of women, any matter of family discord, harassment, wife beating, rape, etc. became issues for action at the level of the sangha. The resolution of these cases of violence at the sangha level involved the following strategies:

▶ holding private meetings with all involved parties, including the woman, her husband and their families

▶ discussing the case in the sangha

▶ discussing a case in a public forum of the village (if the above fails)

▶ seeking justice for the victim and acceptance at the village level

▶ involving the law enforcement machinery as and when required

▶ maintaining public pressure to resolve the issue

▶ following up the case/issue from time to time

Milestones

A series of high profile cases of violence against women taken up by MS in the area propelled the issue as an important focus of the work by sanghas in the MS program. Further, as a result of this work, the different sanghas articulated the need for a common forum to discuss and strategize on cases of violence against women.

An internal training on violence against women in 1997 facilitated analysis of past actions and soul searching on the emergence of violence as an issue within the program and probed activists' understanding of this issue, as well as potential strategies to deal with it. "Rant Raibar," the district children's newsletter of MS Tehri, was subsequently designated as an awareness-raising tool. The newsletter publicized cases of violence to break the myth that violence against women is not a phenomenon in hill communities. Booklets on violence against women, with ex-

Milestones in the Evolution of the Sahara Sangh

1996

As the sanghas became established and institutionalized, the sakhi model was phased out. The emphasis shifted to building capacities of sanghas to address issues collectively, with measured support from the sahyogini. This created the need for a federation that could meet on a fixed date and time to strategize and plan for required action on cases of violence.

1997

The case of a widow who was raped by her brother-in-law and socially ostracized by the village was taken up in Riunti village. Sanghas from other villages were mobilised in formulating an effective strategy to influence public opinion in favour of the woman and ensure she was reintegrated into the village. The identity of MS as an organization working on issues of violence against women grew stronger. This case also strengthened the need for a space outside the village that could be accessed safely and easily by women in villages where there was no sangha and where there would be no fear of reprisal.

1997

At one of the sangha trainings, a participant mentioned the complete silence and lack of any action around a rape case where a ward boy had raped a young girl when she was in hospital. The case had been closed but it was decided to make the issue public as a prevention strategy. Women from 40 villages gathered for a public meeting. Through public pressure and active lobbying the ward boy was transferred on a punishment posting. It was decided to hold a common meeting for all sanghas on the first of every month to discuss cases of violence against women and plan collectively for action.

January 1998

Violence against women was emerging as a significant area of work in other districts. MS Gujarat had experimented with the Nari Adalat (women's courts), a federation of women's collectives working on cases of violence against women. In UP, the idea of "paralegal functionaries" had gained currency within the program. Visits were undertaken to Gujarat to witness the working of the NA.

amples of cases of violence from the area, were also produced.

Publicity about cases of violence drew the hostility of villagers in the area, who felt humiliated and angry at their women and the MS program for shaming the village. But the sahyoginis were able to handle this reaction by strategically shifting the responsibility to an amorphous forum outside the village, where things "were heard and discussed."

Resultant discussions around the proposed structure of the federation highlighted the discomfort among the functionaries of the district of Tehri-Garhwal in naming themselves an "adalat" (court), as it implied a structure that incited fear, distrust and a reliance on proof and witnesses, all of which were recognized as

impediments to women's access to justice. The activists of MS and the sangha women instead envisaged a federation, which would function as:

▶ A support group and think tank advising sanghas on possible strategies to deal with 'difficult' cases of violence against women.

▶ A pressure group holding the state, the community and the family accountable for addressing cases of violence against women.

▶ A forum for networking between sanghas.

The creation of a federation also addressed geographical factors limiting the possibility of all action taking place at a centrally located forum. All these factors culminated in the formation of the Sahara Sangh.

On 8th March 1998, six Sahara Sanghs were formally set up in Jakhwal Gaon, Jakholi and Moolgadh blocks of Tehri. Leaflets announcing the existence of such a forum were prepared and distributed widely. In its first month, the Sahara Sangh took up two controversial and complex cases which received a lot of media attention and brought domestic violence to the public in a decisive manner.

Significant cases taken up by the Sahara Sangh

Balamdei: had been arrested for murdering her husband. When the activists and the sangha intervened, they found that she had been facing gruesome violence at the hands of her husband for many years. With extensive lobbying of the administration as well as dialoguing within the community, the Sahara Sangh was able to secure Balamdei's acquittal and reintegrate her within her matrimonial home.

Mala: had been murdered by her mother and her mother's paramour, who tried to make it into a case of suicide. The Sahara Sangh built tremendous pressure on the administration to ensure that the evidence was not compromised and even had the dead body exhumed when the medical report was falsified. In the face of enormous resistance from men, the Sahara Sangh pressed and succeeded in pronouncing a social boycott of the accused. This case established the strength and credibility of the Sahara Sangh.

(process documentation workshop with DIU Tehri)

Modalities of the Sahara Sangh

The Sahara Sangh is a federation of women from various village level collectives who meet at a designated date, place and time. It addresses a number of issues of concern among the women's collectives, including a large number of cases of violence against women. Basically, the SS handles those cases of violence against women which village sanghas feel they are unable to handle. On such referred cases, the Sahara Sangh:

▸ Suggests strategies to village sanghas about future courses of action. Most often, both of the concerned parties are called for a village-level meet-

ing by the village sangha. Through discussion, a solution to the problem is sought. There is a conscious and strategic effort to locate sympathetic voices and opinion makers in the local community who can support the affected woman and the sangha such as school teachers, supportive relatives from either side, elected and informal leaders, officials with law enforcement powers (patwari) etc.

▸ May decide to handle the case on its own and develops appropriate strategies

▸ Assesses whether collective show of strength is required and plans the necessary mobilization

There are a number of strategies that the Sahara Sangh utilizes to address cases of violence. The key strategies are:

▸ Engaging men in discussions that highlight gender discrimination and its role in perpetuating violence against women. These debates personalise the issue by relating gender discrimination to the daily experiences of men and women in the village. Convincing men in the village also requires the dexterous use of patience and pressure.

▸ Using local idioms and phrases creatively to challenge existing gender norms. For instance, the saying "a man is like a golden spoon" implies that men can do no wrong. In cases of rape, this idiom is thrown back at the community to question how men can indulge in such a heinous crime when the idiom says otherwise.

▸ Local beliefs in gods and goddesses are invoked to get at the truth.

▸ Active involvement of the elected local leader (pradhan) is sought to enforce institutional accountability to act on the issue and influence local opinion.

▸ Identification of sympathetic supporters in the villages.

▸ Traditional mobilization and pressure tactics such as gherao (protests), hunger strikes, marches, social boycotts, etc.

Evolution of the Nari Adalat in Saharanpur

The MS program in Saharanpur began working on issues of violence against women at the very outset, from 1990. In sangha meetings women invariably shared their own experiences of violence or cases of other village women. Reactions to these outpourings were spontaneous and informal. These comprised mainly of meeting the elders of the family concerned and talking with the husband firmly but without any show of force. It was strategically decided by the program functionaries and the collectives not to seek confrontation with the existing structures, but to devise tactics to resolve emerging issues to the advantage of the women concerned. Village women initially organized themselves around issues which were due to face least opposition from the male community. Hence, community concerns such as water, electricity, road building, ration cards and distribution, health, school fees etc. were taken up. Through mobilisation of the community and exerting pressure, government agencies were made accountable towards the village. Such actions solicited recognition, respect and support from men, giving the women credibility in addressing community issues. When cases of violence came to the attention of the collectives, the strategy adopted was to position it as a social issue. They would, for example, seek public exposure and apology rather than police action in case of harassment, thus shifting the responsibility to the community and the individual woman.

The primary strategies to deal with cases of violence included:

▶ holding private meetings with the victim and her family

▶ holding talks with the opposite party

▶ discussing the case in the sangha or, failing that, discussing the case in public forums in the village

▶ maintaining public pressure, involving law enforcement when required.

While the village sanghas were addressing issues of violence, a growing tension was emerging over how to sustain this work on violence beyond the confines of the MS program. The idea of establishing a forum such as the Nari Adalat took root in 1997. The NA was envisaged as a forum of barefoot lawyers with an understanding of gender politics that would meet at a specific date and time to address the expanding work on violence against women. It was a forum that would ensure the active involvement of sangha women and outlive the Mahila Samakhya. Internal discussions and exposure to the Nari Adalat in Gujarat firmed the resolve to establish a forum to address violence. In 1998, the block-level federation of village level sanghas began meeting as the Nari Adalat.

Training played an important role in developing an understanding of gender discrimination, patriarchy and the roots of violence. Analysis of personal experiences within the framework of gender inequality created a lasting impression and broke the divide between the personal and the political. Training at all levels and mobilising women at the organizational, sakhi and the sangha level in areas where issues of survival were not immediate helped in galvanising work on violence.

Modalities of the Nari Adalat

The Nari Adalat (NA) consists of a core team comprised of selected sangha women and sahyoginis from the MS program. Sanghas choose committed, articulate and confident women. Though many are part of the MS program, most of them have poor literacy skills and are primarily dalits.

This core group of 15-20 women holds hearings along with representatives of village level collectives. They meet at a designated time, place and date to deal with cases of violence against women. The process of resolution of a particular case normally involves the following:

1. The concerned woman is first encouraged to state her problem openly and state how she would like it resolved. This is subsequently written down.

2. The opposite party is either called through a letter, or a few women of the NA plan a visit to the village. This visit is used to develop a clear understanding of the case.

3. Both parties (the woman and man, along with their families, relatives and neighbors) are called for a hearing of the Nari Adalat. The case is discussed in the presence of both parties and the sanghas of their respective villages. The Nari Adalat facilitates a process of arriving at a mutually satisfactory decision. If this is not possible, the two sides may be called back for another meeting.

4. The finalised decision is written and both parties sign with witnesses. A copy of the document is kept with the parties concerned and one with the NA.

5. The case is followed up to ensure that the conditions are being followed.

There is a great deal of planning and strategising that informs each of these steps. It needs to be stressed that through dealing with cases and analyzing one's actions, the understanding and perspective on violence evolved and continues to do so. With this, strategies too have undergone shifts over the years. The process documentation of one case illustrates some of these issues (see box below).

In the resolution to this case it is evident that members of the NA used several strategies to find an agreement that would be mutual and yet support the woman. As such, there was careful thought behind who will go for the village enquiry, who will be talked to , what will be negotiated and what will not be discussed for strategic reasons. There was very sophisticated interweaving of cultural practices and social sanctions to ensure not only a viable solution, but also one that would be implemented and monitored. For example, in Reshma's case, the strategies included:

▶ A deliberate decision to take Reshma along, so that her husband and neighbours could not accuse her falsely.

▶ The demand that the husband should bring "responsible" men from his village was aimed at ensuring that he makes an honest and true effort to change himself.

▶ Holding a public meeting to sort the issue was also intentional so that the husband is held "socially accountable" and the issue itself enters public arenas of debate.

Reshma*

Reshma approached the Nari Adalat in August 2001 because of excessive beating by her husband, Rajkumar. He even tried to kill her. Reshma's husband was unemployed and beat her severely for not bearing a son. She was currently living with her natal family. Immediately after the case came to the Nari Adalat, two sahyoginis accompanied Reshma to the husband's village and confronted him for his behaviour. He tried to blame Reshma by saying that she talked too much. The sahyoginis took him to task and, citing favorable comments of neighbours about her good behaviour, argued that he could not be abusive towards her. Rajkumar was chastised and agreed never to beat Reshma again. He asked Reshma to move back with him. This was turned down by the Nari Adalat women, who fixed a date when he would come and "take Reshma back". They also insisted that he mobilise a few women from the sangha in the natal village and a few men from his own village who would guarantee that she would not be mistreated in future.

Reshma's brothers were upset because she had returned to her husband's house without informing them. The sahyognis explained that had they not taken Reshma along with them; her husband and the neighbours could have accused her falsely. She garnered the brothers' support in confronting Rajkumar when he came to fetch Reshma and insist on a written undertaking securing her safety.

On the designated day, the women from the Nari Adalat, Rajkumar and four men from his village participated in a meeting at the natal village. In the discussions it became apparent that Reshma was not at fault. Rajkumar was slapped and he swore never to abuse his wife and earn a living. If the conditions were broken, the panchayat could take appropriate action. Reshma, Rajkumar, the villagers who came with him and the village headman signed on the agreement.

*Names have been changed to protect identity.

▶ Assessing the situation to ensure that by holding a village-level meeting, the tide would not turn against her. The NA banked upon public support and sympathy to shame the perpetrator and thereby deter further violence on Reshma and possibly other women in the community.

▶ Deliberately invoking a custom of the area in which the husband fetches his wife, which allowed her to return to her matrimonial home with respect.

Factors responsible for the effectiveness of the Sahara Sangh and the Nari Adalat

Through the process documentation of the Nari Adalat and Sahara Sangh, the effectiveness of these forums could be clearly identified with specifc factors. Most important was the public image of the responses as being incorruptible, which is quite counter to the prevailing image of the justice system.

The solutions in the Nari Adalat and the Sahara Sangh are a balance of what is viable, what the woman wants and what should be the ideal solution. The women from the sangha use the term *"uchit faisla"* (roughly translated as justice that is appropriate for the woman) to explain that the solutions evolved within these forums are what is possible within a given situation, but do not compromise the woman's honour and dignity within the family. Collective analysis and decisionmaking enables the group to explore a variety of options with the woman and the perpetrators and arrive at viable solutions.

Furthermore, both the Sahara Sangh and Nari Adalat command community respect because of the timeliness of their response. Both time and litigation expenses are saved by those accessing these forums. In addition, the responses can be accessed easily and repeatedly. They also institute follow-up mechanisms in each case to keep in touch with the woman.

The Nari Adalat and Sahara Sangh are also respected because of their sheer numbers. In their role as pressure groups, they ensure that the perpetrator does not revert to his abusive behaviour. They also ensure that the administration is held accountable for delivery of requisite services.

These forums draw legitimacy from both the **process and content** of the decisions taken. The women reiterate that *"people listen to the NA because of their rules, because we know law and we employ fair methods."*

Non-negotiables for the Nari Adalat and Sahara Sangh

1. A non-judgmental environment where women can speak openly, without fear of ridicule, disbelief or shame, and her respect and dignity are not compromised.

2. Transparency in the processes of the Nari Adalat and Sahara Sangh.

3. Recognising the woman's need as central and the decision is in accordance to her needs (in cases where the woman's and the organization's point of view are in direct conflict, whether the decisions will compromise her rights is used as the yardstick in deciding what course of action to take).

4. Not compromising the woman's wishes, especially when they are in opposition to society's norms.

Impact of the Nari Adalat and the Sahara Sangh

Traditional evaluation programs measure effectiveness of interventions through benchmarks that are set at the beginning. The MS program began with the objective of empowering women through a process that enables women to think critically about their life situation and explore agency in changing it. The indicators used within the MS program for periodic evaluation both externally and internally have emphasized a qualitative analysis of empowerment and success. Indicators include changes in program strategies, increased awareness, sense of solidarity, etc. The growth of sanghas has been measured against such indicators. There is a clear articulation of indicators for dividing sanghas into empowered, emergent and amorphous. These indicators have changed as the program evolved. Additionally, quantitative in-

dicators, such as the number and range of issues taken up by the collectives, have been used to support the qualitative ones.

For the program, the evolution of these forums is an indicator of empowerment. This is especially pertinent, as the forums have evolved spontaneously due to the initiative of the grassroots activists of the MS program. Annual reports and district reports positioned the NA/SS as a significant outcome of the empowerment process initiated by the MS. However, little exists by way of clear benchmarks to assess their impact. Thus, the District Implementation Unit (DIU) staff and the sahyoginis who constituted the research team were asked about their expectations of possible impact of these forums. What became apparent was that indicators of impact were articulated according to the current status of the program rather than when the intervention began. Thus, an analysis of how the forums have changed was incorporated within the process documentation.

Since this was the first time that activists were pondering over specific impact they hoped to see in specific constituencies, there was a tendency to use broad statements to assess impact such as "support to women facing violence" and "assuming responsibility." The teams were encouraged to think about what they implied by "support" and "responsibility" so that a more detailed framework for impact assessment could be established. Some indicators tended to be very far reaching in their scope, such as, "society should start respecting women" and did not lend themselves to adequate assessment. However, certain measurable behaviors emerged which were indicative of a change in attitude. Discussions with activists were a valuable source for understanding change in attitudes.

In a narrative, indicators were interlinked. To illustrate, while assessing the position of the woman who seeks help, a respondent states: "*I am now able to insist on a particular decision in the family. Earlier I was afraid to voice my opinion*." This statement is indicative of change of her status in the family. It also indicates an increase in confidence.

Exercises to assess the impact indicators were held separately in the two districts. Certain indicators emerged as common and some specific to each. Following is the list of common indicators.

Change in the woman's life

‣ End to violence

‣ Enhanced ability to articulate her problems openly and without fear if there is more violence in future

‣ Increased awareness about violence

Process of the NA/SS

These indicators were not mentioned specifically because they seem to be a given in the process of working with women on the issue of violence within the NA/SS.

‣ Woman feels a sense of support throughout the whole process

‣ She is able to articulate her problem without fear

‣ She does not feel guilty, ashamed or insulted

‣ The proceedings do not compromise the woman's dignity in any way

Change in the activist's life

‣ Builds a perspective on violence (this includes understanding of gender, forms of violence and why women face violence)

‣ Increased self-confidence

‣ Knowledge of issues discussed (legal provisions included)

‣ For the sangha: Increased ability to take collective action on violence on their own, without resorting to the NA/SS.

