



HiIL POLICY BRIEF

Designing women-led community justice services

Parameters for a people-centred service delivery model

Executive Summary

The formal justice system and informal justice system are either inaccessible, unaffordable or discriminatory towards women. As calls for women empowerment continue to grow, women-led community justice services emerge as a promising alternative. However, they remain relatively under-researched compared to their male-led counterparts despite being prevalent in many countries. Within the international development sector, their services are overlooked, leaving a critical gap in understanding their role and impact. Drawing from the experience of improving men-led community justice services, we recommend key parameters for the service delivery model of a women-led community justice service and identify how they can be operationalised.

Of foremost importance for policymakers, donors, and dispute resolution system designers is creating buy-in and trust in the community for female justice workers to establish their legitimacy. Secondly,

female justice workers need to balance applying human rights frameworks and laws with social norms. A referral pathway to the formal justice system, administrative officials, social workers and other allied professionals is also essential. Financial sustainability has been a challenge for community justice services worldwide. Therefore, it is important to raise funds by appropriately levying user fees, attracting grants from donors and social impact investors, and contributions from the government.

To illustrate the application of these parameters, we assess women's courts, a state-funded women-led community justice service in India. This gives policymakers insights into possible challenges and enablers in applying these parameters. By adopting the proposed parameters and learning from existing examples of women-led community justice services, actors in the justice system can build more inclusive, accessible, and affordable justice systems.

1. Introduction

Legal needs surveys have repeatedly shown that across the world, people are more likely to seek the support of community justice workers than courts and lawyers when resolving a justice problem (HiIL n.d-a). Community-based justice services are affordable and geographically and linguistically accessible for vulnerable or marginalised people compared to the formal justice system. Other characteristics that set community justice services apart are the emphasis on restorative justice, flexible and simple rules and procedures, high speed of resolving disputes, and consent-based negotiated solutions. Where required, community-based justice providers also adjudicate and monitor the implementation of decisions to ensure compliance (HiIL 2022a).

Because of these qualities of community-based justice services, women, poor and marginalized people and those living in remote areas prefer to use their services. Women particularly seek support in resolving problems like domestic violence, sexual abuse, inheritance, property disputes and divorce. This is because women risk social alienation by the family and community members if they report family disputes to the police or the formal justice system (IDLO 2020).

In most parts of the world, community justice services are composed of male elders and religious and traditional leaders who have the legitimacy within the community to resolve disputes. For instance, in the case of Local Council Courts in Uganda, *jirgas* in Pakistan and Afghanistan, caste-based *panchayats* in India, peace-huts in Liberia (HiIL 2022b; Lawson and Flomo 2020; Iqbal as cited in Bennet 2007; Anwari as cited in Bennet 2007; Purushothaman 2011). They favor patriarchal values, due to which women and girls face discrimination that results in outcomes that harm their well-being. In some contexts, women cannot speak with a man unless a male relative is present with her, making it difficult for women to report grievances against family

members. Moreover, since the majority of the community justice services hold public hearings, there is shame associated with raising grievances of a sensitive nature, such as child abuse, sexual abuse and inheritance disputes (IDLO 2020).

In response to this gap, governments, local civil society organisations and international aid organisations have promoted the inclusion of women in the delivery of community justice and established women-led community justice services. A few examples of women functioning alongside men are paralegals in Tanzania who focus on land problems, Alternative Dispute Resolution centres in Somalia, national Village Mediation Programme of Malawi and Tanta Mukti Samitis, Jargratha Samiti and Nyay *Panchayats* in the states of Maharashtra, Kerala and Himachal Pradesh in India (IDLO 2024; Dance 2018; ICRW 2002). They have emphasised resolving gender-based violence against women, among other civil disputes that occur in the community.

