

## Refereed article

## Women within Family Disputes in Rural Northern Karnataka, India: Making and Negotiating a Claim at a *Nari Adalat*

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### Summary

The focus of this paper is on one type of legal forum dealing with family disputes in rural India — the *nari adalats*, women's courts. The *nari adalats* operate alongside both state and so-called "traditional" legal forums, but are at the same time entangled with those as well. Taking a perspective of legal pluralism, this paper emphasizes the need to look beyond a positive law and how women's rights are articulated within it, and shows how this is crucial for understanding women's agency within family disputes in rural India. My purpose here is to outline how women in specifically rural northern Karnataka, south India, attain the capability to make and negotiate a claim for their rights within a family dispute setting. My premise is that this capability corresponds to agency, and depends primarily on the configuration of gender and kinship relations on the one hand and on the woman's material and intangible resources on the other — the latter being exemplified by Indian women's self-organization, interpersonal trust, and alliance building. Finally, this paper makes a case for moving beyond the dichotomous conceptualizations — modern versus traditional, state versus non-state, and secular versus religious — that are often employed within the academic discourse on women's rights and law in India. Ultimately only by taking the empirical constellations and dynamics of legal pluralism carefully into account can women's gendered and pluralistic legal realities be adequately addressed.

**Keywords:** India, family disputes, legal pluralism, women's courts, agency, self-organization, trust, alliance building

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## Introduction

The Indian legal system is characterized by a plurality of legal norms and a multitude of legal forums and authorities. The Indian state accepts de facto the coexistence of a plurality of different “traditional” and “customary” legal authorities and forums, as well as state-run family courts that deal with family disputes. The non-state legal forums are comprised of a multiplicity of informal legal bodies and authorities (Randeria 2006). These include the (traditional) *panchayats*, also known as elders’ councils and often linked to caste (Chowdhry 2004; Hayden 1984, 1999; Holden 2003), and the more narrowly defined kinship forums. There are also a range of more recently introduced legal forums now available too, ones in which women find a more benevolent reception for their concerns. Examples of these latter forums include, for instance, the All India Muslim Women’s Personal Law Board in Lucknow (Dequen 2012), the Social Reform Committee in South Rajasthan (Hong Tschalaer 2010), and the *nari adalats*,<sup>1</sup> in Uttar Pradesh, Gujarat (Randeria 2004), and Karnataka. The *nari adalats* in the district of Gulbarga in northern Karnataka are the units of analysis in the paper presented here. Based on seven months of fieldwork conducted between September 2011 and March 2012, this paper discusses how *nari adalats* are now enabling women in rural northern Karnataka to increase their ability to make and negotiate a claim for their rights within family dispute settings.

For a long time, Indian women’s movements blamed either the so-called “traditional” and religious values and patriarchy embodied in Religious Personal Laws (RPLs) and so-called “traditional” legal forums or the Indian state’s inability to implement its laws concerning discrimination against women (Kapur 2012; Sunder Rajan 2003). These positions are based strongly on a liberal faith in state institutions and the rule of law and, at the same time, reveal feminists’ and women activists’ ambivalent relationship to the Indian state, because certain of its laws are discriminatory against women. The several reforms implemented in Indian family laws — mainly in the Hindu RPLs rather than in the Muslim ones — as well as the implementation of different women-specific acts like the Special Marriage Act (1954), the Protection of Women from Domestic Violence Act (2006), and the Prohibition of Child Marriage Act (2006) — theoretically applicable to all women in India — did not contribute to greater justice for women in practice. Despite recent diversification in the social positions of women within Indian society (Hasan/Menon 2006; Kirmani 2011, 2013; Pfaff-Czarnecka 2007, 2010), it is important to recognize that the gap between women’s statutory rights and their implementation has not diminished in India in recent years — neither for Christian, Hindu, nor Muslim women (Kapur 2012: 341; Tourquet et al. 2011).

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1 This term is Hindi in origin, and means “women’s court.”