Perpetrators

‣ Abide by the decision

‣ Refer other cases

‣ Support the initiative

Administration and institutions

▶ Awareness, recognition and support to the NA/SS and its work.

▶ Sensitivity to women's issues and complaints

Common people/community/villagers

▶ Obey and support decision of the case in the village

▶ Refer cases

▶ Awareness and recognition of the work of the NA/SS

▶ Supportive attitude to the woman seeking help and family

▶ Participate actively during village-level meetings, enquiry etc.

The lists do not distinguish the indicators in terms of process and outcome. It was felt that a given outcome indicator may become a process indicator or vice versa, based on which stage the program is in. For example, women being able to talk openly in the sangha about issues like violence was an outcome indicator for the MS program at a certain point. However, over time, this became a process indicator that resulted in a new outcome such as forming federations on violence against women, such as the Nari Adalat or Sahara Sangha.

The following section describes impact on the different constituencies.

I. Change in the woman's life

Change in violent situation

The most fundamental impact was the end to violence in the lives of women who were interviewed during the course of the study. Though the sample was very small, it points to a definite trend. Of the 12 women who were included in the case studies in Saharanpur, all but two reported that they are living happily and there has been no recurrence of any form of violence after the NA's intervention. In the case of the two,

both had remarried, with one woman reporting abuse in the second marriage as well.

Twenty women were interviewed in Tehri. Seven women out of 20 were living apart from their husbands (i.e. not in the same house, may or may not be in the same village) after the decision. While all seven women report satisfaction with the decision and their circumstances, one is facing a new problem, with the perpetrator demanding that she leave the village. Of the remaining 13, only one woman states that there has been no improvement in her condition.

Almost all the women who report no problem express that the husband now "*listens to me*" or "*understands me better.*" There are also cases where the attitudes of members of the marital home have changed. However, it is not as if change is all-encompassing. With cessation of one problem, other more subtle and infrequent forms of violence may continue.

Awareness of rights, increase in self-confidence

In addition to the ending of violence, negotiation for other things such as getting back dowry, restoring the woman's right to her matrimonial home, or monetary compensation for injuries also takes place. In Tehri, given the physical isolation of the villages, reinstating a woman with honour in her matrimonial home is a strong indicator of change.

In most of the interviews, the women speak of the fact that the process has made them aware of their rights— "*I found the voice to speak.*" "*If anything happens, I will not hesitate to speak. After all, it's not my fault.*" Amongst the 20 women who were interviewed in Tehri, all but one (who reported no change in behaviour) report an increase in self-confidence. Some have started working while others have started retaining control over their money and have more decision-making power in the household.

Keeping linkages with the forum

In Saharanpur, many women who sought the help of the NA have joined the sangha, either as a regular member or in a more sporadic way. Most of these women, though not all, also report cessation of the

problem. In Tehri, the nature of the Sahara Sangh and the geographical distances do not make this a measurable indicator.

II. Change in the activists' lives

Discussions with women who implement the intervention reveal instances of change in their lives. These changes are due to the MS processes and their involvement in the sangha and the NA/SS. Attempts to attribute qualitative difference in the activists' lives only to the SS/NA thus proved difficult.

This section highlights conflicts activists face in choosing to carry forward the process of change in their own lives. By highlighting the transformations in the personal lives of activists, the study explores the first site of impact of such responses. If the process has a transformative impact in the lives of the implementers, it can also substantially affect other constituencies. A sahyogini from Tehri says during a process documentation workshop, "*if the sangha themselves have to be convinced, then we have to fight at two levels.*" Building a critical mass of women within the community to spread the conviction to fight for changing norms and attitudes is essential for creating a community response on violence.

Mobility

The sahyoginis, women from the sanghas, and women from the NA/SS emphasize that mobility is one of the most significant outcomes of being part of such forums. During the process of enquiry, Nari Adalat women travel to neighboring villages and even to other districts. They spend their own money to cover long distances, sacrifice daily wages and find someone to take over the household responsibility. This is specially so in Tehri, where the villages are isolated and leaving the village is difficult for women, as it is viewed with a great deal of suspicion and disapproval.

Respect and recognition

A sangha woman narrates the difficulties that the women of her collective used to face. The men would abuse them, labeling them as "bad" loose women who leave the village. "*This no longer happens. Instead the women of the village, especially of the families of*

these sangha women, say that if the men say bad things about the sangha…then it is their thinking which is wrong." (FGD with sangha women, Tehri). In all six profiles of the SS women, the fact that they can step out fearlessly without any restrictions by their families is a strong indicator of change, given the close relationships and kin ties within the villages. This is supported by the interviews with the family members as well.

Change in thinking of the sangha women

The sangha women mention "*talking and raising issues without fear, and developing a thinking on violence which was not there earlier*" during process documentation workshops and in the individual profiles. They mark this as an achievement, as breaking the silence on violence is the first step in preventing its perpetuation.

As the definition of violence expanded to include a violation of rights, women sought to change community traditions and norms. Sangha woman and the sahyoginis mention, "*I no longer believe that the matrimonial home is my final home,*" and "*Even in my parents' house, I have a right to be treated with respect.*" Not being allowed access to education emerged clearly as a violation of rights of the girl child. Not only did the sangha women mention this, but it was also cited in interviews with their relatives and the villagers in the FGDs.

A significant change has been in terms of approaching external institutions independently to seek help in case of a problem, without a sense of fear, inadequacy or associating such a move with shame and dishonor.

Increased skills and competencies

Increased mobility and a sharpening of the perspective on violence has translated into increased confidence in dealing with cases in the public forum. Women state, "*Earlier we did not know how to argue out the case and its implications with men. We were poor at debating with them and convincing them of our viewpoint…now when we deal with a case we think through before jumping to action.*"

"We now feel confident talking to men, we can handle the situation and we make both the man and the woman sit and talk face to face."

There are constant negotiations to arrive at a consensus between what the perpetrators are willing to settle for and what the woman wants; what is seen as "rightful" for the woman and what the community will sanction. A clarity of one's own negotiable points and the skill of argument that pushes for community sanction in favour of the woman is essential for sustaining the response. For example, in discussion on cases where arbitrators felt that they were unable to do "justice," non-negotiables were reiterated and alternate strategies thought of to handle similar cases in the future. This perspective needs constant internal monitoring to ensure a feminist focus. At the time of the study, there was a clearly articulated need for strengthening the review and reflection mechanisms that lead to an analysis of weaknesses and strengths of the intervention, thus informing future direction.

Increased linkages between the forums and the village collective

The sangha and the SS/NA share a symbiotic relationship. The sangha women also get a lot of guidance and strength from the sahyogini group. In Tehri, the roles of the two are getting more sharply defined, as the SS takes on a clear advisory role while the local sangha undertakes the action. In Saharanpur, the sangha is essential for maintaining local pressure and for follow-up of the case. Just as the NA has evolved out of the strength of the sanghas, it is also contributing to the strengthening of the sanghas.

Younger women join

The sangha women expressed the need to nurture a second generation of leaders. They said, "*our daughters and daughters-in-law should now join the sangha!*" This has occurred in some cases; but as household chores have to be handled by someone, it often comes down to a choice between the younger and the older women.

Dealing with conflicts and doubts

The sahyogini group can face isolation as they are seen as problem solvers only, and not as individuals who might have problems in their own lives. "*If we share our doubts and fears with the sangha, they feel if this woman cannot handle it how can we who are so illiterate, ignorant and poor? It affects their motivation.*"

Sangha women taking independent initiative

The study reveals that when issues of violence start coming to the forefront, it becomes the dominant issue. As confidence in handling issues increases, the sangha women increasingly handle other issues of concern to the village. The women explain, "*Compared to a personal and sensitive issue like violence, we find it easier to handle other problems, as there is obvious support for them. Everyone will see the benefit of accessing a scheme or raising other development issues for the village and thus themselves.*"

Changing dynamics in the family

In one of the process development workshops, the women shared, "*When we started work, in a group of 40 women there would be only two who would say that they have not been beaten by their husband. But now, men also work with us and allow us to go out which they did not do earlier. Now even if it means foregoing that day's wages, we still go out because we know we will learn something. There is a proverb, that if you keep the company of a thief, you will become a thief and if you keep the company of a goldsmith, you will become a goldsmith. (chor jaisi sangat to chor jaise ho jayen, johari jaisi sangat to johari jaise ho jayen).*"

The sangha, as well as the NA/SS, has enabled women to assert their rights within the family to make men share responsibility for the children and to help in household chores. The women attribute this change to their growing influence within the village and what they are learning by being part of the sangha and the NA. They have an enhanced status in the eyes of the community in recognition of their role.

Support and conflict within the family

The activists highlight the tradeoffs that they continually have to make. The sahyoginis talk about the price they have to pay in their relationships. "*Even at home everyone says what has Mahila Samakhya taught you*

that you speak like this. Can you not keep quiet. Why do you keep answering back."

III. Impact on the administration and institutions

In Tehri, the patwaris (land revenue officials at the village level vested with police powers) of certain villages have started sending copies of complaints to the MS office of their own will. However this is not encouraged by the SS, as they would prefer to put pressure on the existing formal structures to execute their responsibilities. An additional pressure has come in the form of increased media coverage: The activists point out that journalists have reported events based on SS internal reports.

Sangha women in a process documentation workshop reported growing support:

We now have support from people such as bank officials, teachers, principals of schools. Earlier they would never get involved in a case like this. The patwari cooperates, bank people also do. In fact they wanted us to come and do a session on MS with them.

……the panchayat is not the only one who is approached and they listen to us. Earlier people would say, MS breaks homes, they incite women to protest. The very same people are today saying that their work is very good. Those who defamed us are now respecting us. (sangha women in process documentation workshop)

In Saharanpur, the police and courts regularly refer cases to the NA. While this is reflective of growing recognition, and genuine appreciation in some cases, of the NA, the women increasingly realize that this trend needs to be interpreted carefully because in doing so, these institutions also in effect discard their own responsibility towards the issue of violence.

IV. Impact on common people

People reported that the conditions set by the NA/SS in resolving the case were being followed. There are examples of cases referred to the panchayat which

were not resolved which did get resolved in the NA. Change in perceptions and recognition of the NA among men and women in the community is a significant impact. In particular, there is appreciation of the process and a strong commitment of the activists. In Tehri, violence has been brought within the purview of public discussion.

In practically every case study neighbours have said that they will refer cases to the NA if any woman approaches them for help. Some men expressed curiosity to know what happens in the SS. There is clear indication of acceptance of NA/SS by the community.

V. Impact on Perpetrators

There is acknowledgement about the positive role played by the forums, but that does not automatically translate into change in attitudes. A mother-in-law says that the popular perception about the Nari Adalat is that it gives an opportunity for the perpetrators to change their behaviour. She says that she would definitely refer any case she comes across to the NA. This feedback was also given by most perpetrators.

One of the issues that came up in the study was how to assess real changes in the attitudes of the perpetrators, and not just in behaviour. Most men refused to acknowledge that they had done wrong. In Tehri, in most cases, interviewing perpetrators was not possible due to high rates of outmigration to the plains. However, it is clear from the data that there is fear of being defamed by the SS in the region. It may be concluded that a combination of fear, pressure and involvement of the man in finding a solution shape the impact of the NA/SS in correcting the behaviour of the perpetrator. The presence of the sangha is critical to ensure continuous pressure.

Challenging and changing community norms

The very existence and survival of these forums that are initiated and run by women from economically and socially marginalised sections of society, and that there is public recognition for their role as arbitrators, is a significant impact in itself.

The NA/SS have succeeded in moving the issue of violence from the private to the public domain. Uniformly, women have spoken of their realisation that the silence around violence is responsible for its perpetuation. Hence, breaking this silence is very important. There is community acceptability that violence is not the woman's fault. Increasingly, cases of sexual violence are being reported, even though the activists state the difficulties in addressing them publicly. Ambiguous boundaries between force and consent limit the degree of negotiation. In cases from Tehri, violence is not perceived as the woman's own fault, there is no sense of shame; a sense of *right and wrong* is increasingly being viewed from a human rights perspective. Some examples are:

▸ In the case of a rape victim who was ostracised by the village, the forum managed to regain her standing in that community. This was a marked departure from how the society treated victims of rape previously.

▸ In certain cases, the men's side also comes to the SS/NA and apologise, openly acknowledging their fault and that it was wrong to indulge in violent behaviour. In particular there have been instances of men sharing their problems even after the final decision was taken.

A very significant way in which the dialogue on violence within the community is beginning to change lies in the attitude of intolerance the NA/SS is generating for violence against women. As mentioned earlier, they are actively promoting breaking the silence around domestic violence and challenging the acceptance of spousal abuse as a normal part of marriage.

However, it is important to also note that putting an end to abusive behaviour does not translate automatically into greater rights for women within the family. The NA has to ruminate further on this point if it seeks to change community norms in a more fundamental and sustained manner.

As stated earlier, certain rituals are being questioned. For example, widowed women are not called *vidhwa* (widow), but *akeli aurat* (single women) There is a general practice of referring to young girls as *rand*, a word which is traditionally used to address women who have been widowed. Now they are called *payari* (dear girl). In addition, there is a slow but definite process of redefining and reinterpreting sayings and idioms that reflect stereotypical notions of femininity and masculinity.

An attempt at mapping trends

Apart from assessing impact on various stakeholders, an attempt was made to also assess the spread of the response. Effectiveness of a response is also tied to the extent to which the response is viewed as a viable alternative by persons outside the organizational area of the MS program.

A review of the existing records and reports had been planned to assess this to document the expanding scope of the responses. However the existing documentation practices in both Tehri-Garhwal and Saharanpur did not lend itself to such and analysis and the data proved insufficient. For example in Tehri, given the political stand of not projecting the Sahara Sangh as a forum, the cases dealt with by them are not presented as a separate category. Further in both districts, only total cases are reported in each quarter without a breakdown of ongoing and new cases.

Thus, mapping trends in terms of increase in number of cases of domestic violence has proved very difficult because of the lack of proper records. However, through available district records of Saharanpur and repeated discussion with activists, it was found that between 1998 to May 2000, about 53 cases of domestic violence alone were taken up by the Nari Adalat. In Tehri, there were a total of 34 Sahara Sangh cases in the same period. The issues among these cases ranged from harassment due to dowry, alcoholism, bigamy, impotence of husband, suspicion, dowry murder, and child sexual abuse. This indicates that there has been some increase both in the number as well as the range of issues on violence for which members of village communities are willing to approach these forums.

One of the reasons attributed to the increasing number of cases is that the forums meet in public places, enabling the broader community to be aware of the forum activities. For example, in Tehri district an activist remarked: "In Moolgadh, there seems to be a sudden increase in the number of cases. Suddenly five to six new cases have come in the past couple of months. This is probably because twice in the recent past, cases have been decided in the marketplace, which has made known what the SS is to many people. After this these cases, two new cases have come from outside the organizational area."

Conclusions

It emerges that the Nari Adalat and the Sahara Sangh, though differing in their ideological articulation to an extent, share common features. First, both are forums that adopt processes that are transparent, objective and open. In the resolution of any case, both forums engage in open discussion within the larger community in the natal and marital villages. Through these discussions and by virtue of the fact that both hold meetings in a public venue, they bring the issue of violence into the public realm. Given this open process, there is public participation and ownership of the process and decisions. Thus, the decisions reached ensure public acceptability.

Second, these forums are seen as 'neutral territory', centrally and more visibly located and geographically and emotionally distant from the immediate local community (i.e., village). The emotional and physical distance enables activists to raise objections, negotiate decisions and argue their points with fewer inhibitions. The Sahara Sangh is seen as a unique organizational space where discussions can be held and strategies planned. Its visibility and accessibility add to its credibility and show of strength. Thus, the intervention shields activists from limitations that may be placed through kinship ties within the village and cushions them from repercussions. This has been factored in to their formation.

Thirdly, both responses are rooted in a woman-centered approach to justice based on reinstating the rights of the woman, rather than only punishing the perpetrator. These responses combine a notion of justice that is flexible and 'friendly' with a procedure that is 'just' and 'unbiased'. It respects the woman's decision to change her mind about what she wants. This is rooted in the recognition that the woman's options are often mediated by circumstances beyond her immediate control. Further, the responses seek to democratize gender relations within the family rather than disrupt them. The most critical element of the process in the Nari Adalat and the Sahara Sangh is a recognition of the woman's experience of violence, her feelings and rights. The woman's narrative is given primacy, and there is an attempt to enable the woman to overcome guilt and shame for having gone public with her case.

Finally, both responses are socially and culturally appropriate models of intervention, drawing upon the activists' understanding of local social, cultural and political realities. In Tehri-Garhwal, individual villages are very close-knit. The administrative structure in the hills is also such that the village revenue officer has police powers. Therefore, local pressure by the sangha and social sanctions are more feasible and effective. This necessitates that the Sahara Sangh function as a support group to the local sangha in most cases. By contrast, in Saharanpur, economic power and a strong feudal culture necessitates pressure from larger congregations of women. Community sanctions have to be backed with fierce police action to elicit cooperation from the perpetrators. Linkages with the local structures such as panchayats and police have been inevitable.

The above features of the response are responsible for its wide acceptance within different constituencies. These arise out of a distinct perspective that separates them from the formal system on one hand and the traditional caste panchayats on the other. In such a scenario, unless there are continued efforts to review, reflect and analyse, there can be a loss of perspective.