However this has not delivered the expected results because women hesitate to bring up gender-based violence, given that it is considered to be a private problem. Plus, patriarchal social norms heavily influence the decisions of these justice forums (Das et al. 2018). Parallely, community justice services fully led by women have also emerged organically, such as Peace-huts in Liberia, women's *jirgas* in Pakistan and Afghanistan, and Shalish in West Bengal, India (Lawson and Flomo 2020; IDLO 2020; ICRW 2002). In the context of India, civil society organisations and the Government of India have repeatedly launched women-led community justice services. For example, *mahila panchayats* in Delhi were set up by the civil society organisation ActionAid, Muslim women's courts in Lucknow and Delhi and *nari adalats* (women's courts) set up by the Government of India and the civil society organisation Pradan (Vatuk 2013; Raje 2017; Mallik 2017).

These women-led justice services were established with the belief that they could potentially overcome the obvious gaps

left by community justice services led by men and the formal justice system. They are more likely to provide a safe space for women to share their problems, empathise with them, understand their needs, and craft effective and fair solutions. At the same time, women are a diverse group who hold a wide range of views. Some might conform to patriarchal social norms or discriminate against poor women or those from particular ethnic and religious groups. The community might also challenge the legitimacy of women-led community justice services (IDLO 2020; Harper 2011). To sum up, women-led community justice services have the potential to meet the justice needs of women, but some factors can limit their ability to deliver justice.

1.1 Objective and rationale of the policy brief

Women-led community justice services remain relatively under-researched compared to their male counterparts, despite being prevalent in many countries. Within the international development sector, their services are overlooked, leaving a critical gap in understanding their role and impact. As donors and policymakers increasingly recognize and support community justice services, it is necessary to consider the full spectrum of such services and establish effective alternatives to the traditional, patriarchal models that have historically discriminated against women.

Women-led community justice services have immense potential to increase access to justice for women, especially in geographies marked by patriarchal norms but with growing recognition of women's rights. Therefore, in this policy brief, we set out to identify the parameters that are important to designing the service delivery model of a women-led community justice service. HiiL's prior research on men-led community justice services in Uganda, Sierra Leon, Colombia and the USA informs the design of these parameters (HiiL 2022a; HiiL 2022b). The parameters give actionable insights into

overcoming systemic and programmatic challenges attached to women-led community justice services.

We test the parameters against the *nari adalats* (women's courts) in India to examine how a relatively institutionalised women-led community justice service performs against our model. The women's courts initiative is an example of a large-scale initiative started in India. By offering a comprehensive, evidence-based approach, this policy brief provides a roadmap to policymakers, donors and dispute resolution system designers for designing and implementing women-led community justice services that are responsive to the everyday justice needs of women.

1.2 Methodology

As mentioned previously, the parameters have been drawn from HiiL's research on community justice services in Uganda, Colombia, the USA and Sierra Leone, tools developed by HiiL to support justice providers and a literature review of reports published by iNGOs. We conducted a concise literature review to map women-led community justice services worldwide. For this, we referred to reports of iNGOs that work on access to justice and research papers published by scholars. We conducted an expansive literature review on women's courts in India, including reports published by iNGOs, local civil society organisations, policy documents published by the Government of India and news reports.

In addition to the literature review, we conducted three semi-structured interviews with representatives of NGOs in India that supported women-led community justice services in the country. Two of these interviews were with practitioners with experience working with variations of women-led community justice services, while the third was with a practitioner directly involved with women's courts. These interviews were used to validate the literature and to enhance the report's findings.

2. Parameters to design the service delivery model of a women-led community justice service

2.1 Creating buy-in and trust among community members in the dispute resolution service

In most parts of the world, community justice services are composed of male elders and religious and traditional leaders who have the legitimacy within the community to resolve disputes. They are characterised by patriarchal social norms that also govern the everyday lives of people. The introduction of women-led community justice services in rural areas, therefore, can be challenged by community members, both male and female, based on traditional beliefs that spaces outside of the home are reserved for men. They might question the competence and legitimacy of women in resolving disputes (IDLO 2023; HiiL 2022a; The Express Tribune 2024; Purushothaman 2011; Lawson and Flomo 2020).

