

Paralegals and Labor Organizing in India: The Self-Employed Women's Association

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SEWA's Origin and Vision

The Self-Employed Women's Association (SEWA) was created in 1972 as a trade union of self-employed women. It functioned initially as a part of the Textile Labor Association (TLA), which was India's largest and oldest union of textile workers. The TLA was founded by a woman, Anasuya Sarabhai, with the inspiration of Mahatma Gandhi. Gandhiji had led a successful strike of textile workers in 1917. He believed in creating a positive force among workers by developing their individual personality and collective unity. The TLA was a pioneer, not only in expanding the functions of trade unions, but also in providing extensive social welfare services for its members.

The ideological ground provided by Gandhiji, and the feminist seed planted by Anasuya Sarabhai, led the TLA to add to its active participation in industrial relations, social work and local state and national politics by forming a women's wing in 1954. The original purpose of the new wing was to help women belonging to households of mill workers. Initially it focussed on training and welfare activities. By 1968, various centers throughout the city offered classes in sewing, knitting, embroidery, spinning, typing, stenography, and other skills for wives and daughters of mill workers.

The scope of the activities of the women's wing expanded in the early 1970s following a survey conducted to probe complaints of women tailors alleging exploitation by contractors.

The survey brought to light other instances of exploitation of women workers. It also revealed that union activities, government legislation and policies did not touch large numbers of "informal sector" workers—a sector comprising 89 percent of the entire workforce.

In 1971, a small group of migrant women, working as cart pullers in Ahmedabad's cloth market, came to the TLA with their labor contractor. He had heard of a transport worker's union organized by the TLA and thought they might be able to help find housing for the women who were living in the streets without shelter. They went to see Ela Bhatt, who was the Head of the Women's Wing. After talking with the women, she went with them to the areas where they lived and then to the market area where they worked. At the market she met another group of women who worked as head-loaders, carrying loads of cloth between the wholesale and retail markets. As she sat with them on the steps of the warehouses where they waited for work, they discussed with her their jobs, their conditions of work, and their low and erratic wages.

Following the meeting, Ela Bhatt wrote an article to a local newspaper detailing the problems of the head-loaders. The cloth merchants countered the charges against them with a news article of their own, denying the allegations and testifying to the fair treatment of the head-loaders. The Women's Wing turned the release of this story to their own advantage by reprinting the merchant's claims on cards and distributing them for use as leverage with the merchants.

Soon, word of this effective strategy spread and a group of used-garment dealers approached the Women's Wing with their grievances. Over one hundred women attended a public meeting of used-garment dealers. During the meeting held in a public park, a woman from the crowd suggested they form an association of their own. Thus, on an appeal from the women, the Self-Employed Women's Association came into being in December 1971. The leader of the Women's Wing, Ela Bhatt, and the president of the TLA, Arvind Buch, helped with this process, but the call came from the women themselves.

The women felt that as a workers' association, SEWA should establish itself as a trade union. The first struggle SEWA undertook was to obtain official recognition as a trade union. The Labor Department refused to register SEWA, since there was no

recognized employer against whom the workers would struggle. SEWA argued that the primary purpose of a union was to foster the unity of the workers and not necessarily to struggle against an employer. Finally, SEWA registered as a trade union in April, 1972.

SEWA grew continuously from 1972, increasing its membership and including different occupations within its fold. The beginning of the Women's Decade in 1975 gave an additional boost to SEWA's growth, placing it within the women's movement. In 1981, SEWA was thrown out of TLA's fold, and since then it has grown even faster, developing many new initiatives. In particular, the growth of many cooperatives, a more militant trade union, and many supportive services gave SEWA a new shape and direction.

Participation in Three Movements

SEWA has grown with the inspiration and support of three distinct movements: the labor movement; the cooperative movement; and the women's movement. It now sees itself as part of a new movement of the self-employed and the unorganized arising from the convergence of all three.