Overall, both the Nari Adalat and Sahara Sangh in Uttar Pradesh are critical responses to the issue of violence against women in general, and specifically

violence against women within marriage. These responses have both resulted in an improvement in the lives of individual women who accessed them and of those involved in implementing them, and also resulted in bringing the issue of violence within marriage into the public domain. The latter point has resulted in family members being more aware about the issue, people in the community at large more willing to uphold decisions of the forums, and administrators and other institutional stakeholders willing to address the issue. In some ways these forums can be characterized as social mobilization at the local level to directly address the issue of violence against women within marriage.

However the responses do have certain limitations that need to be noted. First, neither response has legal authority and thus relies solely on social control mechanisms and pressure to enforce their decisions. Second, these forums balance pressures and pull from several directions, such as the perpetrator, vested interests in the village, and the woman's wishes. Also, it is not always easy to push boundaries within fairly conservative communities. In Saharanpur, in cases of excessive violence such as sexual harassment and rape, it has become easier to enforce social punishment through boycotts and shaming. Similar support can be garnered for cases of excessive physical violence in the family. But the responses must carefully and tentatively negotiate the process in cases of psychological and sexual violence perpetrated by family members, for which mobilizing opinion is still difficult. Finally, sustainability in the absence of larger institutional-backing is a serious concern and a potential limitation.

Women-Initiated Responses to Domestic Violence in Gujarat: A Study of the Nari Adalat and Mahila Panch

Mahila Samakhya Baroda

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Among the Indian states, Gujarat has historically witnessed a great deal of political activity and mobilisation of women, especially during British rule. It is home to the Gandhian and Sarvodaya movements and has a rich legacy of volunteerism. This active participation of women in social mobilization in fact has led in the post-independence period to formation of such innovative movements as that of self-employed women's associations.

The state is characterized by pockets of high economic prosperity and areas of acute poverty. As in other states, the sex ratio has declined over the last decade, from 934 to 921. The child sex ratio in the same period for age group of 0-6 has fallen very sharply from 928 to 878. This has been particularly marked in the economically prosperous districts. The female literacy rate is 58.6 percent, but the gender gap in literacy is approximately 22 points. Female work participation rates in urban Gujarat are far lower than those in rural areas.

Violence against women in Gujarat takes various forms. Among all states, it has one of the highest rates of reporting of cruelty. Female feticide is believed to be rampantly practised. In recent years, the state has been rocked by caste and communal violence against minority communities and dalits. However, many vibrant women's groups and NGOs operate in the voluntary sector in the state.

Baroda has a high tribal population (26.6 percent) and a comparatively low population of scheduled castes (6.21 percent) (Mahila Samakhya Gujarat, 1999). The sex ratio is 919 and the average female literacy rate is 61 percent (Government of India, 2001). Baroda presents a mixed picture of extensive urban influences in some parts and rural features, in others. Migration to nearby towns and agricultural areas is high, particularly among men. Rajkot district is part of the Saurashtra region, which is drought prone. It ranks among districts with a high rate of female literacy in the state, 67.64 percent (Government of India, 2001).

Mahila Samakhya in Gujarat

In Gujarat, Baroda and Rajkot districts were among the first districts where the MS program was launched. Violence issues began to be addressed at the individual sangha level as they engaged in addressing issues of survival, infrastructure and facilities. However limitations at the village level led to the spontaneous emergence of more centralized and structured community forums, namely the *Nari Adalat* in Baroda since 1995 and *Mahila Panch* in Rajkot since 1998. Both of these women-initiated forums enable a public face-to-face arbitration in violence cases between the two sides involved in the dispute. The women who arbitrate on these forums carefully monitor and negotiate the process, ensuring the inclusion of opinions of all those present without compromising the interests of the woman on whom the violence is perpetrated.

Activists in these two districts articulated a need to thoroughly document the processes followed in these
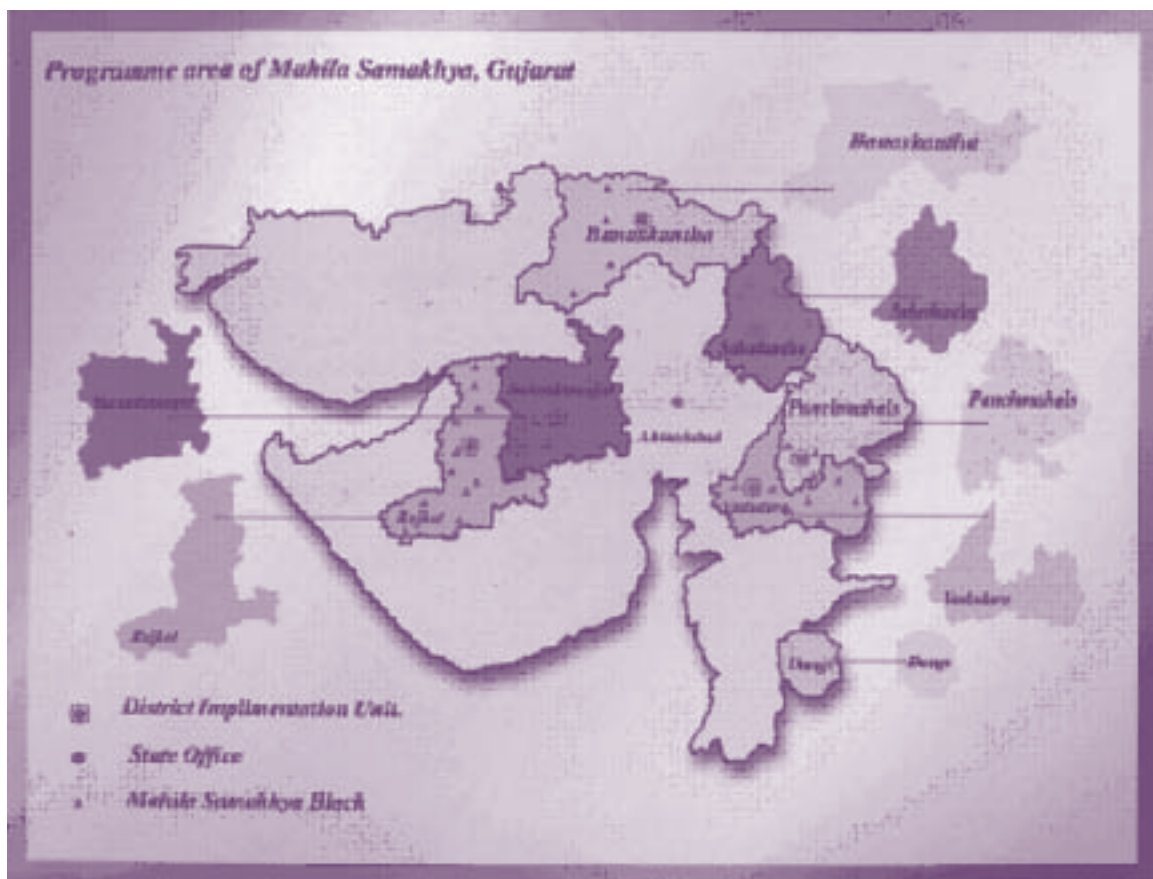
forums and to assess the impact that they were having on different constituencies in society. Additionally, the impending withdrawal of the MS program raised urgent questions of sustainability and future structure of these forums. Against this background, this study was conducted to assess the niche that these forums were filling, and answer queries that arose time and again in the minds of the implementers.

Evolution of the response

In both Baroda and Rajkot districts, the evolution of the responses to domestic violence followed similar trajectories. With a team of sahyoginis (group facilitators), the MS program formed sanghas around issues of infrastructure such as water, schools, and civic amenities in each district. These sanghas began to develop credibility within the villages as they successfully mobilized different sections of the villages on these issues. In most of the sanghas, cases of domestic violence began to emerge from the beginning. As the MS program was not directly addressing violence, there was initial hesitation on how to deal with the issue. Further, most of the sahyoginis and sangha

members were negotiating the new roles they were undertaking with their families and themselves were experiencing violence. In such a unclear and fragile situation, most often responses to cases of violence were initiated by the sahyogini, with the support of the individual sangha. The basic strategy involved talking to the man, holding a village-level meeting, mobilizing support of opinion makers (wherever possible) and arriving at a mutually acceptable decision.

These initial tentative steps gained momentum as the sanghas and sahyoginis began to derive greater self-confidence in their work and capacities. Training to build capacities of its members and expand their vision of what is possible is an integral part of the MS program. In these trainings on a range of issues, village sangha leaders (sakhis), women members of sanghas and sahyoginis all increasingly articulated the centrality of violence in women's lives. As a sahyogini in Baroda states: *"We did not know what was possible, but we knew that when such issues were coming up in our own lives, and of the sangha women, we should not keep quiet. So we started thinking about*

Programme area of Mahila Samakhya, Gujarat

■ District Implementation Unit.

● State Office

▲ Mahila Samakhya Block

doing what was possible on our own, in our individual capacity. We helped a sahyogini get back her child and then other sahyoginis also started raising issues (of violence) in their own homes."

In Baroda a crucial event in the development of this increasing resolution to address violence was the murder of a sahyogini by her husband in 1991, catalyzing the sahyoginis to follow up the case with police. Cases began to snowball with other sahyoginis opening up about their experiences and sangha women raising cases at their own end. Various strategies were developed to address the issue in Baroda and activists at all levels began to focus their activities to develop support structures among themselves.

On 8th March, 1995, the sahyoginis and sanghas in Baroda had extensive discussions on the future direction of their work on violence. The need for a common forum where women from several villages could meet and collectively solve issues of violence was felt. "*We* [sahyoginis] *felt that such a structure was essential. We discussed logistics like what to do, when should such a group meet, where to sit, etc. It was decided that this group of women from different sanghas will meet on the first Monday of every week because this is the day the district court starts their work. We would sit in front of the district court so that we are visible and accessible. We called ourselves the legal committee.*" (process documentation workshop Baroda)

An important achievement here was the participation of sangha members and sahyoginis in the elections for local self-governance (panchayats). This process contributed enormously to the burgeoning self-confidence of women and further spiraled the process of legal consciousness initiated with the formation of the legal committee. It was in September, 1995 that the legal committee renamed itself as the Nari Adalat (women's court). The name reflected the vision of setting up a structure where women could access justice that was inexpensive, accessible and respectful towards them. The first Nari Adalat (NA) was set up in Waghodia block, followed by Padra, Masaroad, Dabhoi and Pavijetpur blocks.

In Rajkot the need for a forum outside of the village sanghas was also felt, as sanghas were limited in numerical strength and sangha women faced resistance from families when domestic violence cases were addressed. The example of the Nari Adalat in Baroda and the fact that sangha women were already meeting regularly with officials at the sub-district administrative offices to address village level issues prompted the consideration of creating a similar mechanism to address issues of violence. The Mahila Panch (women's council) was thus formed. The first Mahila Panch (MP) began in 1998 in six blocks: Jasdan, Kotdasangani, Upleta, Jetpur, Vankaner, and Morbimalya. By 2000, the number had risen to eight with the addition of Mahila Panches at Lodhika and Paddhari blocks.

Mahila Panchs in Rajkot district were set up nearly two years after the Nari Adalat in Baroda. The decision to call themselves a panch, rather than an adalat, arose from both political and practical reasons. As a sahyogini remarked, "*The term adalat is associated with the formal judiciary and hence scares people away, whereas the Mahila Panch has arisen because of the loss of faith in formal courts.*" At another level, the Mahila Panch also reflects women's appropriation of a space held by men to adjudicate on matters of concern to the village community. In Rajkot district, caste panchayats are an important part of the local popular justice mechanism and are accorded high status. Their decisions have a high degree of compliance within the community. The MP also seeks to achieve a similar degree of community acceptability and status.

The creation of these forums involved extensive training of sangha women and sahyoginis who would be members. The training design and content was guided by a strong feminist critique of the legal system to inform women of what should be involved in an alternate system of justice. The role of training in developing the feminist focus of the Nari Adalat and Mahila Panch cannot be overemphasized, as it helped develop alternate definitions of violence against women, terms of divorce, custody rights, etc.

The evolution of the MP/NA highlights an important programmatic issue. When the MS program was initiated, there was no pre-determined agenda about the nature of issues to be addressed in the communities. For a program that had tried to address women's education, working on issues of violence also pushed its own boundaries far beyond what had been envisaged. The program had to contend with the reality that once the environment of critical thinking has been created, there is little control over what direction its actors decide to take it in. In this context, work on issues of violence against women had become part of the education process set in place by MS.

Key features

Membership:

In both districts, the members of these forums are primarily from poor, marginalized communities. However, in some of the blocks, there is a combination of upper caste and lower caste women sitting on these forums.

Each sangha participates in the MP/NA through representatives. Unlike UP, the core membership is not formalized, but there is a group of "regular" members. Other non-regular members from sanghas attend in rotation. Thus in every sitting of the forum there is anywhere from 40 to 60 women who are part of the negotiation process. The hope is that that women involved in a given case will follow up with subsequent hearings of the MP/NA on the same case ensuring continuity of involvement.

Many of the women involved in the NA/MP tend to be older. They are also women who command some position of power within the household and/or the village, such as mothers-in-law and sakhis. In Baroda, many members of the Nari Adalat are midwives. A notable feature of the Mahila Panch in Wankaner block is the regular participation of a small but significant number of adolescent girls.

Location:

The Mahila Panch and Nari Adalat meet at a regular date, place and time. The locations share the premises of government offices, thus according the women a semiofficial status and also providing visibility and space.

All the women of the Mahila Panch and the Nari Adalat pay their own bus fares and are not paid any honorarium or service fee. However, the applicant is asked to pay a legal fee, based on their capacity to pay. This money is used to offset travel and postage costs of the MP/NA during case work.

Working of the Nari Adalat and Mahila Panch

Cases of violence come to the Mahila Panch/Nari Adalat from various sources. Very often, the sangha of a particular village brings the case, or the affected woman herself may do so. Local leaders (formal and informal), as well as other local officials, also refer cases.

Procedure of solving the case:

1. When a woman approaches the MP/NA, the first attempt is to make her feel comfortable, so that she talks about her problem openly and without hesitation. She is encouraged to narrate the entire problem in detail and propose a resolution. There is discussion around what has been done and what should be the future course of action.

2. The opposite party is called to the next session of the proceedings through a letter. The letter is written on either the Mahila Panch/Nari Adalat letterhead or else stamped with an official seal. It is signed by one of the members and the sahyogini.

3. If the opposite side does come at the next hearing, the case is discussed in detail, and if possible a mutually acceptable and feasible solution is negotiated. This happens in more than one meeting where the two parties (including the families, rela-

tives and neighbors) are encouraged to share their views, and the man and woman concerned may be encouraged to interact face to face.

4. If the opposite party does not turn up despite repeated letters (usually two), then a few women from the Mahila Panch/Nari Adalat visit the man's village to find out why he has not turned up and enquire into the matter at the village level. This is also used to build pressure to come to the Mahila Panch/Nari Adalat.

5. Once a decision has been agreed upon, the judgement is written and five witnesses from both sides sign the document. The case is then followed up, more so when the man and woman have reconciled to living together. Either the local sangha or the sahyogini or some of the women from the Nari Adalat or Mahila Panch take the responsibility of calling on the woman to find out if the situation has improved.

What is presented above is a very simplified version of the working of these forums. There is a great deal of planning and strategising that informs each of these steps: what questions to ask, whom to speak to in the village during the enquiry, which women should go for the village level enquiry, what will be negotiated and what will not, what aspects of the problem will not be raised for strategic reasons, what will be written up, whether to approach the police, how to put pressure on the husband, etc. There are many strategies employed in the course of the hearing. (See Annexure II for detailed account of a case hearing highlighting the strategies employed at different steps.) What is critical to highlight are the central principles that make these processes effective.

First is the credibility of these forums, as well as of the sanghas. Both sanghas and the MP/NA continue to be involved in the development programs of the MS and often monitor government schemes to ensure the right beneficiaries are reached. The women of the Nari Adalat/Mahila Panch also command fear and respect in the community. Their strength in sheer

numbers and their influence in the local administration are used strategically to deal with perpetrators. Elements of this are visible in the way the sahyoginis explain the use of fear and pressure.

"The women of the Mahila Panch …. keep reiterating their collective strength in many ways to build pressure on the perpetrator. For instance, they often say they have a direct line to Delhi, or that there are sanghas in 50 villages of their one block who will support what they say. They threaten the accused, saying that if he does not agree then they will collectively gather and sit outside his home. He will then have to take care of them and pay the fare also!"

One of the themes related to the success of the Mahila Panch that echoed in all process documentation workshops was their ability to give " sacha nyay," or "true justice." True justice is defined as being one where the resolution of the case is based on what the woman decides is best for her. This derives from the belief that in the current social order, women have limited access to a justice system whose content and processes demean women. The sahyoginis explain, *"women have lesser status so it is important that her words gets justice [are taken into account], so she gains strength, confidence that she can do something about her condition."*

Closer examination reveals that the concept of true justice is also intrinsically linked to the process followed. Importance is given in the process for both parties to have adequate time to think what they want and clearly articulate their perceptions of the problem, as well as their desired outcome. The sangha women of Baroda and Rajkot operate from a standpoint that breaking out of the marriage may not necessarily be the best way of dealing with the problem. Natal families and remarriages can also be as oppressive. Restituting the rights of women within marriage is an important paradigm. It is not disruption but democratisation of family relations that mark this approach.