The authority and mandate of a women-led community justice service might be especially vulnerable to challenges from existing men-led community justice services, who might perceive the former as a competitor. Here, initiatives to secure buy-in from men-led justice services and promote women-led justice services as complementary to men-led services can reduce friction and the perception of competition between the two. Women in the community also need to be sensitised and made conscious of their contribution to their households and society, for them to have faith in the capabilities of their peers to resolve disputes. To increase awareness about this new dispute resolution forum, policymakers can organise information, education and communication activities targeting women in the community, as

done by UNDP and European Commission in Bangladesh to raise awareness on village courts (Kerrigan et al. 2013).

Policymakers also need to train female justice workers in dispute resolution techniques and laws to boost their credibility. They must undertake efforts to unpack biases against marginalised communities among the female justice workers and include women from socio-economically marginalised groups in the panel of justice workers, to ensure that women from underserved communities are treated fairly. Public endorsement of the community justice service by administrative officials, important members of the community and elected leaders and documenting decisions, the dispute resolution processes and getting them reviewed by local judges regularly can further strengthen the legitimacy of female justice workers (S. Menon, personal communication, November 8, 2024; IDLO 2023; Harper 2011; HiiL 2022a).

2.2 Identifying and monitoring the outcomes that justice seekers want from the resolution of the dispute

Historically, the justice sector has invested few resources in identifying in tangible terms what a person who faces a family, land, employment, neighbour and crime needs. Instead, justice providers focus on meeting operational or institutional targets such as efficiency and cost-effectiveness. We recommend identifying outcomes that people want from the resolution of a particular justice problem as it allows justice providers to deliver services that are appropriate, proportionate, efficient and flexible to accommodate the individuals, the issues they face, and the local circumstances. It can also help the disputing parties identify the most important to them and progress towards those specific goals. (OECD 2021; HiiL 2022c).

Community justice services led by men and women aim to deliver justice that aligns with community norms, such as reconciliation and restoring community harmony, rather than retributive or punitive justice. But they also need to evolve to respond to the changes in social norms brought by globalisation, conflict and other externally-driven factors (IDLO 2020). HiiL (2022c), in its policy brief 'Focusing on outcomes for people', identified 21 outcomes that women experiencing intimate-partner violence seek. The women asked for a diverse range of outcomes depending on their situational needs, including the need for legal advice, a stable source of income, residential independence and reconciliation with the perpetrator, among others.

Given that the needs of complainants are varied and are likely to change over a period of time in response to changes in the socio-political environment, it is important to ask complainants what they expect from the resolution of the dispute. It gives the complainant voice and agency. Female justice workers, especially those from different socio-economic backgrounds, must avoid imposing their values and notions of right or wrong and instead give importance to the priorities of the complainant (Ahmed, Parajul and Feldman 2017).

Monitoring the outcomes that complainants want at different stages of the dispute resolution process takes into account changes in the needs of the disputing parties. It can reveal gaps and blindspots in the delivery of services that justice providers can improve upon and identify any disparities in how justice is delivered to specific groups of people. The data on outcomes can also illustrate the effectiveness of women-led services, showcasing them as effective alternatives to formal or male-led community justice systems, thereby fostering trust in the wider community and attracting funds from donors, government and impact investors.

Plus, community justice workers are uniquely positioned to monitor outcomes on sensitive justice problems like domestic

violence as they are trusted and respected and are non-adversarial (ICRW 2002). Their familiarity with local social norms and language helps them approach sensitive issues with greater sensitivity. Tools that identify various outcomes that women want for various justice problems need to be developed. These tools can be used as intake forms when a complainant approaches community justice workers and also to follow up on whether the survivor has achieved the outcomes previously prioritised and whether their priorities have changed. HiiL (2023) has developed such a tool for survivors of intimate partner violence.

2.3 Balancing the application of laws and human rights frameworks with social norms and using of evidence-based dispute resolution techniques

Training community justice workers on national laws and human rights frameworks has been recommended for men-led community justice workers to reduce the incidence of inhumane sanctions and promote restorative justice practices, such as responsibility and accountability for wrongdoings and reintegration into the community. It aims to curb social norms that violate the right to life and equal treatment before the law for marginalised communities and women (Harper 2011). However, the implementation of this recommendation, at times, has been marked by backlash or resistance from community members who perceive the laws and human rights frameworks as external values that are being imposed on their indigenous or traditional way of life.

