

WOMEN'S EDUCATION, EMPOWERMENT, AND
HUMAN RIGHTS EDUCATION:

THE MAHILA SAMAKHYA PROGRAM IN GUJARAT, INDIA

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EXECUTIVE SUMMARY

This research project explores the initiatives of the Mahila Samakhya (MS) Program, a government-organized non-governmental organization (GONGO) in the western state of Gujarat, India. The primary research question driving this study is whether, and if so how, MS initiatives are effectively promoting empowerment for marginalized Indian women. This project looks directly at access in the context of educational programs within the MS Program. The research conducted herein focuses on one of the seven major strategies of the program—the creation of a community-based, women-led alternative justice system called the Nari Adalats—to gain insight into how local-level initiatives can provide marginalized populations access to justice in a nation where the formal legal and political systems are hard to reach.

The research conducted to date offers a deeper understanding of: (1) the nature and impact of domestic violence and local-level dispute resolutions; (2) the mobilization of grassroots women's collectives and local-level strategies used to respond to domestic violence; and (3) the educational role of the MS program in supporting the development of alternative justice systems and preparing women to participate in this system.

The innovativeness and effectiveness of the MS and Nari Adalat program lies in its close ties to the community and local level. The women's collective, or sangha, model not only provides a safe space for marginalized women to gain the capabilities (knowledge and skills) to engage with larger social systems and structures, but also places the particular circumstances and needs of the women and their community at the center. The sangha

model tries to ensure that legal and governance systems remain relevant and thus effective for the everyday lives of rural Gujaratis.

This project offers a more nuanced understanding of how the Nari Adalats function, and how they provide women a path to engage with the legal system in an effective and efficient manner. The research reveals that one of the most important components of making the Nari Adalats successful is that women have been able to find a space where they feel supported, where they are able to gain confidence, leading them to engage in action. This is in line with the MS program's conceptualization of the educational process.

Although there are many innovative programs across India, and in Gujarat in particular, the MS program represents a program that at the same time has strong ties with the state and national-level governments and yet also is rooted primarily at the community and local level. This characteristic of the MS program supports the rule of law in India because it provides an alternative to top-down systems and structures, i.e., the formal legal and political system, to which most Indians do not have access. Instead, the MS program focuses on community building and local-level collective action and mobilization to create an alternative justice system and local-level governance. The program has the potential to increase democratic participation for marginalized women and girls, leading to a more stable and inclusive society.

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I. INTRODUCTION

This research study seeks to investigate the initiatives of the Mahila Samakhya (MS) Program, a government sponsored non-governmental organization (GONGO) in the western state of Gujarat, India. In particular this project investigates how the MS program provides girls and women educational support to better access the political and legal systems in society. The study pays particular attention to the creation of a community based, women-led alternative gender justice system called the Nari Adalats, to gain insight into how local-level initiatives can provide marginalized populations access to justice in a nation where the formal legal and political systems are hard to reach.

While there has been a significant amount of research on the MS program, there has been less research that focuses qualitatively on how women participate in community-based collective action and democratically engage with the political and legal systems. The primary research question driving this study asks: what are the socio-cultural barriers to

rural girls' and women's access to the political and legal systems in India, and what is the role of education in promoting the political dimension of empowerment? This project investigates the question of access in the context of educational programs within the MS Program. Preliminary research conducted in Gujarat offers significant insight into the identification of challenges related to the actual functioning of the MS programs when it comes to providing opportunities for low-caste women to participate in governance, and girls being able to exercise their agency given an extremely restrictive socio-cultural context.

India, a country of great social stratification, suffers from a severe marginalization of women that cuts across caste, class, and geographic boundaries. Despite constitutional guarantees and over fifty years of gender-oriented policies, women remain far behind men in all objective and material measures of well-being: health/nutrition, economic self-sufficiency, and education.¹ This inegalitarian social system leads to severe marginalization and undemocratic participation by over half of the Indian population—leading to social, political, and economic instability and strife and posing a severe threat to the rule of law.

This research looks to understand whether, and if so how, MS initiatives are effectively promoting empowerment for marginalized Indian women. Embedded within

¹ Wazir, Rekha (2000) *The Gender Gap in Basic Education: NGOs as change agents*. New Delhi: Sage; Jha, J. & Jhingran, D. (2002) *Elementary education for the poorest and other deprived groups*. New Delhi: Centre for Policy Research.

each of the core strategies of the MS program is a rights-based approach to empowerment where basic human rights are stressed as a necessary requisite for empowerment. These concerns, in turn, are central to meaningful rule of law strategies.