Non negotiables:

▸ That the woman is able to get what she wants (which might not be what she came with initially, but is what she desires when it comes time for judgment)

▸ In the event that the woman disagrees with the NA/MP, ultimately, the deciding factor is what she wants

▸ The woman's sense of dignity and respect is preserved; she is not made to feel that it is her fault

▸ The NA/MP has an environment where the woman does not feel threatened and is able to speak without fear

▸ The environment is such that the man feels he is also able to present his point of view

▸ The NA/MP will stand and speak up against injustice of any kind and will try and change community thinking on this

Areas of conflict, compromise and unresolved issues:

▸ When the woman decides to give up and agrees to something just to end the case or because she is tired of fighting

▸ Decisions have to be taken under pressure of the natal family. It is easier to get the matrimonial family to agree than the natal because there are no laws and concept of rights within the latter family.

▸ In cases of sexual harassment and rape, when the women is not willing to come out in the open

Various strategies are used to get the perpetrator to negotiate. Given the increasing recognition and respect for the forums, the very fact that there are summons from the NA/MP is a matter of shame. Thus, refusal to participate will in itself bring community disapproval.

Both forums operate on principles of democracy and local participation. Thorough and open discussions on the case with both sides is an integral part of the proceedings of these forums. Transparency is largely responsible for the respect the community accords to their decisions. The women of the NA say, *"Here, they can express their views freely and personally, unlike the courts where they have to engage a lawyer. They are actively involved in finding a solution to the problem."*

The interventions also command community respect because of the timeliness of their response and the enormous amount of time and money saved by the community. The MS program functionaries cited "Speedy justice at low cost" as a significant achievement of the Mahila Panch.

Impact of the Nari Adalat and the Mahila Panch

Developing Indicators

The process of arriving at indicators involved thinking about the kind of impact that the women who run the Nari Adalat/Mahila Panch wanted to see and on what constituencies. The resultant list, which was rather broad at the conceptual level, had to be broken down further in to more concrete, specific and measurable action/behaviors. For example, the indicator that the *sangha women should be able to understand other women* was then broken into measurable indicators, such as they should listen to her problem seriously, they should support her during the whole process, and so on. At times, the indicator itself had to be redefined, rephrased and checked for its validity. For example: *the woman got what she wanted,* was an indicator fraught with complexities. It ignored the fact that women do go back and forth on exploring various possibilities during the process of case resolution; what she wanted at the outset may have been opposite of the final decision. Thus, ambiguous wording for the indicator could misrepresent the findings and hence assessment of impact.

The impact on the organization and the women running the intervention formed an important and criti-

cal part of the list of constituencies. Not only was impact desired on the activists and the woman, but also on their families. Within each constituency, perceptions about the forum and the woman running the NA/MP were explored. The degree of detail of indicators reflected the importance each district placed on the particular constituency.

An important part of the indicators were those defining the process. The teams felt very strongly that without delineating the kind of process that was desirable and essential, the outcomes would be redundant. A sahyogini from Baroda made her point very succinctly: *"if the process is not such that it is empowering for the woman, how can we measure change in her and her confidence as an impact of the intervention?"* The indicators that evolved from both districts were similar and have been presented as a common list, along with each constituency for which the impact is described. It also needs to be mentioned that some impacts were difficult to separate into exclusive categories; a single action or behavior could result from a combination of several impacts. For example, the women of the Nari Adalat convincing the police to take proactive action and/or support them in a case reflects confidence of the women, the power that the forum enjoys within the formal structures, and an impact on the perspective of the police.

Impact on the Woman

The indicators for assessing the impact on the woman are given in the box. It was felt by the activists that as empowerment of individual women was an important objective of both the MS program and these specific interventions, attention should be paid to probing the decision-making of the woman.

Condition of the woman: A majority of the women report that there is complete resolution of the problem, without the occurrence of any new problems. The nature of the problem, whether visible physical violence or more subtle forms, does not seem to have any bearing on the kind of outcome. Moreover, the specifics of the decision, whether divorce or reinstatement with the family, have no impact on the applicant's notion of satisfaction or happiness with the decision.

Indicators for impact on women who brings the case:

- ▶ Change in her situation
- ▶ Increase in her self-confidence
- ▶ She should be able to talk about her problems
- ▶ Has no feelings of guilt
- ▶ She feels satisfied with the process and the decision
- ▶ Increased ability to make decisions in the public and private domain.
- ▶ Increased ability to devise solutions for her problems
- ▶ Assists, understands and supports other women
- ▶ Understands and learns to protest against VAW
- ▶ She decided what she wants in her case of her own free will and not under duress

Of the 27 case studies conducted, there were only two cases in which a person associated with the case (one man and one woman) reported total unhappiness with the decision.

Confidence and ability to protest: The personal gains made by the women have been significant, notwithstanding their condition in terms of cessation/continuation of violence. Most of the women expressed confidence in tackling new problems or in the ability to protest. A significant number of women have referred other cases and /or have started frequenting the MP/NA after their case is resolved. One woman stated, *"I now attend the meetings whenever I can - not only do I feel good, I also get a lot of information. I filled my own form for widow pension and another neighbor's as well."* (case study Baroda)

The sense of continuing support that they feel from these forums and the ability to seek help if there is any new issue is also enhanced: *"I tell everyone that the MP is like my maika (natal home) and I will go there if any issue arises. This made my husband and in-laws feel threatened."* (case study, Rajkot)

Further, women articulated that the process of the NA/MP itself has helped to increase their self-confidence. Many women talked of the sense of ease, comfort, and support that they felt during the proceedings. The non-threatening atmosphere of the process was also frequently mentioned. Equally significant is the use of the phrase *"maan samman ke saath nyaya"* (justice with honour and dignity). The knowledge that there is someone to fight with them in case any wrong is done contributes enormously to the confidence that the women feel. As one woman stated, "…*if the process will go on for a year, the behns [sisters] will give support throughout.*" (case study Rajkot) Many of the women attribute this to the fact that there are women in the forum who truly understand another woman's point of view without ridicule.

A particularly powerful example of the confidence given by the NA/MP was the case of a woman who decided to make her own decision even though her case was in process. The activists were particularly keen to understand this case as they viewed this decision as their failure to give space to the woman to articulate what was on her mind. However, an interview with the woman revealed that in fact she felt so confident after a few sittings that she thought, "*I don't know when my husband will find time to come to the meeting. So I decided to speed up matters by taking them in my own hands. I went to meet my husband, talked to him and convinced him. I knew that all the women were behind me. Now everything is solved!*"

Understanding on violence: There seems to be a significant change in the understanding of rights and violence, with only two women reporting that there has been no change in their thinking. Many women quote the words of the NA/MP women: *"we should not tolerate any wrong, or any beating. We now protest and fight against violence."*

A significant trend during the process of data collection was that many women, during the course of the interview, shared the history of their experience of violence in great detail. This can be interpreted in several ways—it shows the impact of the process followed in the NA/MP and expresses the confidence of the woman regarding her sense of self. They are now identifying violations as they take a look at their lives from new perspectives. Additionally, it indicates that their experiences have been validated by the NA/MP and therefore they can share aspects of their history of violence that they did not do earlier.

Improved relations within the household: Along with the increase in confidence of the women, they also report an improvement in relations with their husbands, who now listen to them, consult them before taking any decisions, and look after them. There is also articulation of an increased role in decision-making and the ability to communicate with greater confidence.

Impact of the process: PROCESS INDICATORS

The NA/MP identify themselves as forums that deliver timely and speedy justice. The perceived benefits of accessibility, low expense and a transparent system form some critical indicators against which to evaluate process. Within the MP/NA, a very high degree of importance is attached to providing an environment where the woman can talk about her problems openly, where there are no stereotypes and biases about what she has to say, and the environment is very non-threatening. The impact of this reverberates in interviews with almost all constituencies, from the woman, to families, to men, to influential people. These forums are often compared to law in that they are more effective in saving time, money, and energy. While women state that they are able to talk openly and even state very personal (including sexual) issues openly without fear, men too, whether happy or not with the final decision, praise the process. Some are unconditional in their praise, while others feel that there is a slight bias against them, but they are nevertheless given space to talk. Transparency, participation, space (to articulate, to change their mind, to explore possibilities) are the three components used to describe the process. The acceptance of these forums and of their decisions seems to result largely from these factors.

Impact on the perpetrator/family

Getting feedback from the perpetrator and his family was of great concern for the teams. In cases where the judgment had not really been what he or his family had hoped, there was an expectation that they will simply refuse to talk. However, the teams were pleasantly surprised at the warm reception that they received from many of the families of the perpetrators. In only a few cases did they refuse to talk and in two cases blamed the NA/MP for the bad situation in which they found themselves. On the whole, most men voiced appreciation for the process irrespective of the judgment. The process was characterized as unbiased, neutral, fair since both sides could express opinions, and judgment based in the "truth." In a case study from Baroda, a man who had brought the case to the NA said: *"I think that you are slightly more biased towards the woman. You listen to the man 40 percent and the woman 60 percent."*

In spite of obvious praise for the work of the forum, assessment of change in attitude in personal and familial relationships was difficult to assess. Much of the change could be discerned by the fact that the man followed the judgment, was giving space for the women to make decisions, or was allowing her to go to the NA/MP. The perpetrator and the family both, in certain cases, attributed the change in their family life and cessation of the problems to the NA/MP without any reservations.

It was also observed in the case studies that there was differential impact on different members of the family. Sometimes one member was very supportive, while another was openly hostile. However, the shared knowledge by all family members that doing wrong to the woman is not going to be tolerated nor ignored helped to improve the situation of the woman. Further, certain members of families shared they were cognizant that they had perpetrated wrong behaviour on the woman, and thus their understanding vis-à-vis violence had started to develop.

A significant trend is the increase in the cases being registered by men. However, the significance of this trend has to be carefully analyzed. As one activist from Baroda says, *"Most men would come with the complaint that my wife has run away, please do something about it. There was no reflection of the real problem, and certainly not of his role. There was also the hope that the women would persuade his wife to return. Only a few rare cases from upper caste men were registered because they did not want their caste to know about their problem."*

This trend is in fact indicative of the practical benefits of these informal justice systems. Going to formal court is expensive, time consuming and filled with all kinds of hassles and problems. Yet the trend can also be indicative of a movement towards discussion of problems in the public sphere, thus an indicator of success. Thus, despite an initial hesitancy to take cases brought by men, now these are seen as opportunity to reach out to women.

Impact on the organization

NA/MP have helped to strengthen the identity of the organization as well as the workers.

Nari Adalat and the Mahila Panch have furthered the credibility of Mahila Samakhya as an organization. The other developmental activities of MS like accessing schemes, disbursing information about panchayats, and pressurizing administration on other developmental gains for the villages have not only gained increasing visibility but speed as well. The NA also functions as a forum for discussion on these issues and spread of information. The women point out: *"Now we are referred to as NA women but earlier we were called Samakhya ki behene [workers of the Samakhya]"* (FGD with sangha, Baroda case study)

Symbiotic relationship of the forum and village collective: Interdependent, yet independent

It is important to examine the impact of the creation of the NA/MP on the village collective. Does the increasing status of these structured forums mean that the village collectives have become more dependent, with their ability to take independent action and initiative undermined?

The women who sit on the NA/MP are also members of village-level collectives (sanghas). The case studies show clearly that hearing of the case in a more central, neutral, regular forum is preferred, given the limitations sanghas experienced and which were instrumental in the creation of the NA/MP in the first place. However, this has not meant the level of activity of the sangha in cases of violence is minimized or any less significant. Rather, roles have been more sharply defined and demarcated. Inquiry and information collection, building an atmosphere of support for the woman, and follow-up are still critical elements of the process that are the forte of the sangha. This is particularly evident in villages where there is no sangha or which are outside the MS area. A sahyogini from Rajkot noted, "*We have to run around much more and spend a lot of time gathering the necessary information. Even then sometimes we feel that we have not been able to reach the truth or the real cause, because we have no "insiders."* In one particular case, it had more serious repercussions as the activist felt that lack of information affected the decision of the case. When the sangha is present, it plays a critical role in supporting the woman, counseling her and keeping her morale high. A woman whose case had been resolved says *"I had come back to my parent's house and told the sangha there that I don't want live there [the matrimonial home]; only when my children are grown up will I consider going back. They told me that I should not leave just like that, I have rights in the matrimonial home. I should go back and stay there. They will mobilise support and ensure that my in-laws do not trouble me.*

Thus the two forums, the NA/MP and sangha, need to be viewed as part of a continuum. Nevertheless, the danger of the role and strength of the collective being minimised is an important caution as the more visible, central structures are seen to have more power.

Impact on the women implementing the intervention

Impact on the activists involved in the interventions was examined at three levels – on the women who arbitrate, on the women at the sangha level and on the family of these activists. The indicators that were

considered to derive this impact are outlined in the three boxes below.

A significant impact for the activists was their **increased ability to negotiate within their families.** All the women reported that getting support from the family was the biggest challenge faced by them. As a sangha women from Rajkot stated, "*if the families are convinced and on our side, we can do our work fearlessly."*

The process of negotiation was filled with successes and conflicts. Breaking down gender roles was difficult. Responsibility for the children and the household work were more easily negotiable that the area of sexual relations. The nature of the job that included travel away from home did place a strain on relationship with the husband and the women shared how each worked out her own tradeoff to establish a comfortable balance between home and work, what she was willing to give in to and at what cost.

Another area of conflict was the tug of loyalties due to the twin identities as a family member and as a women belonging to the NA/MP. Not only did women fight their battles for increasing gender balance and status within their families, they faced the additional pressure of the villagers using the family to defame the women. As one activist reported, *"Some of the men tried to convince my son to take up drinking and making liquor as a business, so that they could taunt me."* Trying to bribe the family members of women who are going to testify in court is another common problem.

Another challenge was the pressure to maintain an "objective" role as a member of the NA/MP, even when this could be in conflict with the family interests. An activist from Baroda described the tug of loyalties arising out of twin identities: "*When I took a stand in favour of my husband's brother, whose family is having a rift with ours, my own son was very angry and I had a confrontation with him. Though I explained to him that as a member of the NA I cannot think of relationships, I have to be on the side of the truth and a neutral person, he was not convinced.*

My identity as a member of the NA and a family member were in conflict. This is something we have to deal with often. "

A critical area of conflict with the family and a strong indicator of the impact of these forums is the contribution of financial resources that the activists make to run the forums. Many of these women are from poor families and survival is a constant concern. Yet, all of them spend their own money for travel and give their time at the cost of their daily wages. In this context, it needs to be highlighted that the increasing number of women who step into the NA/MP signi-

fies an increasing number of families within the community who assign importance to the work undertaken by these forums.

A second significant impact has been **increased knowledge and skills, including the knowledge of law**. Trainings undertaken when activists get initiated into the program are cited as the single most important event that resulted in the shifting of the lens through which they viewed their lives and the world at large. Arbitration on cases and having to deal with many constituencies of people have led to refining of skills and consequently, gain in credibility with the

Indicators of impact on the women who arbitrate on the NA:

▶ support the woman and encourage her to speak freely

▶ develop an understanding on violence

▶ able to discuss their problems easily within their families

▶ can recognize their rights at the matrimonial and natal home and fight for them

▶ can make independent decisions

▶ are mobile and can speak boldly

▶ can argue coolly and logically at the village and with power structures

▶ understand and demand their rights as human rights

▶ women become sensitive to each other

▶ work collectively

▶ give decision based on neutrality and not subjective relationships

▶ can sustain the commitment to struggle

▶ are able to work along with the Naati Panch (for Pavijetpur) [caste panchayat in Pavijetpur]

Indicators of impact on the sangha women:

(In addition to the ones for the NA women)

▶ are able to take independent initiative within the village

▶ are able to guide the woman

▶ work to strengthen intersangha linkages

▶ are able to contribute to the NA/MP and give suggestions for its functioning

Indicators of impact on family of the NA/MP woman :

▶ cooperates with her in terms of household work

▶ actively encourages her

▶ shares work within gender roles

▶ gives space for decision making

▶ refers cases from their family

community and the power structures. In an incident when the Sarpanch (local leader) misbehaved with one of the Nari Adalat women during the resolution of a case, the women, now beginning to have increasing faith and confidence in their abilities, lodged a formal complaint with the police. This, along with negotiations and convincing the members of the community about their stand, ensured that the village, too, started supporting them.

Earlier we lacked the courage to talk to the leaders of the village and other people in power, we felt shy and unsure of ourselves. If we received a case in the Nari Adalat, we would become apprehensive as to how we would be able to solve the case, how we would involve the outside agencies. (sangha woman, Baroda)

But most of these doubts are in the past. The perspective on violence and its definitions has also become more sharply defined. In Pavijetpur block for example, behaviors that have an impact on women's health are included within violence. In Waghodia block, which has had many additional inputs and training on the issue, putting the theoretical understanding into practice through dealing with cases has led to an unequivocal conviction of the definitions of violence. *"We now truly appreciate the meaning of the definition that any violation of rights is violence and because of this our arguments to convince others are also sharper."* (sangha woman, Waghodia)

These forums thus advanced and consolidated the process of awareness and confidence-building that had been initiated with the start of the Mahila Samakhya program.