Yet, such training is necessary for women-led community justice services, especially on women's rights and entitlements. To avoid rejection by community justice workers, female justice workers can design agreements and solutions that protect women's rights and entitlements within the boundaries of social norms. This will protect

the legitimacy of the women-led community justice service in the long run, preventing women from resorting to less effective services of the formal justice system and men-led community justice services.

In the meantime, female justice workers can try to change social norms by sensitising the community about the importance of laws and human rights frameworks through workshops. While doing so, they can focus on local leaders who can influence decision-making. They can develop and disseminate a code of conduct that emphasises human rights, impartiality and reconciliation. Legal literacy can help female justice workers negotiate legally sound agreements on property, inheritance, divorce and spousal support. They can also guide individuals through processes of the formal justice system like filing complaints, securing legal aid, or attending court hearings, as done by judicial facilitators in Nicaragua (Kokke and Vuskovic 2010; Banik 2001; Purushothaman 2011; Iyengar 2010; Harper 2011; IDLO 2024).

Community justice services led by men and women, are also likely to benefit from knowledge of mediation and negotiation techniques given in the literature. For contextually relevant dispute resolution techniques, the best practices of community justice workers from comparable geographies can be used. Women-led community justice workers must balance local customs with protecting women's rights, requiring creative problem-solving that is harder to achieve in isolation. Learning from peers can help them effectively execute the various steps in the dispute resolution process. Therefore, the usage of evidence-based dispute resolution techniques is essential.

2.4 Establishing a referral pathway to the formal justice system, administrative officials, social workers and other allied professionals

Since the sanctions of the community justice workers are often not backed by the law, the police can assist the community justice workers, led by men and women, in ensuring compliance with decisions and in obtaining the cooperation of disputing parties. Additionally, since women-led community justice workers often encounter difficulties in gaining legitimacy and recognition from community members, the support of the police can enhance their credibility. The police can also refer complaints to the community justice service depending on the nature of the complaint.

In the case of severe criminal offenses like murder, rape and extreme physical abuse, or disputing parties who are dissatisfied with the resolution delivered by the community justice service, escalation to formal courts may be required (HiiL 2022a). Therefore, women-led community justice services should establish a referral system to the police and courts. Documenting decisions and the dispute resolution processes for serious justice problems and getting them regularly reviewed by local judges can also create an accountability mechanism. It can reduce the incidence of corruption among community justice workers.

Female justice workers should be trained in navigating court procedures to assist complainants when disputes escalate, as in the case of judicial facilitators in Nicaragua (Kokke and Vuskovic 2010). They should also be connected with lawyers who can provide representation and specialised legal services. Women-led community justice services also need to establish a referral pathway to administrative officials who can help disputing parties access social welfare benefits provided by the government, such as subsidised homes, jobs, skill development training programmes and support services of shelter agencies, counselors and social workers.

2.5 Making services affordable and financially sustainable

One of the characteristics that sets community justice services apart from the formal justice system is its affordability. As observed in the previously mentioned male-led community justice services in Uganda, Colombia, Nicaragua, Bangladesh, Sierra Leone and women-led services in Liberia, Bangladesh, Pakistan and Afghanistan, the labour of volunteers, user fees and funds from the government, local NGOs and international donors is used to fund operations.

However, given that donor support is temporary, both men and women-led community justice services have mainly relied on the volunteer labour of community leaders and small sums provided by the government. Although, in some instances, community justice workers are from elite socio-economic groups who do not need compensation for time spent in dispute resolution, not all can afford to provide their services for free. This can cause community justice workers to fall prey to corruption or reduce their participation, leading to case backlog and inefficient dispute resolution (Harper 2011).