This project is built upon the assumption that there is a core connection between rule of law and human rights. As rule of law seeks to facilitate geopolitical stability and global peace, rights protection is an integral component of rule of law. Thus, the project investigates what educational support mechanisms are in place by the MS program for women to gain the capabilities (knowledge and skills) to engage with the formal and informal political and legal systems in Gujarat. Engaging with these systems has the potential to foster a more egalitarian and inclusive society, necessary for democracy and good governance. There is a dearth of documentation on community-based, women-led initiatives and the factors necessary to support women's participation, so this research fills a major void on this important question.

This paper focuses specifically on findings related to the alternative gender justice system—the Nari Adalat—that was created by the MS program in Gujarat. Although there are many innovative programs across India, and in Gujarat in particular, the MS program represents a program that has both strong ties with the state and national-level governments but is primarily rooted at the community and local level. This is an important perspective related to supporting rule of law in India because it provides an alternative to top-down systems and structures (i.e. the formal legal and political system), to which most Indians do not have access. Instead the MS program focuses on community building and local-level collective action and mobilization to create alternative justice system and local-

level governance. Such an approach has the potential to increase democratic participation for marginalized women and girls, leading to a more stable and inclusive society.

The MS Program

The Mahila Samakhya (MS) program was launched in 1989 by the Government of India in pursuance of the goals of the 1986 National Policy on Education. The guiding principle of the program is the centrality of education in empowering women to achieve basic equality and contribute to poverty alleviation. The MS program redefines education as an enabling and empowering tool and process that enables women to: “think critically, to question, to analyze their own condition, to demand and acquire the information and skills they need to enable them to plan and act collectively for change”.² The goal was to create independent collectives of women and girls (i.e. sanghas) to help females initiate and sustain social change processes to move from beyond marginalization towards collective action.

As a large government program, the MS program is unique in that it exists as a nationally funded yet autonomous organization of the Ministry of Education (i.e. a GONGO—a government organized non-governmental organization). This is significant as the MS program has the resources and the scope to operate at scale, and thus work with large numbers of women and girls to promote concrete gender-oriented social change. The

² Ministry of Human Research & Development (MHRD) (2015). MAHILA SAMAKHYA PROGRAMME: Genesis. Retrieved from: http://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/Genesis_ms.pdf. May 2015.

international development community, led by the World Bank, IMF, and various UN organizations, identifies promoting women's empowerment as a primary strategy to alleviate gender inequality. In turn, education is considered a key institution in promoting women's empowerment.³ The MS program reflects this international consensus on the importance of education in empowering women and transforming societies and provides an interesting case to examine the nexus of empowerment and education for Indian females.

Structured as a collective, the sanghas' primary focus is to help women examine the roots of their marginalization and provide them the support to gain awareness of and mobilize their rights. In order to do so, most sanghas take a multi-pronged approach and focus on seven major strategies—all of which resonate with a notion of rule of law that includes protection of fundamental rights:

1. Girls' education—providing them access but also restructuring the curriculum so that it addresses empowerment.
2. Women's education—basic literacy and numeracy.
3. Health—focusing on the link between women and health/nutrition.
4. Livelihood issues—economic strategies including savings and credit, access to government programs and resources, natural resource management literacy.
5. Participation in local governance—gain elected positions and play an effective role in the local (panchayat raj) political system. This strategy includes training for women on procedures, roles, functions, and resources available for elected officials.

³ United Nations Millennium Development Goals (2015). Retrieved from: <http://www.un.org/millenniumgoals/> April 2015.

6. Delivery of government services—providing the women information on available services and providing them support to access and ensure the delivery of such services (e.g. midwives and health clinics, teachers, agricultural subsidies, etc.).
7. Articulating and addressing social issues. This strategy is focused on highlighting issues such as alcoholism, domestic violence, child marriage, property rights, and other non-formal traditions and practices that discriminate against women. This strategy has led to the formation of women’s’ courts (Nari Adalats) as a socially recognized and effective forum to help women engage with the legal system.

I. THE MAHILA SAMAKHYA PROGRAM IN GUJARAT—METHODS & FINDINGS

The first step in this new project was a literature review related to how the MS program has been conceptualized in the academic and development fields. There has been a significant amount written on the MS program and its vision of promoting empowerment, but much of the research has focused on empowerment broadly, and not on the political and legal components of the program. Attention to these dimensions of the program is integral in gaining a better understanding of how we can move beyond individual empowerment towards collective empowerment. Collective empowerment is a necessary precursor to a more egalitarian society that values and protects the rights of all its citizens; only when it is achieved can society function as a democracy with social order, strengthening the rule of law.