Another important impact has been the increasing involvement of younger women. Women from the NA in Baroda talk of how many of them come along with their daughters and daughter-in-laws. *"We have to train the next generation if the Nari Adalat has to carry on. My dream is that it will run like this for years and years."* In Wankaner block in Rajkot, there are many adolescents and young women who also sit

on the MP. They have now started taking active part in the discussions. This movement of younger women becoming part of the forums and gaining in strength and respect has its impact in the adolescent groups (the kishori sangh) as well. Girls negotiate with the family to take into consideration their choices at the time of marriage. Even after marriage, young girls are exuding greater confidence as indicated below:

A 15 year-old girl does not want to stay with her husband, as she feels that he suspects her and is indifferent to her. Negotiations with the natal family revealed that they [husband and family] *were not willing to take her back and were of the opinion that as she is married, she has to make do with whatever the situation is. Undeterred, the girl insists that she will live alone, build her own house and find work to survive. She says that she feels a sense of support from the women* [NA and sangha] *and the fact that they all support each other in their problems. Though the village sangha is dialoguing with the families, the confidence of the girl is a source of wonder to us! The girls are so bold and confident, while at the same time, they are vulnerable and inexperienced.* (activist from Baroda)

The excitement of the impact on the younger woman is also tempered with the concern to channeling this energy in the right direction, with right information and input to the girls.

Impact on influential people

There has been a definite move from indifference to respect by both administrative officials as well as other influential people, as the NA/MP women are seen as a force to reckon with. This helps to gather their support in cases to put pressure on the perpetrator. The situation in the early days of these forums was not so favorable.

The Taluka Development officer (TDO official at the block level) did not give support, politicians did not pay attention, and neither they nor the police would heed our complaints. The policemen would not even

allow us to sit in the police station when we went, they would ask arrogantly why so many women are crowding around. Sometimes, the Sarpanch would instigate other men to try and sow seeds of doubt in the mind of our families and the village people about our character. They even tried to divide the women of the village. We were not taken seriously. But we stuck to our task singlemindedly and realised that we need to organize ourselves and build support from each other. (Process documentation with MP women, Rajkot.)

Now there are instances of the sarpanch, TDO and other officers referring cases to the NA/MP. Interestingly, one sarpanch who earlier sheltered the accused in one case, himself brought the case of his daughter. The referring of cases by the police to the NA/MP is analysed in a different light. If they approach the NA/MP for help, it is seen as recognition of the forum, but if they refer cases, it is analysed to be a shrugging of their responsibility. Importantly, willingness of the police to accompany the activists inquiring into a case, if required, has been reported for Rajkot district. Developing active linkages with the power structures has been a conscious strategy in Rajkot. In contrast, the strategy in Baroda is one of slight confrontation as their feminist interpretation places police as an antagonist not interested in protecting the rights of the woman.

However, there is a definite movement towards taking the cases lodged by women seriously in both districts. This new attitude seems not limited only to the women of the NA/MP and sangha, but includes administrators and police officers. This serious consideration results from genuine concern on the part of some, and reflects a fear of mobilization for others. As reported by one activist: *"Some of the officers help us because they genuinely feel that* [we] *are doing important work, but for others it is the fear that if they do not listen to the woman, there will be a horde of women descending on them, questioning them. They know that we will not let the matter remain silent any longer and that there is someone to speak for women. The collective strength and public visibility of the forum is itself a pressure."*

In the Pavijepur area of Baroda district particularly, a significant achievement of the Nari Adalat has been the nature of the linkages with the existing Jaati Panch (traditional caste panchayat) . Not only do some members of the Jaati Panch invite the woman to sit in, they also come to the Nari Adalat for case hearings. Moreover, there is some change in the nature of functioning of the Jaati Panch itself as it allows women to speak, provide written judgements etc. Taking bribes is also a little more difficult for them as they know that the NA is playing the role of a watchdog.

Impact on the community: changing status
The initial reaction of people was very discouraging. *They did not give us a chance and started doubting our abilities to deal with complex cases. Deep-rooted malice towards women did not help our cause. Women coming to the Nari Adalat were insulted and called all kind of names.* (NA woman, Baroda)

Men in particular would create obstacles. They would also ensure that the Sarpanch and TDO did not give us support. (sahyogini, Rajkot)

It was not easy to convince people at first....They would argue, and ask us what we gained from such activity and would be suspicious of an ulterior motive. Now they give us respect for our thorough work and commitment and even inform us about cases. (sahyogini, Baroda)

The perception of community regarding the members of the NA/MP has obviously changed over time as they accept women in their new role. Another significant impact is the perception of the process being better for the common person than that of the court and the caste panchayat. The benefits in terms of time and money are also articulated.

An interesting observation regarding impact is the help that the women of the NA/MP get from the general population. A tea shop person would agree to give them tea in appreciation of their work, the driver of the local transport van will offer to take them to the village for a meeting if they are short of funds. Many men who hang around the venue during the

meeting will offer comments, or become regular observers.

Changing community norms and perceptions

Taking over new spaces and roles: By virtue of their very presence and growth in strength and credibility, these forums initiated by marginalised lower caste women have already started creating different norms. The roles that the woman have appropriated are those traditionally assigned by society to men, particularly those already vested with power by virtue of caste, class, resources. The community acceptance of these forums speaks of a major shift in mindset and the normative structures.

The women say that the biggest norm that this forum has managed to break is that "*women, and women like us can deliver justice; moreover, it is justice with a feminist perspective, and is accepted by the community.*" Another is that violence is no longer a private, shameful affair. It is now a community issue and a public responsibility. This extends not only to physical but all forms of violence.

Pushing for women's rights: Cases that successfully accorded women rights over matrimonial property after her husband's death have been a significant impact on the social fabric. Another important change has occurred in Wakaner block of Rajkot. Some of the religious leaders have been persuaded to change the norm around the procedure of Triple Talaq (method of divorce among Muslim community). Where earlier it was enough for the man to pronounce in front of his wife three times that he is divorcing her, it is now a practice in this region that it has to be a written decision with witnesses. This is encouraged with all the caste panchayats to increase accountability.

Enforcing maintenance and streedhan[1] : In all cases, the activists make a conscious effort to ensure the return of all gifts given to the woman from the natal and matrimonial families at the time of marriage.

However, usually the gifts from the matrimonial family are retained by them. The activists try to maximise the gains for the woman by using certain local beliefs. *"We make sure that at a minimum, the payal (anklets) and nose ring, usually given by the in-laws, are retained by the woman by invoking the belief that their removal is inauspicious for the husband (divorced or otherwise!)"* (sahyogini, Rajkot).

The NA/MP has created a new cultural ethos by insisting that the husband pays maintenance to the wife even if they are not divorced, but she is living elsewhere due to the problem between them. This is not to absolve the natal family of the responsibility to look after their daughter. It is done to make the husband realize his responsibility towards her. *"Otherwise they will just throw the girl out and not bother about her for years at end. Why should he be allowed to get rid of a woman in this way without any repercussions?"* (sahyogini, Baroda)

Expansion of cases of violence

One critical indicator of impact is the increasing number of complaints brought to these forums. Another equally important trend is the range of problems for which individuals seek out the forums. Systematic data analysis is difficult as new categories of violence have been introduced over the last few years with new cases. However, the most basic and preliminary analysis of trends across two broad categories of physical and mental forms of violence was done. Across both districts, after the initial period of the formation of the forum, there was a dramatic jump in the numbers of cases of mental violence received by the forums. Most interesting is the increase in cases of suspicion, a new category created in both districts as more women approached with this complaint.

Overall, these forums have succeeded in building a perspective among women that recognizes more subtle forms of violence, such as suspicion, and they have validated the decision to seek external assistance for the same. In fact, it is significant that these forums are addressing forms of violence that are **not**,

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[1]The gifts, such as cash and jewelry, given directly to the bride at the time of marriage.

and cannot be, addressed by the formal legal system. Further, the activists are able to discuss violence in a public forum and mobilize community opinion, even when it is not of a more obvious, visible form.

Outcomes of the research

This research was undertaken to not only understand the effectiveness of the interventions, but also to provide feedback for ongoing work to strengthen the effectiveness and quality of the interventions. While learnings were many, candid and critical self-analysis in the course of research meant that changes in strategies, processes and way of functioning were identified almost immediately. While some insights were new, most were a renewed realisation of the significance of certain processes and possible consequences that can result if the perspective loses its sharp edge and procedures become less vigilant.

Documentation: Increase in skills, not only of systematic documentation, but also of information collection in a more organized, sequential fashion, is an important result articulated by almost all the members of the research teams. New systems and parameters of recording of registration sheets, running records and registers are being explored. For example, data on number of years of marriage after which the problem started was missing in many cases. It has now been identified as an essential piece of information needed when the case is registered.

Processes and strategies: Analysis of case studies led to questioning of existing strategies and methods used in resolving cases. Some of the main dilemmas that emerged are discussed below.

▶ **Reexamining the concepts of women-centered truth and neutrality:** A basic premise of the interventions is valuing the woman's experience and not refuting her word. There was confidence that "*we get a sense of whether the person is lying or not, and usually we are right. It is difficult to explain how. Some is intuitive. The presence of the sangha or village-level meetings also helps to gain a complete picture of the problem, making the information gathering process unbiased*" (sahyogini, Baroda). In the review of one particular case study, a doubt arose whether the woman had shared the absolute truth during the time when her case was in progress. In this particular case, the village was extremely far away and there was no village collective. Moreover, the enquiry visit to the village was debated upon, but dropped since the woman had come to the NA in an extremely bad mental and physical state. The seed of doubt in the review process catalyzed a broader discussion on choices the team makes about "truth." It highlighted the difficulties of operationalizing a feminist perspective. The teams articulated inherent fallibility of such forums and the need to constantly re-evaluate their work against concepts of feminist perspective, justice, and neutrality to re-

Cases of Violence by Category

Category	Rajkot			Baroda		
	1998-99	1999-00	2000-01	1994-96	1999-00	2000-01
Wife beating	35	33	45	67	35	48
Mental torture	18	48	50	*	45	27
Harrassment	4	9	17	7	28	12
Not having child	9	5	9	*	4	7
Child custody	-	4	6	10	8	19
Suspicion	*	31	35	*	*	12
Cheating	*	7	10	-	-	-

Note: *New category

Source: Mahila Samakhya Gujarat Annual Reports

tain a critical edge to their work. Further, the discussion highlighted that the village enquiry meeting is a non-negotiable part of the process when a case comes from a non-sangha village.

▶ **Gathering history of violence:** Cases where interviews with the women revealed many more details of violence experienced led to the debate on the extent to which the history needs to be collected when the case comes for hearing to the MP/NA. Getting all details is very significant, but also time-consuming. Further, the woman may not want to disclose too much detail as she seeks recourse for the problem at hand. How can this be resolved? As one sahyogini summed up: *"the strategies adopted don't depend only on what the woman says. A more conscious and foolproof collection of information in all cases, be it from the sangha or otherwise, is a more realistic and practical strategy."* But the group felt very strongly that while knowing everything is not possible and may not affect the ultimate decision, more information would enable putting greater pressure on the perpetrator. As in formal courts, some necessary aspects of information about the history can get missed out. While the extent of its significance for the case outcome varies, further discussion into how much detail is needed was identified as a task for the future.

Analysis of strategies deployed in cases and their bearing on the situation of the woman pointed to new learnings such as the need to consciously address the issue of property in all cases, not only of maintenance or widowhood. On the other hand, viewing the everyday work in terms of a structure of strategies/outcomes led to the happy realization of the successes, of the skillful handling and deployment of strategies and sensitization of certain power structures. Certain perspectives held by the women of the forum on violence were validated and further reinforced, such as the role of the natal family in perpetuating violence. This reflection also pointed to areas of strengthening the process. Critical amongst these were the need for

a regular systematic follow-up of all cases; sharpening parameters to assess condition of woman within the household; need for networking with and sensitizing official institutions; involving men; and ensuring sustainability.

Conclusion

The intervention:

▶ Nari Adalat and Mahila Panch are community-level responses to violence against women that have evolved spontaneously out of rural women's collectives within the MS program. They attempt to redefine community norms on violence by mobilising popular opinion in favour of women's rights and building community consciousness on violence.

▶ The Nari Adalat and Mahila Panch view themselves as an alternative forum of justice that is "*for women, by women and of women."* Such a definition is close in letter and spirit to the concept of democracy. They aim at making justice accessible, inexpensive and timely through a process that upholds the dignity and respect of women. These forums also provide public space and validation to women from economically and socially marginalised communities.

The analytical framework:

The political framework that informs these interventions is grounded in a feminist analysis of the content and process of justice. These take the shape of *certain non-negotiables.*

1. A process primarily concerned with restitution of the woman's rights rather than punishment to the perpetrator, leading to the redefining of certain concepts like maintenance.

2. A non-judgmental environment where the person undergoing violence can talk openly about her experience without feeling fear, shame, guilt and doubts.

3. An unbiased forum that does not operate with stereotypical beliefs and notions about women.

These non-negotiables are viewed by the Nari Adalat and Mahila Panch as important elements of success and replicability.

The process based in these principles thus forms an important indicator to measure effectiveness. Findings indicate the tremendous success of NA/MP in this regard, as almost all constituencies are vocal of their appreciation of the process. The almost uniform increase in self-confidence amongst women applicants is another indication. Additionally, there is an increase in the reporting of more subtle forms of violence and a small, but definite increase in the articulation of sexual problems.

Defining features:

Defining features of these forums are the transparent process, space for participation of all concerned, and objective/unbiased justice (*tathasth nyaya*) that is accessible, inexpensive, flexible and consensus based.

▶ *Flexibility.* This translates into the option of approaching the forums repeatedly, giving the woman the opportunity to change her mind and explore all available options before deciding what would be the best for her.

▶ *An inherent contradiction between being viewed as objective and being women- centered.* Objectivity guides certain elements of the process of justice, namely, an equal chance and space for both sides (women and perpetrators) to talk and explain the problem from their perspective. Information collected from the sangha and the neighbours also places the problem publicly in the realm of the right and the wrong. The process is aimed at arriving at a consensus solution, validated by the community, based on narratives and facts, weighing what the woman wants, and judging what is viable at a given point and what the perpetrators will settle for. At the same time, the manner in which the woman is dealt with, the man is held accountable, and the process which places what the woman wants as the starting point for negotiations— all of these reflect the feminist perspective. Some perpetrators, while appreciative of the "objective" process,

pointed out this feminist focus of the Nari Adalat and Mahila Panch.

▶ *A feminist response, located within the local community and that is consensus-based.* Conflicts between patriarchal community norms and decisions that favour the woman are part of the every day pressure of these forums. Strategizing involves re-shaping and re-interpretating existing values and norms. Nevertheless, pushing boundaries within the community to create a counter culture where violence is not a norm and ensuring community support for women is easier said than done. **Being able to negotiate an "objective" judgment, acceptable to community yet in the woman's interests, is a continuum that is a significant feature of these responses.** The arbitrators' role and perspective becomes the critical component in this. In analyses of cases where activists felt "justice" was not done, they became painfully aware of tradeoffs they have to constantly make as they struggle to operationalise a feminist understanding of justice that also seeks community approval.

· *Role of the natal family*: Findings point to need for closer examination with regard to the role of the natal family. In Gujarat, staying at the natal home or divorce is not taboo *per se*, as the option of remarriage is a very real one. This adds a different dimension to operationalising the focus on "democratization of gender relations within the family rather than disruption." The factor of money/compensation received thus becomes significant. The NA/MP have to strive to be very sensitive to the natal family's perspective—whether they are more concerned about the women's rights versus motivation driven by monetary gain. The factor of money/compensation thus become significant.

Functioning of the intervention

▶ *A middle ground*: The ability of sanghas to address complex cases of VAW were complicated by kinship and family networks at the village level. This necessitated **a middle ground that would be geographically and emotionally distanced from the local "community,"** or a neutral forum for "unbi-

ased" arbitration of the case. This concept finds resonance with people's perception of these forums: "a middle place, which is not "theirs" or "ours" and hence a face-to-face discussion is possible. This limitation is still experienced in terms of the ability to take a more proactive stand by the sanghas in the natal vs. matrimonial village. There is an articulated need for further analysis and discussion on this component. **It is important to note that the space created by the NA/MP is still nascent and fragile to the extent that it cannot yet run on the steam of the collectives alone.**

▶ *Relationship between the village collective and the Nari Adalat/Mahila Panch*: With time, the sangha and the NA/MP have developed a symbiotic relationship rather than duplicating efforts or even undermining each other's status. This becomes clearer in cases where the absence of the sangha has placed serious limitations to the success of the Nari Adalat/Mahila Panch.

Along this continuum, the sahyogini plays a significant role in shaping and maintaining the intervention. A sharper political understanding, literacy skills, and greater organizational skills contribute to their image as articulate, educated women who can argue cogently. On the other hand, sanghas are central to building pressure, swaying public opinion, lending strength to arguments, follow-up, and in maintaining critical mass that is needed to take violence issues forward.

About strategies

The variety of strategies applied in the process of arbitration is an interplay of the acquired perspective on violence and a spontaneous understanding of "what will work." The latter draws from an inherent knowledge of the local culture.

▶ An interesting finding is the role played by *the concept of notional community* in the acceptance/ following of decisions. This notion is a pressure point that local community forums can tap as is evident from its use by traditional, but patriarchal forums like the caste panchayat. When used strategically by forums, which seek to arbitrate from a

feminist consciousness, it can become a potent tool for pushing community consensus for women's rights.

▶ *Active linkages made with the panchayats*, though to varying degrees, is a strategy to operationalise the concept of community responsibility on the issue of violence. This also positions domestic violence as a public, collective issue. The caste panchayats too have been affected, though differentially across the forums studied.