Increasing user fees with reduced fees for the poor and marginalised communities and increasing government contributions can help women-led community justice workers sustain operations. So can social impact investors focusing on women's empowerment. For this purpose, community justice services can monitor and systematically document outcomes to demonstrate their impact (HiIL 2022a; IIX n.d).

3. Overview of *nari adalats* (women's courts)

The *nari adalats*, translated as women's courts, in India emerged from the *Mahila Samakhya* programme, a central government scheme launched in 1988. The primary goal of the *Mahila Samakhya* programme was to improve the literacy level of rural women and empower them. However, its scope extended beyond basic education. The programme aimed to equip women with decision-making and leadership skills, promote critical thinking, improve their self-image, and increase awareness of their rights and entitlements. It was first introduced in 10 districts in the states of Uttar Pradesh, Gujarat, and Karnataka, and eventually scaled to other states. As of April 2014, it had been functioning in 11 states, covering nearly 42,000 villages (Sharma 2017; Purushothaman 2011; Ministry of Human Resource Development, India 2008).

A central component of this programme was the mobilisation of women from marginalised castes and landless families to form collectives at the village, block, and district levels. Via these collectives, administrative officials gave women information on welfare schemes, healthcare, and legal rights. In India's patriarchal society, rural women often lacked the freedom to work or engage in activities outside their homes. The collectives offered a safe space for women to connect, share their stories, and voice their concerns (Ministry of Human Resource Development, India n.d.).

A turning point occurred in 1991 when a woman in Gujarat was murdered by her husband. The tragedy spurred the women's collectives into forming a dispute resolution body focused on providing fair outcomes for women. Over time, similar incidents led to women's courts being established in other states, and eventually, they were formally integrated into the *Mahila Samakhya* Programme in targeted states. A legal committee was established at the

district level and was trained to resolve women's disputes. Members of the legal committee were appointed to the women's courts. As the initiative became popular, women outside the collectives approached the women's courts with their problems (Ministry of Human Resource Development, India 2008; Purushothaman 2011; ICRW 2002).

The women's courts meet at a specific date and place every month in government offices, school buildings and informal, open public spaces such as village squares. They deal with problems of women related to domestic violence, bigamy, desertion, rape, infidelity, dowry, child marriage, trafficking, land and inheritance. They operate as informal, conciliatory, non-adversarial dispute resolution mechanisms. They ask the justice seeker what he/she wants, document the complaint, send a written notice to the other party to the dispute to appear before the court and explain the problem from their perspective (Ministry of Human Resource Development 2013; Purushothaman 2011; Kethineni et. al 2016).

After both disputing parties share their grievances, the women's courts verify facts with the support of relatives, neighbours, elected officials, community leaders and the police. They use mediation, negotiation and conciliation to facilitate agreements between the disputing parties. To do that, the women's courts use their knowledge of local practices, customs and social networks. In several of these steps, the women's courts invite other community members to witness the procedures to maintain transparency in the proceedings and build social pressure on perpetrators (ICRW 2002).

In cases where the complainant wants to keep the details of the dispute private, such as in the case of sexual abuse, the women's courts keep the negotiations private and provide counseling and emotional support. They document decisions and agreements between the disputing parties in the presence of community members, elected officials, police, neighbours and relatives of disputing parties. Once the decision is

issued, a few members follow up with the victim to ensure that the decision is upheld. They may also assign this responsibility to local elders in the village or ask the disputing parties to appear before them again after a specified period (Purushothaman 2011; ICRW 2002; Potthoff 2016).

These are the standard operating procedures of most women's courts in the country. In 2016, the Government of India discontinued the *Mahila Samakhya* programme, and the women's courts subsequently stopped receiving government support. In 2022, the women's courts were re-established under the central government's Mission Shakti programme (Ministry of Women and Child Development, India 2022; Jha, Menon, and Ghatak 2022).

4. Assessing women's courts against the parameters of the service delivery model for women-led community justice services

In the above section, we have explained the significance of the parameters for women-led community justice services and how they can be operationalised by designers of the dispute resolution systems, donors and governments. In this section, we assess the extent to which they have been applied in the women's courts in India. Rural India, where the women's courts operate, is characterized by patriarchal social norms where women are required to leave their maternal home after getting married. They are expected to live with their in-laws and perform household work or work in agricultural fields owned by their in-laws. The literacy rate among rural women is low (Gupte 2023; Purushothaman 2011).