Bearing in mind Santos' (2006) critic of a modernist legal view, this outcome is not surprising. Santos reminds us of the importance of recognizing that global and national calls for legal and judicial reforms in developing countries must not operate "as if the developing countries were a legal and judicial *tabula rasa*" (2006: 70). In fact, he argues further that "the neglect of non-state legal structures, combined with the intense, globally induced call for reform and the changes in the role of the state, ended up widening the gap between the law-in-books and the law-in-action" (2006: 40). Various examples of this for the specific case of India can be cited: Agnes (2008) and Hasan and Menon (2006) conducted surveys on women's situations that found that despite polygyny being forbidden in Hindu but not in Muslim RPLs a higher percentage of Hindu rather than Muslim marriages are indeed polygynous. Desouza's study (2007) on marriage, inheritance, and succession in Goa, meanwhile, shows as well that bigamy is prevalent across Catholic, Hindu, and Muslim communities. Goa is the only Indian state that instituted a Uniform Civil Code (UCC) in 1867, and therewith bigamy is considered under Section 494 of the Indian Penal Code to be a criminal act for all communities situated within its territory.

Further work by Hasan and Menon (2006) draws attention to a girl's minimum age for marriage. They point out that while Hindu RPLs set the minimum age for marriage at 18 years old for girls, in practice these individuals are usually two to six years younger at the time of their marriage. Pande summarized the three studies conducted in different federal states across India that have between them shown that irrespective of religion, caste, class, age, education boundaries, as well as "regardless of the level of economic prosperity or literacy rate, two out of every five wives in India experience physical abuse" (2002: 344). Domestic violence is today governed by secular national law — namely Section 498A of the Indian Penal Code and the Protection of Women from Domestic Violence Act — and not by the RPLs (Basu 2006).

Rather than placing the emphasis on either legal forums and norms, which are discriminatory against women regardless of whether they are based on religious or (allegedly) secular concepts,<sup>2</sup> or on state legal institutions and authorities, which have seemingly failed to implement state laws for the benefit of women, I place the focus in this paper instead on the entanglement of everyday life and jurisdictions — that is, on the practice of law. This is done in order to illustrate women's active participation in the ongoing transformation of unequal gender and power relations in Indian society. I suggest that everyday life and jurisdictions should not be perceived as being realms that are detached from one another, because the processes wherein the relationships between bodies of law are maintained and changed take place in many rooms beside the courtroom: in everyday interactions, in disputes occurring in

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2 There exists currently a huge academic debate on secularism in India. See, for instance, Sunder Rajan and Needham (2007).

villages, in provincial, district, and village politics, in parliament, the media, and nongovernmental organizations (Benda-Beckmann, F. and K. 2006; Galanter 1981) to name but a few. Consequently, this paper makes a case for understanding women's agency in family disputes as being governed by both state and non-state actors and as being negotiated in various legal settings and according to diverse types of norms and morals. In doing so I avoid explaining a woman's capability to make and negotiate a claim for her rights being based on the dichotomy of modernity — which is often put on the same level as the state legal system — and tradition — itself frequently put on a level with RPLs. I argue instead that the *nari adalats*, as a form of women's self-organization and alliance building, are promising possibilities for reducing women's dependency on their relatives by enabling the former to become “agents in their own lives” (Harcourt et al. 2002: 45).

In order to better understand the relationship between women's self-organization and their greater agency, the first section of this paper takes a closer look at how women's self-organization in rural northern Karnataka first started and at how it is today performed. The presentation of the history of women's organizations and institutions there illustrates specifically how the members of staff of the women's organization Mahila Samakhya Karnataka (MSK) — as well as rural women who later became members of women's *sanghas* and *nari adalats* — established relations of trust among and between themselves so as to bridge class, caste, and ethnoreligious differences. It is shown that these women created social security systems existing beyond their kinship relations in financial — but particularly in social — terms. In so doing, these women established a reliable basis for challenging unequal gender relations within marriage and the family — albeit with certain limitations. These I will explain in detail in the final section of this paper, by presenting two related case studies.

Second, the paper discusses how the *nari adalats* evolved into socially accepted legal forums dealing with family matters, ones that feature in Indian society alongside existing legal forums such as state-run courts, (traditional) *panchayats*, and *gram panchayats* (self-government on a village level). The paper shows that the *nari adalats* created a “social space” wherein especially poor rural women — who may be Hindu, Muslim, or tribal<sup>3</sup> in origin — became able to voice and negotiate their claims for maintenance payments, property rights, child custody, or divorce.

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3 “Scheduled Tribes” (STs) is a collective term for a number of diverse ethnic and tribal groups that are believed to be the indigenous population of India. When the British passed The Government of India Act (1935) and thereafter (1936) published a “schedule” of “depressed” castes and tribes, the aforementioned term was born. The new act abandoned the earlier term “Depressed Classes,” commonly used prior to this juncture, in favor of the additionally newly introduced term of “Scheduled Castes” (SCs). After independence, the Constituent Assembly continued using the prevailing definition of Scheduled Castes and Tribes — issuing (via Articles 341 and 342) the president of India and the governors of the federal states with a mandate to assemble a listing of castes and tribes. As per the Census of 2001, the SCs constitute 16 percent of the total Indian population whereas the STs constitute 8 percent thereof.