▶ *The police* have formed a more significant constituency, as threat of police action is a major strategy used to pressure perpetrators. They are not only a feared power but there is perceived loss of respect if the family is visited by them. In comparison, threat of law or courts is used minimally, except in cases of maintenance. Building alliances has had different focus in the two districts. The nature of the impact depends on recognition and differential support to these forums.

Women accessing the forums: impacts on community norms at large

These forums have definite impact on the woman who brings the case. A majority of them report complete resolution of the problem. However, in some cases there is a shifting of the problem into more subtle forms. Irrespective of this, women report major gains in the confidence, ability to protest and even take proactive stands. Many have started frequenting these forums.

These forums have *expanded the definition of maintenance* to include the time the woman spends away from the matrimonial family without formal divorce. This is an important community norm being reshaped. Recognition of the right of women to publicly arbitrate and dispense on matters of justice is a fundamental reshaping of norms about women's public roles. The increasing number of cases of suspicion and other more subtle forms of violence being reported points to the expanding definition of violence within the community and the ability of these forums to mobilise community support around these. Another

obvious and critical community norm being reshaped is that of violence being a private personal issue. Women believe violence is wrong and that it is their right to protest publicly, though further research on the threshold of violence is needed.

The Nari Adalat and Mahila Panch emerge as women-initiated, local, community-based responses that are significant to address the issue of violence against women. They attempt to affect the normative structures of the very community within which they are located and from whim they derive their authority. Apart from adopting quasi-legal procedures, like putting the final decision on a stamp paper, the name that women have given to these forums (Nari Adalat/ Mahila Panch) and their location also reflect the aspirations of the intervention to be accepted as a forum akin to that of existing justice forums. *Recognition by the state and existing formal structures as a para-legal forum of justice remains a demand.* There is need for increased support and responsiveness by the state and formal institutions in their role within the community as a pressure group and contribution to the legal process. At the same time, institutionalization of this intervention or working as an extension of the formal system are rejected due to danger of co-option and replication devoid of these interventions' unique processes or perspectives.

Overall Conclusions and Recommendations

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Intimate violence against women has long been a private and secret problem that is perpetuated through the silence and the stigma surrounding it. Efforts to break this silence and make the private shame a public crime are essential in bringing an end to the practice of abusing women and children. This research into community-based responses shows that, indeed, one of the primary features of these innovative programs is their ability to transform one woman's private complaint into a community-wide concern. For this reason alone, these methods of addressing domestic violence offer lessons for communities all over the globe.

Research issues and outcomes

Lessons can also be learned from the process and methods of the research project itself. The research was designed and implemented through an innovative process that utilized participation through all steps of the study as its key principle. Intensive interactive workshops became the sites for designing the study, training participants in methods of data collection, and discussing issues emerging during data collection, debriefing and analysis. In addition to being an important data source, the experiences of the women who implement the response formed the basis for conceptualization and design of the study. A critical outcome envisaged by participants in the project was an impact on the intervention itself. Indeed, the study did generate changes in documentation systems and strategies, inputs into more effective training and identification of needs for the future sustainability of these responses.

Emerging features of the community responses: similarities and differences

The alternative form of dispute resolution

Comparing the programs in order to identify strengths and weaknesses in each offers another opportunity to understand and evaluate the impact overall and the long-term sustainability of these responses. Each of these responses has evolved spontaneously as an effective method to deal with the issue of domestic violence and yet, each follows similar steps and procedures in the process of case resolution. Although they have different histories, political orientations and local agendas, the two different organizations (the MS and the SMS) in the study have developed very similar processes, approaches and principles in addressing domestic violence. Typically, the forums for dispute resolution include a hearing of the applicant, a written narrative of the problem, an enquiry process and an informal collection of facts about the case at the village level to understand the various aspects of the case and to build opinion in favour of the woman. This is followed by a face-to-face discussion between the two sides, leading to a consensus decision and a follow-up to see compliance of the decision. Each organization is guided also by a belief that reinstating the rights of the woman is more important than simply punishing the perpetrator and that these two ends are not the same. Thus, each program strives to reinforce values that would democratize gender relations within the family.

In addition, each of these programs describes their arbitration as an alternative to the formal legal system. The shalishi is a traditional method of dispute resolution that has been adopted to deal with domestic violence because of features not present in the formal legal system, such as its informality, flexibility, easy access, proximity to the place of the problem, and involvement of the community. The Nari Adalat/Mahila Panch point similarly to the non-woman-friendly nature and procedures of the legal system, the problems of access and expense and the discomfort with a justice based on proof for dealing with sensitive and complex issues such as violence. The geographic and emotional distance of the formal system and a belief in local, sustainable mobilization within the community propelled the Sahara Sanghs into existence. While adopting quasi-legal or other traditionally acceptable processes to gain credibility within the community, each of these responses appeals to the sense of control and ownership of the problem as well as the decision. Such ownership creates a sense of responsibility among local citizens toward a problem that they have played a part in solving.

Similarities in the arbitration processes comprise a key link between the initiatives. Both programs use an open, democratic form of dispute resolution and model an unusual degree of flexibility and accessibility in the decision-making process and its enforcement. Researchers found that the common perception of these fora among community members is that they are *transparent, non-partisan, objective, and sites where 'justice' is done.* As each organization also represents itself to be overtly feminist, being characterized as objective raised the possibility of inherent contradictions and warranted closer examination. Researchers found, however, that the programs each operationalize an "objective" process through a feminist perspective. Their neutrality is maintained by giving equal space for the woman and the perpetrators to share their experiences and express their points of view, by presenting "facts" about the case collected through interactions with neighbours and villagers, and by facilitating a mutually agreeable consensus decision with members of the community. A feminist

perspective was seen to underlie particular decisions regarding, for example, the classification of certain narratives and experiences to the realm of what is acceptable, what is right and what is wrong, and the manner in which the perpetrator is held accountable. Further, the practice of placing the woman's interests as the starting point for negotiations and the explicit effort to change situations and create improved spaces for women by pushing the cultural and normative boundaries of the community whose sanctions they seek are additional expressions of a feminist perspective. Researchers found that the feminist agenda was also evident in the process of determining which voices, issues, and concerns are articulated during arbitration, which individual voices are deliberately highlighted and which are suppressed or viewed to be debatable. Nevertheless, the dependence upon community consensus and the various methods of obtaining it described above also point to the inherent limitation of these responses where each decision may be a blend of forward movement and necessary compromise.

The atmosphere and the arbitrators

A pivotal concern of these responses and an indicator of the impact and effectiveness of the processes is the degree to which an atmosphere of physical and psychological safety for the woman is created in order to equip her with the ability to articulate her rights. This atmosphere is defined as one that is free of fear, shame, and guilt, and where there is space for her to reassess options and realities and feel reassurance and validation for her experience and decision to go public. This indicator emerges as an essential prerequisite for similar initiatives elsewhere and for all responses to domestic violence.

Another prerequisite lies in the critical role and perspective of the women who arbitrate. Across sites, it appears that developing a community response to violence is constantly plagued by the incessant conflicts of operationalizing an ideal feminist ideology on the ground. It is also evident that the skills and perspective on how to deal with these has sharpened over the years. The skillful diplomacy required to balance and negotiate contradictions between the ideal solution

and the pragmatic circumstances; to push and rede-fine boundaries for increased rights to the woman while appealing to existing cultural norms; and to gain acceptance from the community while simultaneously holding it accountable and changing it, depends upon highly refined facilitation abilities. Arbitrators must carefully monitor and direct this process of seeking opinion from all without compromising the interests and the voice of the woman. Unlike the formal legal system that codifies such principles on the basis of which judgments are given, the mediation here is based on the articulation of the two disputing parties, and what is perceived to be the truth. Formal codifi-cation attempts to minimize the chance of the subjec-tive interpretation of a case. In these forums, how-ever, the particular decision is based on an under-standing and perspective of the individual with the collective. Upendra Baxi describes this collabora-tion as the "epistemic ancestry of the ways of know-ing and doing justice" (personal communication). Arbitrators describe certain key understandings as non-negotiables that guide the trade-offs made dur-ing each mediation. Opportunities for continual re-flection and analysis by facilitators regarding these non-negotiables and the means of maintaining a radi-cal sharpened edge in the arbitration process also emerges as the pivot for a successful response.

An additional feature common to each organization is that the women who arbitrate at the forum are from the local socio-cultural milieu. They draw upon a strong sensitivity to women's issues, an understand-ing of violence and an intuitive cultural sense of the beliefs, value and normative codes of that area. This contributes to the effectiveness of their judgment, which is based on an intrinsic understanding of the cultural value system and the extrinsic information gathered from the immediate community about the family and the situation. The innate knowledge and awareness of local idioms, beliefs and particular val-ues are held dear and thus invite community approval and are used creatively during the process of nego-tiation. In the analysis of these responses, it is appar-ent that the family and the immediate community or neighborhood forms the moral base for an individual

and it is *this notional sense of a community* that is utilized by these dispute resolution methods.

Building alliances with the community

A common premise guiding these responses is that social accountability is more effective than mere le-gal punishment. Working with a perpetrator requires the use of pressure, persuasion and appeals to both the logical and emotional side in order to determine how far the forum may push. It is during this aspect of the process when an arbitrator must integrate knowledge about various aspects of the case, such as the family and kin relationships, with a sense of the degree of existing support for the woman within the community, to determine an appropriate decision. Trade-offs between the perpetrator's interests, the community will and a woman's rights are thus a con-stant feature and a limitation of these methods. The ongoing threat of community ostracism as well as action by formal authorities is used to push perpetra-tors into compliance. Activists may also highlight mas-culine traits of responsibility and control as ideal val-ues of behavior and give parallel space for men to share their anxieties and frustrations. Men character-ized as "open" and " "responsible" are often used strategically as role models when negotiating with the perpetrators. In the case of SMS, these are usually male activists from PBKMS and in the case of MS they may be male members of cases that have already been resolved, supportive villagers and influential people in the village, or members of the caste group (Jaati Panch). In this way, traditional gender roles, though promoted, also go hand in hand with accep-tance of the dissonance between ideal and actual mani-festations of them.

The knowledge of laws and fear of police action also act as powerful deterrents and serve to strengthen arguments for compliance by perpetrators. Research findings from the SMS program in West Bengal state, for example, state that it is easy to mobilize opinion and put pressure on perpetrators if there is backing of an existing law. In Gujarat, where the public opin-ion is mobilized around problems that are not explic-itly criminal, such as suspicion and mental harass-

ment, the law can be used as a force only in cases of maintenance. However, in this context, the threat of police action is more effective. The tediousness of the legal procedures is also an important negotiating feature, as these fora were formed as a reaction to the problems of the formal legal system. In Tehri, for example, the location of the local land revenue official (patwari) within the geographical village is used to put pressure on the state machinery to function effectively. Similarly, across the sites, the panchayat system is tapped repeatedly for their responsibility over what happens within their specified area, specifically their responsibility to monitor the power of the police and the legal system. Thus, as state authority and community-based sanctions go hand and hand, the arbitration processes benefit from both systems of authority.

In addition to face-to-face interactions with the woman plaintiff, the perpetrator, and the community members present during arbitration, the forums clearly depend upon advocating with key local constituencies in order to build a sense of community responsibility around the issue of violence. Effective functioning of law enforcement agencies and a decentralized political structure add to a critical supportive environment for these processes.

During the process of arbitration and negotiation, be it at the forum where the two sides meet face-to-face, or at the village level during the enquiry or the meeting, community opinion is mobilized through an interesting strategy of adopting conflicting or adversarial roles. Two of the women who arbitrate pretend to be on opposing sides, or at least take two points of view. Through their argument and counter arguments they then lead participants towards the direction of a decision. In Mahila Samakhya inititatives, it is often one arbitrator on the side of the perpetrator and another on the woman's side, or one taking a harsher stand and the other a softer cajoling one. Within the shalishi, often the men of the PBKMS take the harsher, reprimanding roles, while the main women activist play the softer, negotiating one.

A central defining feature of these woman-initiated programs is the significance of the community. The participants and activists responsible for leading these organizations place an enormous value upon their own community and their membership within it and are keenly aware of the strategies required to work within it. Originally, kinship ties placed restrictions on the extent to which women of the collectives in the MS program could take objective or radical stands on the issue of violence within their own villages. From this was born the notion of joining sanghas from different communities to create a more structured and paralegal forum for dispute hearings or for advising and supporting local sanghas. These joint community forums thus provide a space that is a centrally located middle ground, a forum that is objective by virtue of the fact that it belongs neither to the accused nor the complainant, either geographically or through personal kinship ties. Cases can thus be brought to this space irrespective of kinship ties, heard by women who participate in the forum as women with the aim of arbitration and not because they are associated with either party. It also gives a neutral place for the activists to share their views and hold discussions without the pressures of kin relations. Such arrangements and strategies designed to maximize the functioning and credibility of the forums are crucial to sustaining the programs and replicating them elsewhere.

The larger mission of the programs

Across each site, it was also noted that domestic violence was not the issue responsible for mobilizing the community initially, and even today these responses exist within the larger organizational work and mandate. Rather, the interests of addressing broader development questions through community mobilization inevitably led to the emergence of violence as a critical issue. In particular, both programs first dealt with violence at the personal level, and then through the organized sharing of experiences began to seek recourse collectively. Eventually this helped groups gain a larger understanding of the issue and to begin establishing the links between their own personal experiences and the larger political issues at stake.

As a result of this parallel history within the organizations, each also operates with an awareness that the

forums are not solely places for case resolution, but also where new understandings and perspectives on violence can be built. The forums regularly seek to raise consciousness about domestic violence and women's rights among the women who come with the case, the onlookers, the woman of the collectives themselves, the staff and officials of the administrative offices where the Nari Adalat/Mahia Panch operates, and the larger community. With each case discussion and resolution, there is a carefully articulated interpretation of the roles and responsibilities of family relationships. In deciding which aspects of the problem to focus upon, arbitrators also give meaning to what is held to be important and what is not. As perpetrators express their own reasons for violence, and facilitators do not reinforce them, it becomes apparent that violence is never justified or acceptable. In similar ways, certain gender stereotypes (it is masculine to beat, feminine to tolerate) are challenged. In effect, this is a process of reshaping a culture by affirming certain norms and challenging others. In her work with alternative justice systems, anthropologist Sally Engle Merry points to the role of court hearings in the creation and imposition of cultural meanings (Merry 1991). She explains how "as problems are named, discussed and settled, new cultural meanings are imposed on them. Ultimately, these new ways of framing violent incidents contribute to redefining notions of masculinity and femininity." As the caseload increases, however, it is easy for the organizations to lose sight of these larger goals despite a commitment to them.

Differences: origins and context

In addition to these many similarities, the origins and context of these community-based programs are quite distinct from one another. For example, the Sahara Sanghs were conceptualized differently from the Nari Adalat, in that they aim to function as a centralized pressure group or think tank which aids the resolution process of the village level collectives. Thus the Sahara Sanghs are seen to be tools for learning and networking with other sanghas and for gaining support and authority in enforcing its decisions. While the action takes place at the village level, the Sahara Sanghs can discuss strategies, suggest particular courses of action and coordinate inter-sangha links. By meeting in a centrally located place away from the village, the Sahara Sangh can also raise public awareness of each case outside of the village and increase pressure on district police and administrators. Geographic and social isolation of each mountain village has contributed, in part, to the significance of this particular function.

The shalishi process in West Bengal operates within a deeply politicized atmosphere and a larger organization that seeks to build a mass movement. This makes the arbitration process different from the MS program in some important ways. Firstly, the shalishi seems a much more fragile space where the difference from the other local shalishis is zealously maintained. Upholding the features associated with the Samity process, such as remaining non-partisan, unbiased, uncorrupt, non-violent and democratic are crucial to earning and retaining credibility within the highly charged political context of West Bengal. Within the MS programs, the formal legal and political structure is a more distant and thus non-threatening alternative. An important construct underlying the work of the Samity is the need for people and communities to be responsive to and responsible for social issues, including violence. The shalishi is also seen as a public event that can function to build the image of the organization and increase community involvement. Thus, a greater number of men and women who are not associated with the organization participate in the shalishi than in the Nari Adalat, Mahila Panch or the Sahara Sangh. As a result, the shalishi may offer more space for discussion between various members of the community, while the MS program may offer forums that are more distinctly safe spaces for women as the participation of the women of the village sanghas far outnumbers that of other members. The process of consensus-building thus needs to be far more subtle and skillful at the shalishi and may limit the degree to which the woman's point of view can be pushed. Balancing political party influences is an added dimension in the case arbitration process while also adding a critical constituency that can be influenced. Being part of a larger peasant organization of men appears also to

give the program a show of strength and a gendered face, which is extremely helpful in reaching out to all sections of the community.

The development of impact indicators

Two of the primary research objectives were to develop possible indicators for assessing the impact and effectiveness of these community-based initiatives and to build the capacity of the organizations in using these indicators to evaluate their own methods and the success and sustainability of their organization. During the process of implementing the project and interpreting the research results, ICRW and the implementing organizations worked to meet these objectives by addressing the issues surrounding evaluation and the assessment of their own impact.