SEWA was born in the labor movement with the idea that the self-employed, like salaried employees, have rights to fair wages, decent working conditions, and protective labor laws. They deserved recognition as a legitimate group of workers with legal status, and with the right to organize and publicly represent their interests. As the bulk of workers in India are self-employed, unions must organize them if they are to be responsive to labor in the Indian context. This necessarily requires going beyond the Western model of trade unionism, as practiced in industrially developed countries, where labor is mainly composed of wage earners working for large-scale manufacturers or enterprises. In India, where only eleven percent of the labor force comprises these types of workers, trade unions must expand their efforts to represent the millions of self-employed: landless laborers; small farmers; sellers; producers; and service workers. Moreover, if unions are to be responsive to women workers, they must recognize the women's concentration in this sector. SEWA believes that if labor unions want to have an impact on the mass of workers in India, especially women workers, it is essential for them to organize the self-employed and the unorganized.

SEWA believes the cooperative movement to be very important for the self-employed also. Not only is it important for the self-employed to struggle for their rights, but also they need to develop alternate economic systems. The cooperative movement points the way to an alternative where the workers themselves control their own means of production, where there is neither employer nor employee, and where all workers own what they produce. Unfortunately, the world-wide cooperative movement has not reached the poor. Workers' cooperatives have rarely been successful and cooperatives have been unable to change social and economic relations.

Nevertheless, SEWA accepts cooperative principles and sees itself as part of the cooperative movement, attempting to extend these principles to very poor women. In the present context of Indian society, the cooperative movement has not achieved its objectives because of the misuse of the cooperative structure. The poor are consciously and deliberately excluded from membership. Women are not even perceived as part of the clientele, let alone as valid members in their own right. SEWA sees the need for bringing poor women into workers' cooperatives, but cooperative structures have to be revitalized to become true workers' organizations. In doing so the strength of the movement can be mobilized to organize and strengthen poor women.

The women's movement in India began with the social and religious movements in the late nineteenth century. During this period, women were the object of social reform. However, this changed with the onset of the nationalist movement when, under Mahatma Gandhi, women actively participated in the freedom struggle and became involved in their own liberation. In the 1970s, the women's movement took a new and more radical turn. Women participated in social movements and demanded access to opportunities in all spheres of life. The women's movement pointed out that women make up fifty percent of the world's population and they do two-thirds of the work. For this, they receive only ten percent of all wages, salaries and remuneration. At most, women share only one percent of this income. The reason for this is that women's work is not recognized as "real work," and therefore is not paid for, or is grossly underpaid. SEWA has been a part of the growing women's movement in India representing women

who are mainly poor, self-employed, and rural. In order for the movement to be successful, it must reach out to those women and make their issues—economic, social and political—the issues of the movement.

SEWA's Vision of a New Society

Over the years, SEWA's vision of a new society came from the nearly fifty thousand members themselves. That vision encompasses a society where everybody enjoys a reasonable standard of living, with all nutritional needs fulfilled, safe and secure shelter, sufficient clothing, full and easily accessible health care, and education for every child. It is a society where every able-bodied adult works, each type of work accorded equal value and yielding fair and just earnings. It is a society in which there is equal access and opportunity for all to training and education so that every person's potential can be realized. Assets and resources would be equally distributed with no division into capital and labor. The needs of the weakest members would be put first, and men and women would have equal opportunities to participate in the decision-making process. Social enlightenment would be a priority and caring and sharing would be the values underpinning all social decisions. There would be a continuous process of organizing, a constant reaching out to the weak, to strengthen them and give them a voice for their concerns.

SEWA and the Legal System

The Legal Problems of Women Workers

SEWA's direct involvement with the legal system began several years ago while filing labor cases for its members. As the membership grew, SEWA became responsible for providing legal advice to its women members. The legal issues faced by SEWA members reflected the general issues faced by women. They fall into three categories:

Violence: Women in India today face increased violence in the form of wife-beating, harassment and torture from in-laws for dowry, rape — even by police while in custody, and attacks in the workplace.