They are economically dependent on their husbands and marital family, as returning to their maternal home after marriage has a stigma attached to it. Their access

to the formal justice system is limited by geographical distance and social norms that prevent women from speaking against their own families (ibid). As mentioned previously, men-led caste-based *panchayats* (community justice services) resolve disputes in villages in India. While women are allowed to approach the panchayats, the male justice workers hold patriarchal values, which leads them to overlook women's needs.

At the same time, social norms are changing thanks to women empowerment programmes related to literacy, upskilling and income generation implemented by the Government of India. Social practices like dowry that harm the well-being of women have been outlawed and laws against domestic violence have been strengthened (Potthoff 2016). All of these factors necessitate and enable the functioning of user-centered and affordable community justice services for women — as promoted by the parameters we propose.

4.1 How and to what extent have the women's courts created buy-in and trust among community members?

The women's courts did not undertake special efforts to generate community buy-in and trust. It was effective problem resolution that helped them gain legitimacy. Also, the leaders of women's courts are a part of the larger collectives organised by the *Mahila Samakhya* programme to promote women's empowerment. Participants of the collectives discussed personal challenges and interacted with administrative bodies to resolve village-level problems. They were provided basic literacy, information about their rights and entitlements and critical thinking skills about their role and contribution in society. This fostered trust and solidarity among the women and instilled confidence in their abilities. As a result, the participants of the women's collectives trusted the ability of the leaders

of women's courts to resolve their justice problems (Ministry of Human Resource Development, India 2008).

Plus, the *Mahila Samakhya* programme targeted mobilising women from socially and marginalised communities. As a result, women from scheduled castes and tribes and those who are landless or perform wage labour on the farms of others did not face discrimination. This made the women's courts inclusive and representative, leading vulnerable women to trust the women's courts. An interview with an expert who had worked in women's courts in the state of Karnataka indicated that upper caste women also sought help from the women's courts due to the scarcity of resources available to women in remote areas (S. Menon, personal communication, November 8, 2024; Ministry of Human Resource Development, India n.d).

However, securing the buy-in and trust of the larger community was not easy. Reports indicate that the leaders of the women's courts were initially harassed and shamed by community members for taking on roles outside of their homes. Men in the community also pressured local elected officials and administrative officials to not cooperate with women's courts. The community members also doubted the motives of the women's courts as such an initiative did not exist before. Their effective dispute resolution within the framework of social norms helped them gain social recognition (Ministry of Human Resource Development, India 2008; ICRW 2002).

As a result, over a period of time, the men who are the other party to the dispute usually accept the mandate of the women's courts to resolve the problem. When men did not cooperate with the women's courts, the latter successfully applied social pressure on the men. At times, men requested support from women's courts to resolve marital disputes. And in such cases, the decisions of the women's courts were characterised by a maternal instinct that protected the interests of the aggrieved men (Bose 2024; Vatuk 2013; Potthoff 2016; ICRW 2002; Purushothaman 2011).

Cooperation between women's courts and men-led community justice services emerged organically. Over the years, the leaders of women's courts have gained social recognition, successfully contested village-level elections and implemented infrastructure projects like building streets, wells and electricity connections (ibid).

4.2 How and to what extent have women's courts identified and monitored the outcomes that female complainants seek?

Women's courts ask about the outcomes that complainants want for a problem. Being a small part of a larger programme, they have not been equipped with advanced infrastructure and procedures to monitor the outcomes that complainants receive. Complainants commonly want resolutions that allow them to return to their marital homes after being expelled by their husbands or in-laws, restore their rights to meet with their children, secure divorce and maintenance, and reclaim their entitlement to home and property, among other concerns. The women's courts negotiate with the other disputing parties to address these needs (Purushothaman 2011; ICRW 2002; Potthoff 2016).