Thus, this section discusses both how the judges and jury members of the *nari adalats* attain agency and how the women involved voice their claims as well.

Third, taking as an example the cases of Sanu and Gita,<sup>4</sup> the paper elaborates how a woman needs a supportive environment in order to increase her capability to make and negotiate a claim for her rights within a family dispute setting — and, furthermore, that the state courts cannot provide this. This environment generally consists of state and non-state actors, ranging from family members, neighbors, village elders, members of the *gram panchayat*, and police officers to staff members of the MSK and the paralegals of the *nari adalat* — who support each respective woman with her claim.

### **Women's self-organization in *sanghas* and *nari adalats*: Creating relations based on trust**

The MSK was established in 1989 as a government program for women's empowerment and gender equality, being started by the Ministry of Human Resource Development under the auspices of the Department of Education. It developed out of the new Education Policy of 1986, which stressed the need for an intervention being made so as to create gender equality through the education of women. Simultaneously, the MSK arose out of a movement for gender equality and as a consequence part of the organization's program became concerned with the establishment of women's *sanghas* and later on the *nari adalats* (Mahila Samakhya Karnataka 2015). The MSK program focused on rural women from Scheduled Castes (SCs). In the beginning, the main difficulty that the MSK faced in its work was how to even access the country's villages and the SC women living in them. MSK staff members had to deal with objections and mistrust from the villagers, and furthermore had to navigate between protecting their own safety and establishing a rapport with the SC women and their families. For this purpose, MSK used various strategies (to be presented in detail in due course) that attracted the SC women's interest in their persons and in their projects. This interest would later be translated into personal relations of trust between the SC women and certain MSK staff members.

Trust evolved to be a core category in the establishment of concrete forms of women's self-organization in the district of Gulbarga located in northern Karnataka. Further elaboration follows on how relations of trust were created at three different levels throughout the entire process of establishing women's self-organization: at the one of MSK and the SC women, then between the *sangha* and non-*sangha* women, and finally between the *nari adalats* and state as well as non-state entities. I consider Luhmann's (2000) definition of trust to be useful here, because of his differentiation between that and "confidence". In so doing, he delineates how the "development of

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4 Names have been changed to protect anonymity.

trust and distrust depends on local milieu and personal experience” (Luhmann 2000: 103). He moreover specifies trust as a solution for specific problems of risk. Accordingly, trust always requires a previous decision on one’s part and this self-activity can only occur in conditions of familiarity.

Pertinent to my topic, Luhmann’s conceptualization of trust explains the difficulties that MSK staff members had in building up such relations with the — to them previously unknown — SC women in a — to the MSK staff members unfamiliar — local milieu, and vice versa. Both sides had to actively opt for the risk that goes along with being unknown to each other but still deciding to trust the other regardless of this. According to Luhmann, a situation of confidence (as opposed to trust) is defined as one of not considering alternatives and not taking a risk because someone is confident that her or his expectations will not be disappointed. To be confident in the legal system accordingly means that somebody expects that it will function as he or she had expected.

In my case, the SC women’s confidence in the state — as well as in the traditional legal system — did not remain low because they are mainly on the receiving end of injustice rather than justice, which is what they expect when they apply to a state-run family court, a *gram panchayat*, or a (traditional) *panchayat*. Several studies on law and society have shown that various legal forums in India barely ensure justice for women, especially for poor women in both rural and urban areas. Some example of these scholarly works are: Srimati Basu (2006) for the Family Court and the Women’s Grievance Cells associated with the Police in Kolkata (West Bengal), Livia Holden (2003) and Prem Chowdhry (2004) for traditional and caste *panchayats* in Madhya Pradesh and in Haryana, Erin Moore (1993) for Muslim healers in Rajasthan, and Pratiksha Baxi (2010) for a trial court in Ahmedabad (Gujarat). Being confident that the legal system will deliver injustice might make interpersonal relations based on trust particularly important in obtaining justice. On the basis of this assumption, I further discuss the extent to which trust is a relevant dimension in the adjudication of a woman’s claim to rights in rural northern Karnataka.