Fieldwork in Gujarat has included multiple in-depth interviews with the director of the MS Gujarat program, interviews with grassroots-level program managers, and observations of sangha meetings, educational program meetings, MS run schools (KGBV schools), and meetings related to sangha governance. Given the nature of qualitative research, building trust and rapport with research participants is a necessary first step in conducting research that seeks to gain individuals’ stories and experiences. Therefore, this

research trip was focused primarily on getting a baseline understanding of the current functioning of the MS program in Gujarat and building relationships with important stakeholders. See the section below for additional contextual information on Gujarat and rationale for choosing Gujarat as the primary fieldwork site.

This research is at an important stage of its development, offering analysis of initial data. Through this process the research study already offers a number of very interesting findings. These findings include: a deeper understanding of the nature of and impact of domestic violence and local-level dispute resolutions; the mobilization of grassroots women's collectives and local-level strategies used to respond to domestic violence; and the educational role of the MS program in supporting the development of alternative justice systems and preparing women to participate in this system.

Nari Adalats

As detailed above, this research project focuses on understanding MS's strategy #7—articulating and addressing social issues. The project seeks to gain a better understanding of the socio-cultural issues that act as a barrier to women accessing the political and legal systems in India, and how the MS program has responded in supporting women in this arena. When speaking with grassroots-level program managers, they said that the primary issues that they see affecting girls and women include alcoholism, domestic violence, child marriage, property rights, and other non-formal traditions and practices that discriminate against women. This strategy has led to the formation of women's' courts (Nari Adalats) as a socially recognized and effective forum to help women engage with the legal system.

Here, the focus is on the issue of domestic violence as it came up over and over again in interviews and discussions, and a focus on Nari Adalats is in line with research concerning the rule of law. Domestic violence is extremely common across Gujarat but is relegated to the private sphere and considered a private concern. Here, violence is seen as an individual responsibility where the woman is thought to be the one who must either adjust better to the situation as dictated by cultural norms or develop an acceptable method of suffering silently. As a result of this view, combined with the fact that domestic violence is not perceived as a crime, the extent to which legal resolution can be pursued is limited. Recently, improvements in Indian state and legal institutions have recognized domestic violence as a prosecutable crime, but everyone interviewed said that Gujarati women do not turn to these institutions for assistance because the cases in the Indian judicial system tend to last for years and people grow disillusioned. Instead, local-level initiatives seem to be far more effective at addressing and re-shaping community norms and attitudes towards violence against women within marriage. The director of the MS program identified some of the local-level community-based initiatives as: mobilization of grassroots women's collectives, mock funeral processions of dowry victims, public shaming of perpetrators, and the use of street theatre.

In addition to these strategies, Nari Adalats, or women's courts, evolved out of village-level processes initiated by village women's collectives, or sanghas established through the MS program. The 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 them to address more

controversial and complex issues. The sanghas began to take on an increasingly significant role in the community at large.

According to a few grassroots-level program coordinators, during sangha meetings, violence continued to emerge as a significant community issue. However, the sanghas felt limited in their ability to address violence since much of it happens privately at home. Here the MS program stepped in and provided sangha members training and mobilization and pushed them to engage in critical reflection to increase the sensitivity and awareness of the complexities of domestic violence. Gradually, the village-level sanghas created a separate, structured, paralegal forum for dispute hearings to deal with violence against women. These sanghas became Nari Adalats, or Women's Courts. The first Nari Adalats were formed in Baroda, as a part of the MS program.

The Nari Adalats follow a standard procedure when hearing a case:

1. Registration of complainants; fixing a day for hearings
2. Hearings during which each side presents their side of the story
3. Fact-finding missions by advocates to complainants' family and village
4. Citation of state laws and use of state institutional procedures
5. Resolution signed by village elder or other authority and parties involved

This is a simplified version of how the forum works. The MS program officers explained that there is a great deal of planning that informs each of these steps that carefully take into account local-level power relationships and hierarchies. This leads to the courts not only being seen as legitimate, but also practicing 'true justice'. Importance is given in the process for both parties to have adequate time to think what they want and

articulate their perceptions of the problem, as well as their desired outcome. This approach seeks not to disrupt family relations but to make family relations more democratic.