In cases of sexual assault and severe domestic violence, women's courts provide shelter and rehabilitation for women who do not wish to return to their marital homes and cannot return to their natal families. Leveraging social networks within the village and welfare schemes, the women's courts facilitate temporary and long-term housing solutions. They have helped divorced women get remarried and secure spousal support and maintenance. When women sought reunification with their families, women's courts successfully secured commitments from husbands and in-laws to stop the violence and mistreatment (ICRW 2002; Kethineni et. al 2016; Purushothaman 2011). In a nutshell, the women's courts strived to balance social norms with the specific needs of women.

Some scholars question whether women's courts can fully provide women with legal protections due to their limited legal literacy. However, the alternative of going to formal courts often involves high costs and lengthy resolution times, which can lead women to forgo their entitlements or turn to male-led community justice services, where they may have to pay excessive fees, bribes, or may not have the opportunity to speak freely, face apathy and gender-based discrimination (Purushothaman 2011; Iyengar 2010). In comparison, the outcomes delivered by women's courts are seen as better for the well-being of female complainants.

While the women's courts did not monitor outcomes, a study conducted by the International Centre for Research on Women (2002) in Gujarat illustrated that most complainants experienced positive outcomes after the dispute was resolved, such as confidence in tackling new problems or in the ability to protest, an increased role in decision-making in the family and respect from husbands. In very few cases, the physical and psychological violence continued. At the community level, the discussion of various forms of gender-based violence in the public space has reduced the shame associated with it. As a result, there is improvement in the sense of responsibility and accountability that the community attaches to the welfare of women.

Similarly, when women's courts made decisions that ensured the wife's right to inherit the deceased husband's property, it changed social norms and economically empowered women in the community. The perception of community regarding the members of the women's courts has also changed over time. They now accept and respect the female justice workers in their new role. Given that the women's court leaders come from marginalised castes and are landless, this change in the community's perception of them has also empowered them (ibid).

4.3 How and to what extent do women's courts balance the application of laws and human rights frameworks with social norms and use evidence-based dispute resolution techniques?

Research indicates that while the women's court leaders received initial training at the program's inception, they have not been consistently trained in key legal areas such as marriage, divorce, property rights, violence against women, or the formal procedures for filing cases. So their understanding of legal frameworks is often limited and they cannot accurately interpret legal documents or offer effective legal advice when disputes need to be escalated to formal courts. Their verdicts are sometimes challenged in formal courts. However, in most cases, the women's courts have successfully facilitated divorces, secured spousal maintenance, and upheld women's property rights, often with the support of external lawyers or using the threat of legal sanctions (Iyengar 2010; Purushothaman 2011; ICRW 2002; Goodmark 2015).

So while the women's courts were not afraid to apply legal remedies and push the boundaries of social norms to protect the rights of women, they frequently resolved disputes by using diplomacy, negotiation, and their understanding of local norms. Instead of penalising perpetrators who abused or deserted women, they tried to protect the marital bond taking into consideration the economic dependence many women have on their husbands and their inability to return to their natal homes (Iyengar 2010; ICRW 2002; Goodmark 2015). By combining informal dispute resolution methods and local customs, they try to create equitable gender relations within the framework of marriage.

The overall dispute resolution process observed by women's courts, as explained in the overview section, is aligned with community justice services in various parts of the world. Yet, the leaders of women's

courts did not use evidence-based dispute resolution techniques. No efforts were made to compile the best practices of women-led community justice services in resolving different types of disputes. Information about the content of the training programmes for leaders of the women's courts is not available, so it is not certain whether women's courts benefited from insights on dispute resolution techniques like mediation and negotiation given in the literature.

4.4 How and to what extent have the women's courts established a referral pathway to the formal justice system, administrative officials, social workers and other allied professionals?