As noted, MSK staff members used various strategies to establish familiarity — because a known atmosphere is conducive to trust being built. In Luhmann’s words, MSK staff members offered possibilities for “personal experience” in a particular “local milieu” through their attempt to overcome class, caste, and ethnoreligious social boundaries. First of all, street plays helped MSK staff members to gain the attention of the villagers. Second, the former also made use of local hierarchies. They thus talked to important people in the villages like the elders and the *gram panchayat* members. This respect for local power relations demonstrated by MSK staff members allowed them greater access to the other villagers; however achieving direct contact with the SC women, the core purpose underlying their endeavors, still remained difficult. Establishing a reliable relationship with the SC women was made

even more complicated by the necessity of entering their homes, so as to obtain sufficient time to talk with them.

Via drinking tea and eating food together in particular, MSK staff members were able to bridge the situational caste, class, and ethnoreligious social boundaries between themselves as upper caste and class urban Hindu and Muslim women and the SC women that they were visiting. MSK staff members attempted to combine the creation of a “social space” that simultaneously enabled both interaction and the fulfillment of housework responsibilities by the SC women. Consequently, MSK staff members and the SC women held discussions while the latter did their housework. MSK staff members also visited the SC women in the evenings when they were free from their household duties. In order to even be able to enter the houses and to stay overnight it was obligatory for MSK staff members to convince the SC women themselves — and, moreover, their husbands and parents-in-law — of the importance and relevance of MSK’s activities. At this point the active part involved in taking a risk becomes nicely evident because alternative course of actions certainly did exist for these rural women. They could have, for instance, refused to interact with MSK staff members due to their concerns about being cheated, as they had previously experienced with others — politicians for example — who had supposedly wanted to “help them” in the past.

The SC women increased their self-confidence as a result of these relations of trust formed with MSK staff members and thus started to meet in women’s *sanghas*. The sharing of knowledge and experiences on daily issues with fellow *sangha* members and on an ongoing basis with MSK staff members strengthened them in what they were doing, because they recognized that these were subjects that belonged to all of them. General issues at stake were physical and/or psychological harassment by their husband, father-, brother- or mother-in-law for bringing in too little dowry, for cooking badly, for not adjusting to the in-laws, and for visiting their family of origin. Other topics broached were the ramifications of second wives being taken and the consumption of alcohol by their husbands. At the outset of the MSK project, the male relatives in particular of the women taking part in these meetings generally objected to their wife’s or their sister’s articulated interests. As a result, MSK staff members strove to include the women’s relatives even more intimately in their projects. Simultaneously, the former also attempted to gain the trust of more women in the *sanghas*.

Regarding the aforementioned three levels of trust, the first embraces the relationships formed between MSK staff members and SC women on the basis of regular face-to-face interactions across class, caste, and ethnoreligious social boundaries. In contrast, the second level includes the relationships of trust emerging between *sangha* members and the other women of their villages who were not *sangha* members; these relationships of trust were based on similar living conditions and shared daily problems. For these women, joining a women’s meeting implied

running similar risks — but likewise raising hopes — because of their comparable living conditions. Precisely this mutual exchange of knowledge and personal experiences in the meetings increased trust in the usefulness of women’s *sanghas* and strengthened the sense of community to be found in them. Over time, more and more Muslim and a few tribal women sharing similar living conditions joined these *sanghas*.<sup>5</sup> As a result, these communities of women’s *sanghas* were grounded primarily in the participants’ shared experiences.

The establishment of trust between different actors across class, caste, gender, and ethnoreligious social boundaries, and at the same time the sharing of personal experiences and knowledge among women inhabiting similar living conditions, is exactly what increased the agency of women’s *sangha* — and later on *nari adalats* — members in dealing with women’s matters. The founding of the first *nari adalat* in the district of Gulbarga was also initiated by MSK; however, without the active engagement of *sangha* members this outcome would never have been realized. The *sanghas* selected some members from among their ranks who were particularly self-confident, who had previously spoken in front of other members, and who had already dealt with family disputes to become the judges and jury members of the *nari adalat*. In addition, the individuals selected also attended legal training programs organized by MSK. They worked without pay, but received reimbursement for their travel expenses from court fees.<sup>6</sup>

### **Making available socially accepted legal forums: Creating a social space for negotiating women’s claims**

Generally, in the women’s *sanghas* as well as before the *nari adalats* at least one member of a woman’s birth family supports the claimant. These supporters are mainly the elder brother(s), the father, the mother, or a grandmother. They take the woman’s demands seriously and want a change in her living situation; however, the necessity of saving the woman’s — and thereby her whole family’s — honor is of the utmost importance, and thus has to be taken into account when (re)negotiating a woman’s position within her family.