Labor: Women workers, especially those in the unorganized sector, suffer poor wages and inhuman working conditions, but find no legal protection from the state. Women vendors not

only get beaten by the police, but their goods are destroyed by the police and municipal authorities in attempts to remove them from their vending places. The threat of removal is a form of harassment authorities use to get bribes from the vendors, who have no other means of protecting their right to work and earn a living. Nor are home-based workers and producers protected adequately by legislation. Where there is legislation, it is not implemented. Exploiters go free, despite violating all the rules in the book. Service laborers, such as agricultural workers and hand-cart pullers, working in all types of weather conditions, also earn very meager wages and are exploited by landlords and cart owners.

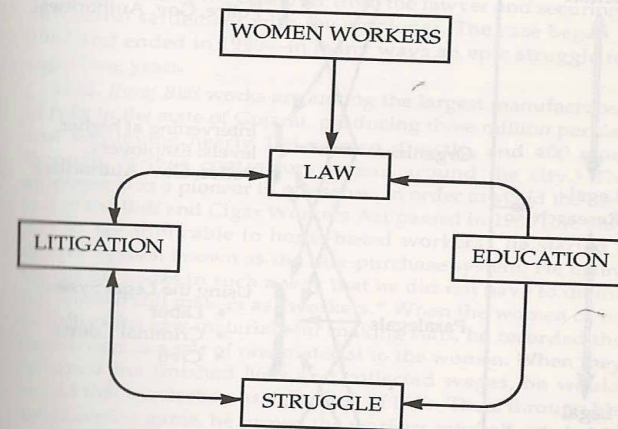
Social: It is only recently that cases of *sati* and dowry deaths have become public. Women also face other types of social harassment from husbands, in-laws and at times, even from their own parents. Not all harassment takes the form of violence. It may result from a husband keeping two wives and neglecting the first wife. A husband may earn a good salary but instead of contributing to the household expenses, he may use his salary to gamble and drink. There are many cases of Muslim women, who are divorced or even deserted by their husbands without any provision for maintenance. Even among other ethnic groups there is an increasing number of cases of nonpayment of maintenance by ex-husbands.

SEWA recognizes that along with organizing workers into labor unions and cooperatives, it is important that each member have basic knowledge of what law is all about; how legislation is formulated, who benefits from it, why this is so, and what is the mode of access to the law of the land. For any labor union to be successful, it has to make use of the State administrative and Judicial system. No union or cooperative organizer can be truly successful without a working knowledge of law and the legal system. For the past three years SEWA has made efforts to train its union organizers as paralegals. Today there are enough leaders emerging from the grassroots to take over organizing the unions so that SEWA organizers can devote more time and energy to learning about the law and developing successful legal strategies.

Today both the organizers and the workers are more aware of their legal rights. As an indirect result of having many legal cases in various courts, SEWA organizers and members are

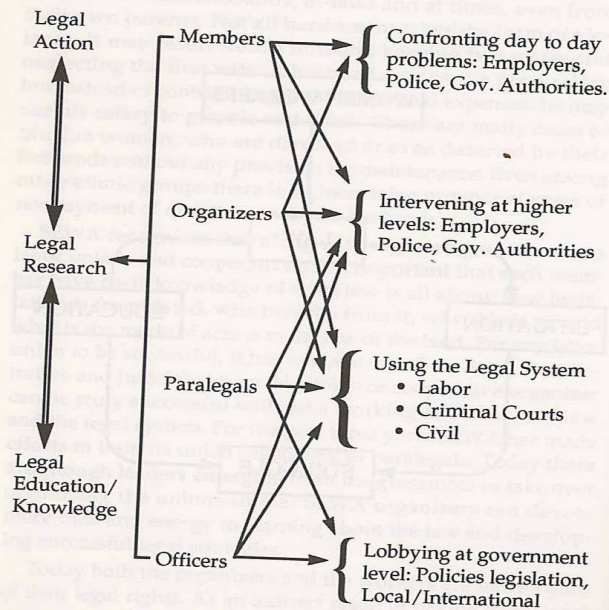
learning many practical aspects of the legal system. However, we recognize this needs to be more focused and conscious efforts have to be made to systematize legal literacy efforts.