The Nari Adalats hear community cases and try to reach solutions agreed upon by both parties. For example, one court in the Baroda district tends to hear over a hundred cases a year, taking on about 95% of the cases referred to them. Last year, this Nari Adalat had 64 new cases, 197 hearings, and 56 fact-finding missions.⁴ These cases include both criminal and civil suits. Although the courts were initially meant as a way for women to bring their complaints in a safer space than that traditionally provided by patriarchal institutions, over the years, their transparency, effectiveness, and consensus building has led to its growth and the inclusion of men. The courts now typically deal with domestic violence, child custody, marital issues, maintenance/compensation, desertion, land and labor rights discrimination, and retrieval of dowry following a divorce.

The MS director and local grassroots program officers explained that one of the most important components of making the Nari Adalats successful is that women have been able to find a space where they feel supported, where they are able to gain confidence, leading them to engage in action. This is in line with the MS program's conceptualization of the educational process, which focuses on women coming together to form a group, meet together, analyze their life situations, discuss what can be done about it, access the appropriate information they want and actually act on the issues they have identified. MS

⁴ Interview conducted with MS Director (2015).

officers revealed that women who are a part of MS sanghas express having the confidence to tackle new problems and in their ability to protest. They also feel satisfied in the ways that the Nari Adalats resolve cases, in a timely and efficient manner. Finally, many interviewees expressed that women feel that it is the sense of support from the sanghas and the Nari Adalat forums that make them feel safe. They have great confidence in the Nari Adalat system and their ability to seek further help and support if needed.

The Case of Gujarat—Context and Rationale

Gujarat: Economic prosperity & violence towards women

To contextualize the study and choice of Gujarat as the location of the study, some background information on the context is helpful. Gujarat is an important site for this research as it presents a very illuminating case when it comes to the implementation of rule of law. Examining social and educational programs in Gujarat is a complex endeavor. Among other Indian states, historically Gujarat has been a place of significant political activity and mobilization of women. As the birthplace of Gandhi, it has a rich legacy of volunteerism and commitment to democracy and social justice. Further, Gujarat's position as one of the most industrialized and prosperous states in the country places it at the forefront of discourses hailing development in India. However, in spite of Gujarat's

economic achievements, Gujarat is a state characterized by high levels of income disparity, religious intolerance and communalism, and violence towards women.⁵

In recent times, the complex and often conflicting political discourses in Gujarat have resulted in economic prosperity with extraordinarily high-income inequality. Gujarat has been led by the ruling Bharatiya Janata Party (BJP) since 2001 and from 2001–2014 was led by current Indian Prime Minister Narendra Modi. Modi's tenure in Gujarat elevated his stature as a national politician, and his current policies at a national level are heavily influenced by his experiences on the regional level when he was Chief Minister of Gujarat. Specifically, Modi and the BJP have espoused a neo-liberal approach to state development, which has clear implications for how social services are provided for the poor.⁶ Both Modi and the BJP take a right-wing approach to social and political issues and reflect Hindu nationalist positions. The party prioritizes globalization and economic growth over social welfare. Modi's neoliberal approach to development has resulted in an emphasis on creating a pro-business environment that incentivizes "open door policies".⁷ This approach seeks to bring in "new" international avenues of funding development programs and

⁵ Yagnik, and Sheth (2005). *The Shaping of Modern Gujarat: Plurality, Hindutva, and Beyond*. New Delhi: Penguin Books India; Baxi, U. (2002). The second Gujarat catastrophe. *Economic and Political Weekly*, 37(44): 3519–3531.

⁶ Keefer, P. and S. Khemani, (2005). *Democracy, Public Expenditures, and the Poor*. World Bank Research Observer, Spring 2005, 20:1–27.

⁷ Gopalakrishnan, S. (2006). Defining, Constructing and Policing a 'New India': Relationship between Neoliberalism and Hindutva. *Economic and Political Weekly*, 41(26): 2803–2813.

replacing the state with civil society and grassroots groups.⁸ Consequently, “this ideology has legitimated state neglect for welfare services and the provision of NGOs to fulfill these needs”.⁹ Further, Modi’s Hindutva ideology and nationalist orientation have enflamed communal violence and strife across the state —destabilizing the state and posing a threat to rule of law. Here is where the MS program can fill a significant void in supporting empowerment of marginalized populations (i.e. women and low caste, minority religions) and democratic governance—key components for strengthening the rule of law.