The constitution of the women’s *sanghas* as family units is very useful therefore, because it makes them belong to the realm of the “private” rather than to the “village public” — which includes the neighbors, village elders, and members of the *gram*

5 The district Gulbarga had about 2,566,326 inhabitants in 2011, with 1,730,775 of them living in rural areas and 835,551 in urban areas (Census of India 2011). Of the Muslim population, 51.9 percent lived in urban areas like Gulbarga and Jevargi town, and 48.1 percent in rural areas; however, only 33.6 percent of the total urban population is Muslim. In contrast, in rural areas only about 12 percent of the population is Muslim (Census for India (2001) data on religion; Sacchar Committee Report (2006)).

6 The *nari adalat* requires an initial fee of 300 rupees and then subsequently an additional 200 rupees to be paid for each claimant. Approximately 73 rupees corresponds to 1 Euro (as of Oct 12, 2015).



*panchayat*. The construction of privacy in the women's *sanghas* is based on the trustful relations established between its members, who expect one another to deal discreetly with their personal matters. This privacy consequently excludes the village public from interfering and thus ensures the protection of a woman's — and, with it, the whole family's — honor. The women's *sanghas* have had, however, to include also a woman's relatives in order to come to satisfactory solutions to demands — although they discuss a woman's claim with her relatives within the four walls of their house rather than in the public domain of the village. This is in contrast to the strategy of the *nari adalats*, which have specifically made use of the village public in order to pressure the claimant's relatives into compromising on their stance.

The *nari adalats* operate primarily on the block level<sup>7</sup> and always involve several family members of the wife and the husband, usually the neighbors of both parties, and one or two MSK staff members. Moreover village elders and *gram panchayat* members often take part in the hearings, and sometimes even police officers, reporters, or social workers attend the meetings too. Voicing a woman's demands in the public space of a *nari adalat* implies taking a risk because such behavior is an affront to local gender orders, and carries with it a certain risk of being socially excluded. In order to avoid such exclusion and so as to increase a woman's capability to successfully negotiate her claim, the paralegals of the *nari adalats* establish alliances with certain state and non-state actors who support each respective woman's demands. As a result the *nari adalats* constitute a protected "female social space" (Lachenmann 2008: 26; Spiegel 2010; Strulik 2014: 317), one which allows a woman to speak up and to be heard. Even though the construction of the private and the public strongly differs between a women's *sangha* and a *nari adalat*, in both of these forums the women feel freer to voice their experiences and to share their concerns on family matters.

I follow here Bourdieu's (1985) conception of social space. He defines it as one possible representation of the social world, and puts forward the idea that social space is "constructed on the basis of principles of differentiation or distribution constituted by the set of properties active within the social universe in question" (1985: 724). In this sense the social field is conceived of as being "a multi-dimensional space of positions" (1985: 724). Most relevant here is the fact that the social world is largely what involved agents make of it, but they can only do this from the position that they occupy within it. Accordingly, power relations strongly influence the struggles over the preferred definition of the legitimate principles for dividing up that social field.

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7 A district is an administrative unit that consists of several blocks; a block, meanwhile, is an administrative unit that was introduced by the Constitution following independence, as the intermediate level of administration between district and *panchayat*.

In this respect social spaces can be characterized as producing meaning and discourses. Consequently, the women's *sangha* members and the paralegals of the *nari adalats* gain agency through the constitution of their respective institutional bodies, because by so doing they brought a female social space into being wherein they can more forcefully negotiate about which knowledge should be valid and socially accepted. Negotiations about the meanings of gender justice and over women's demands thus take place in these settings, and various strategies to help achieve greater justice for women therewith become apparent.

The paralegals of the *nari adalats* navigate between fulfilling gendered social expectations and struggling for justice for women, specifically by providing both social and emotional support to each other through active networking. Following local gender orders was at least partially necessary initially, so as to prevent mistrust arising on the part of a woman's relatives. Thus, including the latter in the process of increasing a woman's agency within marriage and the family — as opposed to solely focusing on the woman in question — is important. The paralegals of the *nari adalats* attempt, for example, to make a woman's claim for maintenance payments or divorce socially acceptable, by making a woman's situational needs obvious to both her family-in-law and her family of birth. If necessary, this awareness raising is also extended to further actors such as neighbors, village elders, members of the *gram panchayat*, and police officers.