SEWA resorted to legal action primarily to protect the rights of poor self-employed women. SEWA's legal strategy has always been in keeping with the general strategy of the movement—of putting informal sector and self-employed women workers on the same footing with mainstream workers in demanding equal rights, protection and services available to those workers.



The Cases

Initially, litigation was limited to labor cases. However increasing awareness among the members that legal action might advance the interests of the cooperatives and resolve other related issues concerning women led SEWA to a more widespread use of litigation. This in turn led to an involvement with the law in one way or another by the entire administrative level of the organization. Legal action led to legal education and research, enhancing legal knowledge. This knowledge was used to lobby the government and pressure the legal system to formulate and apply policies and legislation for workers in the informal sector.



SEWA has taken on legal cases of members concerning the rights of women as *workers*, as well as gender-specific issues. The fight for women's rights as workers has been a hard struggle for SEWA and has been only partially successful. One such success was the landmark case involving the women vendors of Ahmedabad, in which the Supreme Court ruled in favor of the vendors, reversing the negative position in the Bombay Hawker's Union case. There have been other cases involving home-based women workers seeking to establish their legal status as workers and not as mere buyers and sellers. One example, the Jivraj Bidi case, is described below.

The Jivraj Bidi Case

The *Jivraj Bidi* case remains a classic case for many reasons: the nature of the case; the involvement in it of women workers, organizers, paralegals, lawyers and government authorities; grassroots action taken; and its culmination with paralegals taking the case over from the lawyer and securing a successful settlement with the employer. The case began in 1982 and ended in 1990—in many ways an epic struggle for eight long years.

M/S. *Jivraj Bidi* works are among the largest manufacturers of *bidis* in the state of Gujarat, producing three million per day and employing nearly 180 women directly, and 400 more through various contractors spread around the city.¹ The employer was a pioneer in one sense; in order to avoid the control of the Bidi and Cigar Workers Act passed in 1960 (the only Act so far applicable to home-based workers), he started a unique system known as the sale-purchase system. He maintained his books in such a way that he did not have to define the women *bidi* makers as "workers." When the women came to collect the raw materials for making *bidis*, he recorded the transaction as a *sale* of raw material to the women. When they returned the finished *bidis* and collected wages, he would record that transaction as a *purchase* of *bidis*. Thus, through his bookkeeping game, he turned the workers into self-employed entrepreneurs.

In 1982 the struggle began as an attempt to get higher wages and other benefits for these workers. In legal terms, it became a struggle to prove that they were "workers," without any material proof to support that claim. The only thing SEWA had

in its possession was an old, washed-out identity card of one woman worker. She still had that card because she was out of town when the identity cards of other women were taken away.

When SEWA took up this issue it had no idea that the sale-purchase system existed. Neither was SEWA aware that to turn it into an authentic system, the employer had registered four different companies to carry out this scheme. One company bought the raw material from the open market; the other sold the raw material to the workers; the third bought the finished product from the workers; and the fourth marketed the finished product. It was an impenetrable camouflage.

However, neither SEWA nor the women workers believed in giving up. The 180 women working directly for the employer registered their demands with the labor department. The case was finally referred to the Industrial Court for decision due to failure of conciliation. These women also approached the Provident Fund office, because the Provident Fund Act had not been implemented. Forty women workers who worked for a contractor also went to the Labor Court demanding a recovery of wages for their work, as they had received less than the minimum wage. This legal pressure was coupled with direct actions like sit-in demonstrations, and lobbying the government to void the sale-purchase system and to declare the women as workers.