Recommendations from previous studies point similarly to the need for identifying indicators to help evaluate the effectiveness and sustainability of community responses. Suggestions for these indicators have included the degree to which responses manage to coordinate and respond to multiple needs and services for the household experiencing violence; the degree to which responses challenge and intervene in community-wide norms regarding gender, power, violence and the family; the degree to which responses encourage women to come forward and gain confidence; and the degree to which responses improve a woman's economic and political well-being in a manner which empowers her to improve her life and the lives of her children. In the process of formulating appropriate indicators for these programs, discussion among the research teams built upon the above notions and attempted to clarify the kind of impact each sought in the formation and implementation of their programs. Key to the lessons learned through these discussions was a respect for the impact of the process itself as well as the resolutions produced. Some of the more important impacts were noted to be nuanced and subtle. And, across the sites, researchers came to a consensus about the need for the program's impact to reach multiple locations: the woman who came for help, her family, the organization, the people of the community at large, and the influential structures within the community.

The women and their families

Upon the resolution of cases, the condition of most of the women who sought help appeared to have improved. Although violence continued to occur in some cases, it had become reduced or had transformed into other forms of abuse. Among those whose case resolution indicated such a change, the SMS survey identified a shift from physical to more subtle psychological forms of violence. However, there were also a substantial number of cases in which women reported that violence had stopped completely.

Research pointed to a very significant finding present in both programs regarding the link between a case resolution and women's empowerment. Clearly, the complete resolution of the problem **does not** appear to be a necessary precursor for a positive change in the woman's self-image. Almost all the women in both programs reported an increase in confidence that can be attributed to the process of case resolution. This provides a dramatic and non-negotiable impact indicator that shows the value of the process and the innovative forum environment. Women in both programs describe that their increased confidence was gained through the opportunity to better articulate and come to an improved understanding of their problem and a newfound ability to take action in the future. This finding is especially important as the vision with which these forums were initiated is not that violence would end, but that the women should recognize and exercise their agency and rights as individuals. The finding also points to the ability of these community-based forums to publicly validate the woman's personal experience with honor and respect. Women are thus able to break the barriers of shame and guilt, probably the two biggest hurdles that woman face in seeking help. Transformations in several other key beliefs responsible for perpetuating violence also occurred. A majority of the women in both processes report that they now believe that the violence was not their fault, that it was not acceptable or inevitable, and that they did nothing wrong by bringing it out into the open.

Findings from SMS point to the strength of the shalishi in being able to address more visible forms of vio-

lence more effectively. Along the same continuum, in Saharanapur, mobilising community support is easier for imposing punitive sanctions for crimes in the 'public domain' such as rape and sexual harassment as compared to domestic violence. The same, however, may not true of the other sites, partly due to socio-cultural factors.

The impact on the families has been assessed regarding changed behaviour towards the women. The role of the natal family and their reasons for support to the woman clearly emerges as an issue to be viewed carefully and dealt with strategically.

The organization

Assessing the impact of the programs upon the activists who implement them was seen to be critical, as the sustainability of the programs are entirely dependent upon their perspectives, their flexibility in responding to changes and demands in the community and their commitment to the wider issues. For all the community activists, changes in their personal lives, their families and their relationships have been inevitable. There has also been a definite increase in social and familial status as they are perceived with increasing respect and sought for their opinions in resolving crucial family situations. The families of activists are primarily supportive of their work and there has been a noted redefinition of gender roles around household tasks as husbands and families adjust to her long hours away from home. Women activists also report increases in self-worth, confidence and competence that they often translate into redefining social customs and rituals for themselves and their children. Increasingly revolutionary stands on dowry, education, and widowhood have been taken by many of the activists. However, these sorts of change do not occur without conflict and tension, and the process of negotiation with families and community members is ongoing. Discussion within the collectives centers repeatedly around developing strategies to convince their families about the new trade-offs required by women who have come to recognize "what is most important." A significant contribution to the increased status has been the redefining of domain of

justice. Women from lower caste, class and marginalised communities now hold center stage and arbitrate publicly, gaining acceptance for this role within certain sections of society.

The perception among community activists of what constitutes violence and why it occurs appears to have undergone dramatic shifts. Across the sites, it appears that they view violence at one end of a continuum of the deprivation of rights to a woman that starts, for example, with the belief that a widow cannot wear any jewels, that she is considered inauspicious, that girls should not be educated, or that menstruation is a time for seclusion. Awareness of these links made evident that the village collectives have helped women to slowly develop a counter-culture that can resist violence by, for example, highlighting latent norms that value women and girls and by fashioning alternative norms about the intrinsic rights of women. Research documented the innovative ways in which activists use their local knowledge to reshape and reinterpret community idioms, phrases and beliefs to create and persuade the community to adopt new perspectives. However, the dispute resolution forums have limitations on how far this can go, and many of the changes must start as small inroads into the existing normative structure. Activists agree that even if the violence has stopped, this reflects a change in behavior but not necessarily a change in attitude. For this reason, it appears that the indicator regarding a change in the attitude of the perpetrator was probably an unrealistic measure and not likely to occur after one or two encounters with the resolution process. Instead, it is change in the woman's behavior and of others towards her that seems to be a more accurate indicator of change.

The community at large

The sangha and the immediate neighborhood are key to providing support for the woman in enabling her to protest around violence. In the MS districts, cases from villages in which there is no sangha are ones that require more careful handling and more thorough preparation. Family members of the resolved cases also form a critical support element for the forum.

They explain the resolution to other people, help in negotiations and often refer cases. In SMS, increasing numbers of people at the village level who seek membership in the organization also play this role.

Amongst the members of the community, research found that the forums are well known, have a distinct identity and are seen as "constructive" and "useful," as opposed to "creating problems" or "disrupting the home." There is also recognition of the process as just and an increasing deference toward the women's ability to dispense justice and/or mediate on cases of dispute. This recognition and reverence for the process, albeit grudging in certain cases, is very important to the success of negotiations with the community and in village meetings. As most of these women are from poor marginalized communities and belong to backward castes, this kind of widespread respect is particularly significant.

The community-based approach to dispute resolution appears to be attempting to redefine community values regarding gender and family. It also promotes a heightened sense of responsibility among community members regarding violence. Research across each site indicates that the efforts are making headway. The SMS survey clearly shows that the women facing violence see their neighborhoods and local communities as the first form of critical support that enables them to protest and seek help. In villages where the presence of the SMS is strong, the neighborhood and community responses are more proactive and helpful to women. Similarly in the MS program, the forming of local women's collectives has been based upon this very notion that the presence of women's collectives will help to mobilize the community around the issue of violence. Most women describe the collectives as *the* source of support and approach them for help. The role of the sangha thus emerges as critical in dealing with and referring cases, providing continued counseling and support to the woman, and maintaining a watchdog role to build pressure to ensure that the decisions are followed.

Influential structures

Amongst the influential people in each community, these forums appear to be seen as a pressure group and a force to be reckoned with. Though not always helpful, this pressure is what seems to elicit cooperative behavior. Certain higher officials seem to be especially supportive in each of these research sites. In Tehri, specifically, the need for involvement and responsibility on the part of the community leadership has been actively sought by the forum and has resulted in increased enforcement activity on violence.

The impact of these innovative community-based dispute forums continues to reach new areas and individuals. While new cases from regions outside the organization's work area are increasing, the community organizations still need support to document and map these trends. The research validated a renewed interest in the need for more analysis of ongoing trends, appropriate directions for the future, possible links with the formal legal system, and other methods of sustaining and replicating the processes elsewhere.

Wider significance of research outcomes

Clearly, an outcome of research on these community-based initiatives is the potential to apply valuable lessons learned from these programs to violence response programs around the world. While attention to legal, state and other institutional responses to violence is important, this research clearly shows that an informal response based within the immediate community can provide a valuable space for dialogue and within which women can gain confidence in devising their own strategies, speaking their minds, and gaining recognition of their own rights. Further, the organizations offer a site of first response that is consistent with research elsewhere indicating that women are most likely to go to informal resources such as family and immediate community before reporting to police, hospitals or other non-governmental support institutions.

These responses thus incorporate a strong element of preventive justice. They differ from traditional justice forums by incorporating a perspective that is feminist and a process that is truly democratic. They do not reflect the interest of any dominant group. In order to resolve domestic disputes effectively, they create a forum where large numbers of stakeholders gather to air private grievances and engage in spirited argument. The process relies on the community's right to enter the sphere of private family matters in order to restore collective peace, and accepts its responsibility in a public shaming of the guilty party. The forums operate under the assumption that community pressure can indeed act as an effective deterrent to further violence if the process strives not only to restore peace, but also to oppose values and customs that harm women. The potential of such forums is demonstrated not only by increasing community participation on an issue such as violence but also in pushing the ideology of human rights, and improving the accountability of existing structures like the police and the panchayats. Key prerequisites for such initiatives are a community base from which to operate and a clear and in-depth understanding of the local socio-cultural beliefs and habits. Simultaneously, such programs must be regularly monitored to prevent co-opting of elite agendas and a dulling of the feminist critical agenda.

Historians and social theorists have long noted that the process of simply bringing women together to address shared issues is a practice regularly correlated with the emergence of women's empowerment. Female solidarity has historically been linked to the development of women's networks, mentorships and associations all over the world. Integrating this solidarity-building process into a set of community-wide practices and concerns appears to be an ideal way of embedding critical social change into everyday community life. Identifying the features of these programs that are distinctly Indian and those that may be easily translatable to non-Indian contexts would be potentially helpful for developing a method of implementing these programs in other locations. Peace and reso-

lution efforts at the local, national and international level can learn a great deal from these innovative approaches.

Recommendations

▶ Raise awareness among police and legal personnel about the significance of these approaches and the possible implications for formal legal institutions. For example, courts could better recognize the legitimacy of testimony gathered and decisions made by these arbitrations as valid evidence to be used in formal legal systems.

▶ Improve linkages with local governmental authorities in order to strengthen support for the women-initiated fora, and build strong alliances specifically with panchayats, in order to ensure the institutionalized monitoring of local agencies such as the police, health clinics, and others responding to domestic violence.

▶ Advocate for improvement in legislation to address the more subtle forms of violence such as mental and sexual violence.

▶ Programs responding to domestic violence need to integrate counseling and education for members of the natal family in order to provide adequate support to women experience violence.

▶ Build capacity of the existing programs to document and monitor their case processes and resolutions, the impact indicators they have developed, and methods of recording widespread impact.

▶ Institutionalize a regular opportunity for representatives of these programs to meet, get further training, share issues and concerns and offer lessons learned to larger audiences.

▶ Facilitate a series of regional exchanges between institutionalized service providers and representatives of these organizations to improve the coordination of referrals, awareness of services available, and perspectives on domestic violence and human rights.

▶ Sponsor opportunities for these organizations to initiate new methods of improving women's economic options and alternatives for women outside of the marital home.

▶ Future research needs to further explore the complicated role of the natal family in the dynamics of women's marriages and the response to violence.

▶ Continue to design and conduct research into possible links between these programs and legal institutions and processes, indicators to assess more subtle impact, the longer-term impact of the programs upon the next generation, and the ways in which the dispute processes and case resolutions attract new participants and complaints.

Tools Used	Site	No.	Persons interviewed	Factors for choice	Domains of information collected
Case studies	SMS	25	The woman, the perpetrator(s),her in-laws, her parents, committee members/sangha women, local activists and the main activist dealing with case	Complex cases that took a long time to resolve; community participation; interaction with administration (panchayat, courts and police); cases which had led to organizational gains; remarkable successes or failures and where what the woman wanted changed during the course of the case.	The woman's problem, its genesis and its history; the intervention and the shalishi/NA/SS/MP process; the present situation; changes in values, thinking of various actors; opinions on shalishi, on violence against women (VAW) and interventions in society to deal with VAW.
	MSGUJ	27			
	MSUP	24			
Focus group discussions	SMS	35	Men and women in groups of 4 to 10 persons	Participants chosen from villages in which the case studies were being conducted.	Image of the Samity and its shalishi; participation of women in the Samity's shalishi; change in values about VAW; people's opinions on the village people's role in helping survivors of VAW.
	MSGUJ	5	People in villages	Participants chosen from villages of MS	Perceptions about the organization and intervention, change in attitudes and values
		36	Sangha women and women of the NA/MP	Sangha women and NA/MP women involved with the case for case studies.	Process followed in solving the case, impact of case on village, common perceptions about the intervention
	MSUP	15	Men and women in groups of 4-10	Participants chosen from villages in which the case studies were being conducted	Perceptions about the organization and intervention, change in attitudes and values
		24	Sangha women and women of the NA/SS	Sangha women and NA/MP women involved with the case for case studies	Process followed in solving the case, impact of case on village, common perceptions about the intervention
Survey	SMS	151	Survivors of violence	A sample stratified by geographical location, religion and marital status was taken from all cases that the Samity had dealt with in 1998 and 1999	Socio-economic data about the woman and her family; the woman's expectations; change in her condition; changes in behaviour of her natal and matrimonial family and society towards her and the Samity; change in her self-confidence, her help-seeking behaviour, her thinking and action on VAW; her opinion on the Samity and the shalishi process; conditions during the shalishi and their implementation; policies required for early reportage.
Analysis of records	SMS	1671	—	All records of the Samity from 1991 till June 2000	Geographical location; relationship of applicant to the woman; religion; year of application; years of marriage and problem; reasons for application; shalishi conditions.

Tools Used	Site	No.	Persons interviewed	Factors for choice	Domains of information collected
Process documenta-tion	SMS	7	—	Geographical location; chosen to represent different styles of conducting shalishi by various activities	Documentation of the processes that take place during the resolution of a case through the shalishi/MP/NA/SS; the role of the main activists, sahayoginis/PBKMS and SMS members, and other people during the shalishi event/ when the case is being resolved in the NA/MP or through the SS.
	MSGUJ	6			
	MSUP	7			
Survey of influential people	SMS	40	Police officers; caste leaders, advocates, panchayat representatives; political party leaders; socially influential people.	Geographical location; individuals who played collaborative and supportive roles in dealing with the case and VAW in general.	Views on the organization and its intervention; views on the ability of women in general to run the intervention; changes in thinking on violence against women, in ways of dealing with survivors of violence against women, in methods of running the NA/MP and doing shalishi and reasons for such changes; suggestions for arrangements for dealing with violence against women.
	MSSGUJ	10			
	MSUP	10			
Organisa-tional process documentation workshop	SMS	2	Activists of the SMS and PBKMS	Activists/sangha women who have been involved with the evolution and the present use of the intervention	The history of the organizations and the intervention process; the relationship between SMS and PBKMS; the factors which influence the activists when doing a shalishi/ running the NA/MP and the SS, how the intervention is being used for broader organizational goals; strategies used by activists at various stages of the intervention process
	MSGUJ	4			
	MSUP	2			
Profiles of activists and sangha women as well as families of SS women	MSGUJ	11	Activists of the MS program and sangha women	Strong, active and articulate women who have been involved with the NA/MP from its inception	Their involvement with the MS program and on VAW issues. Personal struggles and areas of conflict. Growth, challenges and impact of working with the NA/MP, their lives.
	MSUP	6	Activists of MS and sangha women	Strong, active and articulate women who have been involved with the NA/MP from its inception	Their involvement with the MS program and on VAW issues. Personal struggles and areas of conflict. Growth, challenges and impact of working with the NA/MP on their lives.

On the specified day, people trickle in to the place where the Mahila Panch /Nari Adalat (MP/NA) meets. As they arrive, the women automatically sit in a circle. The number of women varies from 20 to 60, while the men are those related to cases. The men sit at the edge of the circle, sometimes behind the women. Observing this, one can sense the strength of the women and their ease within this public space.

The person who convenes or runs the meeting is generally a sahyogini. The proceedings start with a brief, but formal opening that emphasizes that "everyone can participate in the discussions, but in a reasonable, cool way as an objective participant, not influenced by kin and relation ties or any other subjective bias. The effort will be to resolve the case through a face to face discussion with the two sides, and both will be have an opportunity to tell their experiences. The women of the Mahila Panch will negotiate this process to arrive at a mutually agreeable solution."

The case register is then opened and the cases to be "heard" are called out. The sahyogini says, "three old and one new case will be discussed today. We will take the new case in the end."

Taking up new cases for discussion in the end is a strategy used for psychological and emotional gains. People who have come for the first time gain an idea of the proceedings and interaction. The woman in particular feels reassured and supported. Hearing other women speak about their experiences boosts her confidence and reduces her apprehension and sense of isolation. It also validates her decision to approach the forum for help and to go public with her problem. Case documentations undertaken in the study mention that the woman in particular listens to the proceedings of the ongoing cases very carefully and in rare cases, voices her suggestions. Conversely, the women from the other cases also voice their opinions during the hearing of the new case, as most stay on till the end of the proceedings.

This behaviour is not limited to the women alone. Often the male members of older cases explain and cajole the ones in the new case. For the perpetrators and the other side, listening to the proceedings reassures them that their voice will be heard equally, but this strategy also places pressure on them as they realize that the "wrong" will be reprimanded. However, many times the new case may be heard first. The sahyoginis explain, *"If there is an older case that we know is going to be difficult and will harm the proceedings of the new case, we keep that for the last and hear the new case first. If people are going to be hostile, resistant and create a scene, we cannot afford it to affect the new case. Similarly, positive older cases are taken up earlier to create a good atmosphere."*

"The first case is of Meeraben Kasambhai Rathod. This is a case of physical torture and doubting the wife's character. Last time we had sent a letter to the husband requesting him to be present at the meeting today. Has he come?" The girl and her parents are there and state that he has not come. The sangha women from the village start talking. One says, "I do not think that he is going to respond. He is very stubborn." "Some of us had informally talked to him in the village before the case came to the MP and even now since the case is on. He does not listen to anybody. We have spoken to the neighbours and other people in the village. Most of them feel that he is a difficult person and they sympathize with the girl. I think that we should call a meeting in his village and make use of the public disapproval to put pressure on him." The sahyogini says, "anyway this was the second letter that we have sent to him, so we have to go for a *rubaru mulakat* (face-to-face meeting). When should we go and who all will be present there?" The date, time and members to be present are decided through a detailed discussion. Two sangha women of that village are given the responsibility of informing the village collective and the villagers about the purpose of the meeting.