Against this backdrop, the paralegals of the *nari adalats* have to prevent the arousal of mistrust among a woman's relatives toward themselves and their activities. This is because a woman making a claim requires her relatives' acceptance of it, if she is to increase her ability to successfully negotiate during the hearing. Instead of talking about women's problems in abstract and generalized ways, the paralegals of the *nari adalats* highlight instead these concerns as being those of wives and daughters-in-laws — and specifically in terms of these individuals being sisters and daughters. Hence they try to address a wife's or a daughter-in-law's relatives by marriage on a more personal level, by introducing the wife or daughter-in-law as if she was a sister or daughter.

The *nari adalats* paralegals then continue to ask whether the family-in-law wants their own daughter or sister to be treated in the manner that they had treated their daughter-in-law or wife. Thus, the *nari adalats* paralegals expect that more empathy and understanding would evolve for, in particular, the situations of young wives and daughters-in-law within their new families when family relations from the nuclear family are invoked. Moreover the *nari adalats* paralegals' emphasis on kin relations is utilized to highlight a family-in-law's responsibilities toward the daughter-in-law and wife. In order to fulfill these properly, however, a woman's family-in-law needs to understand her living situation. Accordingly, personal experiences — in this case of a woman's husband, father-, mother- and brother-in-law — are relevant in increasing a woman's agency within marriage and the new family.

## Constituting a supportive environment for putting forward a woman's case by alliance building

The restructuring of a woman's daily environment through alliance building is essential if her capability to make and negotiate her claim is to strengthen, and also if the *nari adalats* paralegals are to enjoy greater agency in dealing with each case. Employing again Luhmann's terms, the *nari adalats* paralegals build with certain state and non-state actors relationships of trust that help to generate confidence in the *nari adalats* as legitimate legal forums that might deliver greater justice for women within marriage and the family. This is the third level of trust. In order to elaborate on this particular level, as well as on the limitations of the *nari adalats*, I now present first the case of Sanu and then afterward of Gita.<sup>8</sup>

Sanu is a Hindu woman about eighteen years old from Sadtkat, a small village located in the block Jevargi in the district Gulbarga in northern Karnataka. The village is quite far from the next city, which is Jevargi town, but it is close to the village Ijeri which has infrastructure like a bank, a primary school, and shops. Sanu has one brother, her father is a shepherd, and her mother has been a *nari adalat* member for two years. They live a simple life. Sanu was married at the age of two to her mother's father-in-law's sister's son from Neradgi, a neighboring village. Her husband was at that time 13 years old. He has four older brothers. Sanu's family and her husband's family are related to each other. Sanu's husband's oldest brother was to get married, and because the parents did not want their youngest son to marry last and wanted to marry him on the same day they looked for a wife for him.

Before Sanu was of age and went to her husband's house, her husband tried three times to marry another woman. Sanu's mother went to the village where the husband was to marry his second wife. As the engagement was about to take place, Sanu's mother came and told the woman's parents that the bridegroom could not marry because he was already married to her daughter. The costs for the engagement were 20,000 rupees. This happened twice. The husband lost his honor through that. The third time no one knew about the engagement, so he did get married that time.

When Sanu was of age she went to her husband's house. Her husband had already married another woman, but Sanu herself did not know that before she went there. She stayed in her husband's house three months, but he tortured her so much that she had marks on her legs and arms. Because of the violence Sanu went back to her parents' place. The mother

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8 The two cases are reconstructed from interviews I have conducted with *sangha* and *nari adalat* members.

first wanted Sanu to go back to her husband but he did not take Sanu back because he had already married another woman. He said that he was not responsible for Sanu, or indeed for anything. Even if he took Sanu back he would not be responsible for her, he told Sanu and her parents. Thus, Sanu stayed with her parents. After some time Sanu's mother went with a couple of family members to the husband's place to talk to him. At that time the husband was ready to give some land and a house to Sanu and her family, but he still said he would not be responsible for Sanu. She and her parents waited for a year for the husband to come to take Sanu back but he did not come. Then they went to a *nari adalat* to present their case.