Despite impressive economic achievement in the state of Gujarat, educationally, females in Gujarat continue to fare poorly. Gujarat’s overall literacy rate is 79.3% with a female literacy rate of 63.3%. Significantly, the state has a sex ratio of 919 females for each 1000 males, which is below the national average of 940 and indicates high levels of violence towards women and a rampant practice of female feticide.¹⁰ Female work participation rates in urban Gujarat are far lower than those in rural areas and violence against women in Gujarat takes various forms. Among all states, it has one of the highest rates of reporting of cruelty.

⁸ Dixit, A. (2010). A market led growth and well being—Gujarat 1980–2005. *Journal of Developing Societies*. 26 (4): 387–413.

⁹ Joshi, D., and McGrath, K. (In Press). Political Ideology and Public Policy vis-à-vis Human Development in India: Explaining the Gap between Gujarat and Tamil Nadu. *Journal of Contemporary Asia*.

¹⁰ Census of India (2011). Retrieved from: censusindia.gov.in. August 2015.

II. CONCLUSION

The Nari Adalat system and MS program in Gujarat provide valuable information that can serve as a model across India and globally. While the particularities of the Gujarati and Indian context are unique, the structure and functioning of the MS and Nari Adalat program may be transferable across other countries. The innovativeness and effectiveness of the MS and Nari Adalat program lies with its close ties to the community and local-level. The sangha model not only provides a safe space for marginalized women to gain the capabilities (knowledge and skills) to engage with larger social systems and structures, but also places the particular circumstances and needs of the women and their community at the center. This ensures that legal and governance systems remain relevant and thus effective for the everyday lives of rural Gujaratis.

Further, the development of locally conceived and led courts (the Nari Adalats) provides localized, timely, and affordable justice. Over the years the courts' transparency, effectiveness, and consensus building skills have increased leading to further legitimacy and respect. This increase in legitimacy has resulted in the participation of men as well, making this alternative gender justice system beneficial for all members of the community. This is an important model related to supporting rule of law in India because it provides an alternative to the formal legal and political system, which operates in a top down manner and is often out of touch with the needs of the rural and marginalized. Further, these bureaucratic systems are very difficult for the masses to access. Instead the MS and Nari Adalat program's focus on community building and local-level collective action and mobilization to create this alternative justice system and local-level governance ensures local access and the resolution of local-level/community-level issues. This has the potential

to increase democratic participation for marginalized women and girls, strengthen the rule of law, and lead to a more stable and inclusive society.

While the research conducted to date has been successful in helping to gain a clearer understanding of how the MS program has supported community-led initiatives and helped to create an alternative gender justice system, this research also has raised many questions and themes that will need follow up. In addition to gaining more information about the Nari Adalat system, by attending more sanga meetings and seeing cases being heard, it would be helpful to conduct additional ground-level research to better understand the motivation behind women joining the sanghas. This research would include investigating further how women come to the sanghas, and what exactly the “support” that they refer to looks like. Thus this research will require opportunities to visit and speak with women who are in the sanghas as well as women who have participated in the Nari Adalat forum. These experiences will provide an opportunity to gain their perceptions of the program, and what educational support they received to be able to participate in the courts. This will also allow an opportunity to learn what additional support the women think they might need in order to better the quality of their lives.

In order to gain further insights into the empowerment process, more information on the impact of their participation on the women’s larger household must be collected. In particular it would be worthwhile to investigate how relationships with husbands and in-laws may have changed as a result of women’s participation in the MS program. Additionally, it would be valuable to do additional in-country work to gain a better understanding of the women’s perceptions on how their children, and in particular daughters, are affected by their interviewing other family members in addition to the

women involved in the programs. This additional research will provide a better understanding of intergenerational processes of empowerment and development.

Finally, after gaining a more thorough understanding of the Nari Adalat program, it will be necessary to investigate what type of support the MS program might need in order for the program to grow in scale and serve more communities across Gujarat and in India—and perhaps beyond. Is this a program that truly contributes to strengthening the rule of law such that U.S. government or other entities might want to support it? Are there resource-related barriers or challenges that the MS program has to overcome? Is this a program that might be applicable across other parts of the globe as well? Thus far this research project indicates that the fact that these courts have yet to be recognized as a formal part of the legal system has negatives and positives. On the downside, these courts do not receive the support from the state or other formal institutions to legitimize and enforce their decisions. But, on the other hand, the fact that these courts are not absorbed by the formal legal system ensures that the program is not co-opted and replicated in a top-down manner, thereby removing it from its local context and decreasing its grassroots orientation. In short, this research reveals some important opportunities and challenges presented by the MS program—issues that require further investigation but that may be worth using as a model for future programming in other parts of India and elsewhere across the developing world.