The strategy to prepare for the meeting is critical in mobilizing public opinion in favour of the woman and hence putting pressure in the perpetrator. The sangha women talk to the relatives, the neighbours and the villagers. These talks enable the sangha to gather information about many aspects of the conflict/problem and the perpetrators as well. The key informants narrate who did/said what and their personal judgement as to who is at fault. Through these strategic discussions, the sangha tries to assess various facets of the issues—the root cause, role of family members and where the fault lies. The fact that that the other side has refused to go to the meeting of the NA/MP also generates disapproval in the community. This is primarily because the NA/MP is viewed as a neutral place for discussions. A resistance to appear at the forum, thus, is taken to be an implicit admission of guilty behavior. *"They must be in the wrong or have something to hide, that's why they do not want to go and talk out things."*

The women discuss how the village meeting will be useful and what kind of interactions they hope will take place. During the meetings in the village, the opposite side (i.e., who have not lodged the complaint—usually the perpetrator's family) is summoned. The process of persuasion to come for the meeting to discuss the case is a strategic combination of listening, sympathising and pressure from a community as well as a legal point of view. Mutual benefit is highlighted as a desirable personal gain. The women use a number of tactics to convince the opposite side. For example, "We understand your point of view, but then both of you need to tell this to each other. What do we have to gain personally from taking anyone's side? We want to help to get this sorted out. And we don't want to explain anything to either of you from our sides, because it is your reality. At least come once to see what happens. After all, don't you want this problem to end? There you can say your point of view and the others will state theirs. You all can sit face to face and sort out things one way or the other. Right now the matter is in the knowledge of us alone, but it can be known widely. Dragging out the problem like this makes no sense." The women of the MP/NA also use successful cases from nearby villages as examples. They say "In many cases, we

meet the influential people. If the sarpanch is on our side, it helps. Besides, in many cases we try and find out whom the family holds in regard. In this case (of the woman mentioned at the start, whose case is being heard), there is a person in the village who fixes marriage alliances. He is held in high regard. We will first meet him and then take him along with us to meet the family."

The above discussion is one example of the kind of linkages and the complementary roles that the village-level collective and the more centrally located Nari Adalat or the Mahila Panch play in the resolution of a case.

In the case register, the resultant decision is entered in the case form of the particular case. Similarly, the record of each case is maintained in a case form. This format is filled in when the case is first "registered." Records of subsequent hearings of the case are attached to the form to chart its progress. However, this reflects the status of the case at the end of each sitting, rather than the process.

After the decision of the first case is entered in the register, the second case is called out. A girl and her mother come and sit down at a central place in front of the sahyogini. "Who has come from the *sasural* (in-laws)?" asks the sahyogini. Both the parents in-law, the sister-in-law and the father-in-law's sister (*bhua*) come and sit in the center. Since the case has been discussed previously, the girl is not asked to narrate her experience. However, for everyone to get a brief description, she is asked, "What happened and what was the problem, tell us briefly and also tell us what you have thought and what you want." The girl starts narrating, "I left my in-laws' home one day, because my father-in-law caught hold of my arm and tried to hit me. My husband was not present at the time. I went to my parents' house and stayed there through the rest of the pregnancy and delivered the baby. No one came to see me during this time." At this point, the father-in-law who has been looking indignant bursts in, "my *samdhi* (the girl's mother's brother) was drunk and he hit my wife, that is why all of this happened." At this, suddenly pandemonium

erupts. The girl starts addressing the sahyoginis, clarifying what happened. The father-in-law continues his defense, while the mother-in-law turns sideways and appeals to the women sitting around to understand the situation. This continues for a while and no effort made to stop this simultaneous outpouring of stories.

According to the members, there is this "phase" during the process, which can occur repeatedly, when there is an outpouring of events, experiences, and emotions. This provides an invaluable opportunity for public sharing, validation of experience, getting information about the facts of the case, the different viewpoints and "perspective" of each member. Equally important, there is airing and resolving mutual misunderstandings, which clears the air and hence has a cathartic effect. This is one of the most critical and useful features, which gives the women of the NA/MP insight into the case, and aids the planning of strategy. As each person talks, they get a sense of *"what the person feels about the case and thus how they have to dealt with, who is on the side of the woman." " We also listen carefully for sentences and things that each person says which we need to pick on and highlight later for our arguments."* Usually, if it is the first time that the case details are being narrated, collective responses are discouraged and each person is allowed to narrate their experience in detail. However, since this is the fourth hearing of the case, and the details are known to all, the outpouring is primarily cathartic.

The sahyogini now invites other people for their comments, suggestions and questions on the case. There is a short period when certain clarifications surrounding the facts are sought. The sahyogini brings the discussion back by asking the girl: "so have you decided what you want?" The girl says "It is my house and I want to go back. But the mother-in-law has to promise that she will not fight; the father-in-law, that he will never raise his hand and they have to give whatever money I spent in the hospital for the delivery." The father-in-law immediately says, "O.K. we will give the money and take the daughter-in-law and the child back." A woman from the village sangha says "Wait a minute, we cannot send the girl just like that. The husband has not come again today. We will not send her back till we know how he feels. He has to

agree to come and fetch her and take responsibility." The mother-in-law says that she has talked to her son and he has no problem. He wants his wife to come back. Another sangha woman asks again, "But why has the husband not come? We need to speak to him and be sure for ourselves." She explains to the mother-in-law, "Imagine you had gone away and your husband did not come to fetch you, how would you feel?" She quotes a proverb," *Agar paya hi majboot nahin ho, to ghar hil jayega. Aise mein yeh kaise reh sakti hain*? (If the foundation of the house is weak, then the house is unstable.) "How can the girl stay there in that case?" The mother-in-law again says, "He does not have any problem in coming. He has asked us to get her back."

There is a volley of responses by the sangha women. "He is the one who has married her. It is his responsibility. Is the child also not his responsibility, why is he so casual?" Another one adds, "Here we like to sort out everything face to face and don't like to leave any resentment uncleared. What if he has something in his mind and starts raising these issues when the girl goes back? Then the problem will be back to the start. *Aise kaccha faisla nahin karte hum* (we do not take a decision which is not sound)."

The members later explained that when a woman is not living in her matrimonial home and it is agreed that she will go back, the decision is never finalized in the absence of her husband. The responsibility to each other is a crucial component of the implementation process. Neither is the woman sent back on her own. They insist that the husband personally goes to meet his wife at her parents' place. This is a socially acceptable custom and is used to lend validity and sanction to the decision as it demonstrates publicly the husband's responsibility, intentions and acceptance.

The father-in-law says that he will make sure the husband comes next time. The girl then talks about many incidents that happened in the past which had given her grief, and she questions the responsibility of the in-laws towards her. The in-laws give their own explanation and answers for each incident, telling their side of the story. Though this interaction has happened

before, the sahyogini or the women of the sangha do not interrupt, for a brief while.

To an onlooker, this interaction looks like there is a lot of confusion and the discussions are progressing in an uncontrolled fashion. The sahyoginis explain: *"The girl's anger and sense of betrayal is obviously still simmering and it needs to be expressed, before we can move forward. The past has to be solved if we hope to change the future for the better."* What is critical is that this exchange of words and emotions is taking place in a safe and supportive atmosphere, and thus there is shared knowledge that it will not lead to deteriorating of the situation, but will result in a mutually acceptable solution. This feeling is critical to the success of the intervention, as it ensures that the complete truth is brought out without any fear, suspicion or distrust. It also reflects ease and a sense of a space that is one's own, is safe, and is where private matters can be discussed.

At certain points the activists gently question/prompt each of the "sides." "She lives in your house with you and is like a daughter. Tell me, if it were your daughter who was living with you, would you behave the same way?" Another woman adds, "whenever people live together, such things will happen. Both of you should talk. All these things can get sorted out if you have the right feelings for each other." The girl interjects, "That is all OK, but why did they not come to see me when the child was born?" The father-in-law replies, "we were about to come, but she put the case here. I didn't think the problem was serious. It was not as if there is beating everyday." This comment gives rise to a flurry of remarks. Women put emphasis on what is violence, how violence is perpetrated, who defines what is serious, what behaviours are condoned by families, and the role of society in perpetuating these attitudes and beliefs.

This discussion highlights the dynamics that come into play by virtue of being a "public community hearing." The facts of the case are obvious to everyone and this shared knowledge enables all to participate. This not only takes the responsibility of reacting from one or two women, but also helps in facilitation and giving direction to the process towards a mutually agreeable decision. Another criti-

cal feature is that it becomes difficult to justify "wrong" or "violent" behaviour publicly. The women are highly skilled in the way they deliberately allow some discussions to proceed and nip others in the bud, depending on what is useful to the case and for the woman who has lodged it.

Finally, (when she feels that it is leading to only arguments and counter-arguments, nothing productive to the case) the sahyogini asks, "what have both the sides decided? Do you still want a solution stay together or have you changed your minds?" "No! No!" "Then we need to respect each other and talk peacefully."

"We will live in peace, but what about her mama [uncle—the mother's brother]. He was drunk and came to fight with us. We told him to quiet down and go away, but he did not go." When the father-in-law said this, the girl's mother immediately said, "Why should he be polite to them? When it was my brother's wedding, they did not come to attend." Here again the women wait for some time to let the anger dispel, but not much, before moving back to the "main" issue.

The sahayoginis analyse this later: *"Very often small incidents which create rifts among the extended relations are the ones which heighten tensions between the families. In many cases, we have to drag these out in the open and sort them out as they are the root cause. Without that we can't proceed, or sort out the current situation. In this case, however, we felt that the larger problems between the two families were not very serious and not related to the current problem, hence the effort to ignore them."* The activists make the judgment about when to intervene or include the issue for detailed discussions, as they are from the same village and familiar with kin dynamics. If the case is from outside the organizational area, village level meetings become necessary to ascertain this information.

While this conversation is going on, there are murmurs around the room about how the in-laws were dragging unnecessary matters in between. The mood seems to be turning to one of impatience with the in-laws. Suddenly, one of the sahyoginis gets up and

takes the child and puts her in the mother-in-law's lap, saying " its your girl also, so you also keep her." She runs a hand through her hair. The father-in-law reaches for her and smiling, takes her into his lap and starts playing with her.

This strategy of handing the child to her grandparents was praised as a master stroke for many reasons. Firstly, the mood had been going downhill; if the discussion had carried on in the same way, it would only get worse. People who were attentive to the discussion to figure out the intricacies of the problem were now beginning to get impatient and thus it was important to move to the next step. Secondly, the proceedings of the case had to be given a decisive turn. The activist felt that it had become clear through the earlier discussions between the sides that there was willingness to compromise and basically the conversation was more for letting off steam. Handing the grandchild highlighted the personal relationships that tied the various opponents of the case together. *"We felt that it was a good point to shift gears and take an proactive action because sufficient details had been sought to make it clear where the faults lay."* Additionally because of the insistence of the in-laws in providing justifications, which were rather flimsy, opinion and sympathy was towards the girl. Since these two crucial factors had been established, the sahayoginis decided to move on. This strategy also took the issue from the logical/confrontational to the emotional/personal front. The activists shared that it was not as if in every similar situation, the same strategy could be adopted. Deciding upon what to do at what point requires innate sensitivity to the mood of the room. The attitude of the people of the case, the flexibility they exhibit, the nature of the problem are some of the parameters that define this complex matrix. Carrying the people along with the arbitration also means that the timing of a particular strategy has to be judged correctly. *"Usually we know that this is the time to do this particular action. It is an intuitive sense that at this point this will work. It seems right."*

The sahyogini then asks both the sides what they want to finalise in the case for the day. The girl is asked to speak first. She says, "my father-in-law must make a public promise that he will not raise his hand or touch me." Immediately one sahyogini explains to the girl,

"The father in-law has taken a vow that he has not done any kind of harassment. You said that he has harrassed you wrongly, you must apologize." Another sahyogini does not agree and says that the girl has not done anything wrong by objecting to this behaviour by the father-in-law. "If the girl did not like any particular behaviour, she should and can say so in this forum. Everyone should know what she is upset about. Let's clarify everything here. That's why we are together and all can speak without fear. Let the girl say what happened." The girl says "he caught hold of my arm and my shoulders and was trying to say something to me. Why should he touch me in the first place? Only my husband can do that. Is it not obvious that I got scared?" The father-in-law meanwhile murmurs that he did not touch her. However, there seem to be no voices supporting him. A sangha woman says, "There is a thin line between touching and touching with a wrong intention. We believe you, but why give anyone the chance to talk?" The sahyogini adds, "hitting, touching, using force, none of that is needed. If there is a problem you talk it out, you can always ask us for help."

This point about the father-in-law trying to restrain the girl by physical action was apparently brought to light deliberately. In this region, it is apparently very unusual for the sasur to be involved in any physical confrontation. It is not seen as a behaviour within his purview and the activists wished to highlight this, as well as use it as a subtle warning.

The girl adds, "They must pay for whatever I have spent on the delivery." The sister-in-law signals to her parents not to agree. The sahyogini ignores this and says that the parents-in-law are involved in the case and only they must answer. They agree and say that they want the girl back. The girl states that she will not go till the husband also comes. All the women back her. It is decided that both sides give in writing what they are agreeable to but the decision will be taken once the husband is present. The father-in-law again states that he will take responsibility. There is no other problem, the girl's uncle came and created problems. This time the sahyogini replies firmly that he should forget about the past. If others come and provoke you, why do you have to spoil your relations

with your daughter-in-law? Another woman adds, "Listening to other people, you start fighting with her and create problems. You put a hand on her. She is good, or else she could have gone to the Police Station. (A subtle threat is used here.) Don't do this again. Now each of you take 10 minutes to think quietly about what you want to do in the future. We have discussed that past too much, we must decide about the future. Decide about what conditions you want, when the girl's husband will come and when will the money change hands. Only after that we will do the writing."

Sometimes, when the people of one case are given time to think, the next case is taken up, but not in this case. The activists explain, *"Usually a little time off is given when we feel that the significant points have been discussed, but an impasse has been reached, as in this case. Now different activists will try and talk to the different individuals involved at a one–on–one level and convince then not to go back and forth. Besides as the man is not here, this case will have to be heard again. So that they do not start the same discussion next time, we will talk to each separately. Other situations in which we give a break is if the discussion is getting too heated, or when we feel that a third person from either side is trying to sabotage the situation and not letting it reach any conclusion."* Usually, the sahyogini will surreptitiously get the man and woman together and encourage them to discuss the problem out.

The father-in-law turns to one sahyogini and says that he did not mean anything wrong. She reassures him that she understands and it was nothing personal, but the point had to be clarified so that there are no bad feelings in the future relationships. The mother of the girl is sharing her concern at the husband's absence. She says that if he was here, she would have asked the girl to go right away. The sahyogini assures her that they will make sure that he is around when the final decision is taken. One sahyogini and a sangha woman go up to the mother-in-law and start explaining to her, encouraging her to talk about what she is feeling. They also tell her that she must treat her like a daughter and not let small things get out of hand. "What does anyone gain from that?" They explain,

"Outsiders will always try and relate problems but you have to think of your family life." The mother-in-law shares her concern that if the girl comes back and starts picking up fights, then what can she alone do? They reassure her.

Sympathy and space for all concerned in the case is displayed. This highlights what is referred to as the inherent neutrality and nonpartisan nature of the process. The women explain later, *"nothing is gained by being aggressive and antagonizing either of the sides. We only condemn what is wrong and never what is unnecessary. Of course, we keep the interest of the woman as central, but that doesn't take away from the neutrality of the process, because the fact that the perpetrator indulged in wrong behaviour is clear to everyone. But many times, we do forcefully have to push our perspective through, especially when the larger community might not view things from our lens. Then our skills of explanation, the strength of the collective, presence of laws are all aids we use to strengthen our argument."*

After a few minutes, a sahyogini asks them all to pay attention and reads out the following: "After today's discussion it is decided that the girl will go back to her in-law's place. But for this to happen, the in-laws must come with the husband and the amount of 3,000 agreed upon in the next sitting." The father-in-law says, "I will get as much as I can." The activists tell him that he cannot get any amount and assume that it is sufficient. When the father-in-law says that he will have to borrow, the sahyogini smiles and says that maybe you should borrow it from the girl's uncle. There is laughter all around, including from the people associated with the case

This comment not only lightens the atmosphere and stops another discussion, it somewhat hints at the uncle's responsibility in creating the problem. Such moments are also critical in placing the discussion in the context of continuing relationships. There are many moments when the room seems divided and there are contradictions and animosity. Such moments point to that fact that *"we have a good relationship and we are discussing a problem, so there are bound to be differences. However that does not mean that there are hard feelings."*

The father in-law then says that his son works at the factory and hence may not be able to take time off. The sahyogini replies, "he took time off to get married, didn't he? When something happens then whose responsibility is that? Is he not concerned about his marriage? It is your responsibility as parents to get him next time. Now I will read out the decisions taken in this sitting finally and all of you are to be present next time." The next case is then read out….

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