When the case came to the *nari adalat*, the court members went to the husband twice to talk to him. He and his family did not agree to come to a *nari adalat* hearing in Jevargi town. They said the meeting should be held in their village, Neradgi. Accordingly the *nari adalat* called several persons to come to a meeting in the husband's village. The meeting in Neradgi was held with both families, *nari adalat* judges, and two staff members from MSK, but the husband still twice failed to attend. For the third meeting the *nari adalat* members called, in addition to the two families, the members of the *gram panchayat* of Neradgi, as well as *sangha* members and villagers from Sadtkat. The people from Sadtkat all hired private vehicles to come. About 40 people altogether gathered at this meeting. This time the husband turned up.

There in the meeting he also said he would not take Sanu into his house. His second wife has a house in Neradgi. Thus, the *nari adalat* members demanded a house should be given to Sanu in the village too and that the husband should pay all costs. Why should the first wife not get the same? The husband countered that his second wife had paid for the house on her own and because of that he would not pay for Sanu. Further the husband argued that he had already spent so much money on the marriage. He agreed that Sanu could stay in Neradgi but he would not take care of her. Due to that the *nari adalat* members asked for 1 lakh of maintenance money for Sanu. The villagers from the husband's village were very much against the husband paying maintenance. There is a women's *sangha* in Neradgi, but no *nari adalat* member was from there. Only by using the pressure of taking legal steps and going to a state-run court were the *nari adalat* members able to convince the villagers of Neradgi that the husband should pay maintenance to Sanu. It was the first case concerning maintenance payments in that village, which was why the villagers were so much in favor of the husband. There was no history of such cases before the *nari adalat* was formed there.

At last it was decided that the husband should pay 50,000 rupees. An elder villager was a witness to the agreement on that day. He said he would ensure that the husband paid up, but after two months the husband still had not done so. Some *nari adalat* members met the elder villager in the bank in Ijeri and called him to a *nari adalat* meeting in that village. They did so twice in fact. He had to come to Ijeri because his bank was there. After the second call from the *nari adalat*, the elder villager promised he would make the husband pay — he did not want to be called again to a *nari adalat* meeting because of the threat that would pose to his honor. Finally the husband paid 35,000 rupees to Sanu and her family. Sanu now lives with her parents in Sadtkat. Her mother is willing to marry her off again if someone comes to marry her daughter.

The *nari adalat* members utilized in this instance a plurality of actors, and also demonstrated great flexibility in handling Sanu's case. They talked several times to Sanu's husband and parents-in-law. As those individuals refused to take part in the *nari adalat* meeting, the court's paralegals asked members of the *gram panchayat* of the husband's village, women's *sangha* members, other inhabitants of the wife's village, and MSK staff members for assistance — a move that was ultimately successful. These strategies and solutions became manifest while negotiating the particular case in a manner contrary to that which is preordained by established legal norms and frameworks. The *nari adalat's* power does not depend predominantly on a particular legal framework but instead on its members' personal ability to steer relevant actors in ways favorable to a particular woman's demands. The paralegals of the *nari adalat* look for those individuals within different institutions and contexts with whom they can build fruitful alliances. Thus for the paralegals of the *nari adalat* it is essential that they acquire the support of others; it is less relevant if the persons that they build alliances with are part of traditional or modern, state or non-state, religious or secular institutions. Formally separate political and legal institutions — like *gram panchayats*, (traditional) *panchayats*, state-run courts, the police force, and women's organizations — become entangled in practice, and are furthermore all useful for the addressing of women's concerns. This important dimension of increasing one's agency becomes clearer in a second case, in which the paralegals of the *nari adalat* made use of exactly the opposite actors' support than they had done in the case of Sanu.

Gita is a Hindu woman who married a Hindu man from Karibosgar village, which is located in the block Gulbarga in the district Gulbarga in northern Karnataka. After the marriage, Gita lived with her family-in-law in Karibosgar. After one year of marriage, Gita suffered a cardiac infarction. After that she could not move some parts of her body properly. Due to this, her husband and her parents-in-law neglected her and so she went back to her parent's place. The parents brought Gita to a doctor, who treated her. After some time, she enjoyed a total recovery of health. Still,

her parents-in-law did not take her back. They said that they did not want to feed their daughter-in-law because she could not even eat alone since the cardiac infarction. The *nari adalat* members said that this was not the case. Gita was well again after the treatment by the doctor.