The women's courts have established a referral pathway to the formal justice system including police and courts, in cases of serious nature such as rape, extreme physical abuse, divorce and spousal maintenance. However, they faced challenges when doing so. Some leaders of women's courts are intimidated by court procedures. Many face obstacles in the form of uncooperative or corrupt police officials due to which cases were not registered and investigated in time. At the same time, there are instances of cooperation leading to an exchange of cases between the two, and the police enforce the decisions made by the women's courts (Purushothaman 2011; Potthoff 2016).

In the state of Karnataka, an initiative funded by USAID, connected women's courts to a helpline managed by social workers, which led to the resolution of 10,000+ cases in three years. However, human and physical infrastructure, such as social workers and women's shelter agencies is unavailable in most rural areas where women's courts operate. In their efforts to rehabilitate and shelter women, women's courts help female complainants access welfare benefits for women through administrative officials (Purushothaman 2011; Potthoff 2016).

4.5 How and to what extent are the women's courts affordable and financially sustainable?

The operations of the women's courts, including the cost of field visits and verification of evidence, are paid for with the registration fees charged to the justice seeker. This fee is affordable, ranging from Rs.250 (3 Euros) to Rs.1000 (12 Euros), depending on the ability of the client to pay. The collected fees are maintained in a bank account managed by the *Mahila Samakhya* Federation. If the complainant cannot afford the registration fees, the women's courts waive them. Since the women's courts use existing government buildings or open public spaces to convene, they do not incur the cost of maintaining physical infrastructure. This makes the women's courts an affordable dispute resolution system for women in rural areas (Purushothaman 2011; Kethineni et al. 2016).

The *Mahila Samakhya* programme supports the women's courts in meeting some of their expenses. Given that the members of the women's courts are themselves socially and economically marginalized women who often work as wage labourers in agricultural fields, they may incur a loss of income on the days they participate in dispute resolution. Except for the government of Gujarat, which reimburses the members for 2 days of work, the other two states do not provide an honorarium to leaders of women's courts (Purushothaman 2011). An honorarium is likely to help them meet their household needs and the justice seekers more effectively.

Unlike healthcare programmes in India that are women-led and community-based, the *Mahila Samakhya* programme was not a flagship programme of the Government of India. So, a modest amount of funds was allocated to it. Plus, the programme competes with new women-centric welfare schemes such as *Beti Bachao Beti Padhao* (translated as Protect Daughters, Education Daughters), due to which the funding for this relatively niche programme was

reduced and finally stopped in 2016 (Johari 2015). Anecdotal evidence indicates that this emboldened abusive husbands and in-laws to resume violence (Bose 2024). In the absence of support from the government, some of the leaders of the women's courts are bearing the expenses themselves.

To conclude, while the services of the women's courts are affordable for justice seekers, there is room to make this a financially sustainable programme for the leaders of the women's courts. For that, the government's commitment to reviving the women's courts under the 'Mission Shakti' programme indicates its willingness to fund the programme. To prevent the initiative from being paused again, the government can explore the possibility of raising funds from social impact investors.

5. Conclusion

The experience of women's courts in India provides a powerful case study for the effectiveness of women-led community justice services. It gives insights to donors, policymakers and dispute resolution system designers on the challenges and enablers they might encounter applying the parameters to the service delivery model of a women-led community justice service. Their skill in negotiating disputes while balancing adherence to social norms and applying laws that protect women's rights, successfully securing the cooperation of local administrative officials and elected leaders and affordability is by the parameters that we identify. The parameters on which women's courts in India did not assess positively are related to monitoring outcomes, using evidence-based dispute resolution techniques, establishing a reliable referral system to the formal justice system and financial sustainability.

The formal and informal justice systems are either inaccessible, unaffordable, or discriminatory towards women. As calls for women's empowerment continue to grow, women-led community justice services

emerge as a promising alternative. They hold transformative potential to advance Sustainable Development Goal 5 on gender equality and Sustainable Development Goal 16 on equal access to justice for all. Drawing from the experience of development actors in improving men-led community justice services, we recommend key parameters that are important for the service delivery model of a women-led community justice service. By adopting the proposed parameters and learning from existing examples of women-led community justice services, actors in the justice system can build more inclusive, equitable, and resilient justice systems.

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