Gita's parents thus brought the case to Sahar, a senior *nari adalat* member from Karibosgar village who was once an elected head of the *gram panchayat*. Then the *nari adalat* members discovered that Gita's parents-in-law wanted to marry their son to another woman. On the day the wedding was to take place, Sahar and further *nari adalat* members went to Karibosga to meet them. The marriage was already taking place and the in-laws attacked the *nari adalat* members. Because of that they called the police for help. Furthermore, the *nari adalat* members talked to the parents of the woman who was to be married off to Gita's husband. They told them that Gita was fine again and if they gave their daughter to that man it would be an injustice to both women. Furthermore their daughter would be the second wife. Then the police came and the parents-in-law told them that their son's wife was not fit. She could not work in the household anymore and even needed help herself they reported. The husband said that he did not want to feed Gita anymore.

Gita also came, and she and her husband decided in front of the *nari adalat* and the police to divorce. The *nari adalat* members wanted Gita's family-in-law to pay a compensation of 50,000 rupees but they only paid 20,000 rupees. Of this 10,000 rupees were given to Gita's father, while the other half was put in a bank account in Gita's name. The *nari adalat* members looked at that time for a new husband for Gita. They later married and had three children.

Some *nari adalat* paralegals stand for *gram panchayat* elections like Sahar did. Should they be elected, they act within the *gram panchayat* for the benefit of the whole village by supporting infrastructure projects like building electricity pylons, streets, and wells. As a result, these *nari adalat* members increased their social recognition within the village and, with it, strengthened their ability to deal with women's cases at the *nari adalat* too — as Sahar's intervention in Gita's case testifies to. As a consequence the *nari adalat* has gained credence as a legal forum, primarily because of the degree of social recognition afforded to its members rather than due to the degree of formal institutionalization of it as a legal forum per se. As such, the judgments of the *nari adalat* depend on social acceptance for their efficacy — rather than being legislative or dependent on particular legal norms and standards. Despite the often strong resistance from a woman's family-in-law to the paralegals, as was seen in both of these cases, the *nari adalats* are generally able to continue assisting the woman in question because of the publicly displayed social acceptance of their suggestions by the police, members of the *gram panchayat*,

village elders, and other villagers — who can all bring pressure on the woman's in-laws to accept a compromise. The dependency of the *nari adalat's* judgments on social acceptance in a woman's environment is, however, not only auxiliary, and a woman's claim will not necessarily always be successful, because the proceedings of a case strongly depend on the power relations between the networks and alliances that the paralegals of the *nari adalats* are able to activate, which other participants rely on. In case of the paralegals of the *nari adalats* are unable to build supportive alliances that restructure a woman in question's environment this would barely bring about greater justice for her. In most of the cases comparable to those of Sanu and Gita, the *nari adalat's* judgments were partly implemented and thereby brought existing gender relations within marriages and families into question at least. In conclusion, my data supports Solanki's argument that "in a heterogeneous legal sphere characterized by different organizations, including civil society organizations, these [various legal actors and forums] counterbalance each other's power" (2011: 59).

## Conclusion

This paper has revealed how, in order to increase her capability to make and negotiate a claim for rights within a family dispute, an Indian woman requires broad social recognition within her daily environment and a protected social space in which she can voice her concerns. The *nari adalats* provide both of these, specifically through their self-organization by women and through their alliance building with state and non-state actors across class, caste, gender, and ethnoreligious social boundaries. The different levels of trust discussed in this paper have enabled the constitution of female social spaces wherein women are able to speak up about their family disputes and to be heard without offending their birth family's and their family-in-law's honor. In a society that demands that a woman protects her families' honor above all, such spaces increase an Indian woman's agency in family disputes.

In addition, the paper has outlined how the alliance building of the *nari adalats* paralegals with NGO staff members, village elders, police officers, and *gram panchayat* members is of great relevance to the increasing of a woman's capacity to make and negotiate her case. This is because a woman in rural northern Karnataka can only gain justice if the proposed solution to her claim meets with social acceptance within her immediate environment. Often the decisions of state-run courts in family disputes that are made in favor of the claimant are successful implemented only because the *nari adalat* members had already earlier generated social acceptance for the woman's demands in the neighborhood of the husband's village. Thus, a state-run court's decision might be ineffective in practice in those cases where the supportive environment for a woman's demands has not already been previously established. Hence publicly displayed social acceptance for a legal

decision regarding family affairs is essential, no matter which legal norms are referred to in the process and irrespective of which legal forum it is that decides upon that verdict. This makes the cultivation of supportive alliances and relations based on trust indispensable to women's quests for gender justice in contemporary rural India.

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