The case was initially handled by a labor lawyer in consultation with another lawyer, SEWA organizers, a paralegal and the women. In late 1988 SEWA decided to take over the case, and within one and a half years, the employer agreed to negotiate a settlement with the 180 litigants, paying four million rupees as a settlement. Under pressure, the labor department called joint meetings of various other employers to bargain collectively for a wage increase. However, as mentioned before, all the actions, whether legal or extra-legal, had to be worked out simultaneously with the women. When the paralegals took over the case, they focused on setting up the human relationship between the employer and workers. That finally brought the matter to a head leading to negotiation of a settlement.

During the eight-year period there were many court dramas. When SEWA joined all four companies in the litigation, the employer hired four senior high court lawyers to appear against the SEWA paralegals! Whenever the SEWA representative

spoke to the judge, the four lawyers would start interrupting her with four or more technical points. SEWA got wise to this and developed its own strategy. The moment the paralegal began representations, the other SEWA organizers, along with the women workers, diverted the attention of the employer's lawyers by picking an argument or conducting small talk with them.

The arguments of the case developed on the following lines:

- For tax purposes, all four companies were registered as Hindu Undivided Family and the partners were all brothers and wives.
- If the companies really thought the women were not workers, they would buy *bidis* from anyone and not only from the 180 women.
- The power of rejecting the *bidis* was with the employer.
- The women had to get prior permission from the employer before a long leave.
- The *bidis* had a colored thread that symbolized their brand and like any other cigarette, their *bidis* also had a particular mix of tobacco that was a trade secret.

On the settlement of the case, negotiations were based on the following points:

- No mention would be made of the sale-purchase system. SEWA had to let go of the principle on the basis that in the long run, the written settlement in the court of law would establish these women as workers.
- The workers would get an immediate raise of three rupees per thousand *bidis*, with new wage increases worked out every six months.
- The women would collectively get four million rupees as back wages.
- In the future, the workers would establish a cooperative form to regulate their work.

SEWA's experience with labor laws showed that most of the laws do not apply to informal sector workers. They were drafted with the formal sector workers in mind, most particularly, factory workers. Thus, SEWA has advocated Tripartite Boards for implementation of laws for the informal sector, particularly for domestic workers, agricultural workers and home-based workers. SEWA's experience with a range of women's

cooperatives (production, marketing and service) has shown the need to change the cooperative laws as well.

SEWA has been successful in gaining recognition for a third type of economic relationship besides that of employer-employee, and employer-middleman-employee, by establishing a labor cooperative of workers. In this relationship, cooperative workers enter an agreement with the employers regarding the conditions of work and wages to be paid. It appears, however, that the political system and the legal system refuse to recognize such a relationship that not only does away with intermediaries, but also establishes a direct bargaining relationship with the employers.

The difficulty of establishing women workers as an autonomous unit is evident both in the emergence and existence of SEWA. SEWA went through a nine month struggle trying to register itself as a labor union of women in the unorganized sector. Then it broke away from the Textile Labor Association, a male-dominated union from which SEWA developed. After disaffiliation from the National Labor Organization, SEWA made the decision not to join any national union federation, but to survive on its own as the only union for women workers in the informal sector. Finally, the world at large accepted the independent existence of SEWA as a women's union of informal sector workers.

SEWA'S Legal Achievements

While fighting for the rights of women workers SEWA has scored some major achievements:

- SEWA campaigned both at the National and International level for protective laws for home-based workers earning piece-rate wages and this has yielded results. These toiling women workers will soon have a law at the national level and a convention at the International Labor Organization (ILO) protecting their rights.
- While working with vendors, SEWA discovered that the only laws relating to self-employed people were antiquated laws formulated during British rule in India. These laws were hostile to vendors and impeded their right to earn a living. SEWA has been campaigning both at the local and national level to change these laws and to draft a National Policy for Vendors and Hawkers.

- SEWA has indirectly supported cases of its members involving matrimonial disputes, cases of wife beating and divorce. Other instances where SEWA has supported the feminist cause have been:

1. Joining with other women's organizations to protest against the unfairness of the Muslim Women's Bill passed by Parliament.
2. Condemning female foeticide and helping to draft and lobby for the Amniocentesis Bill.

SEWA went to court to protect the land rights of one of its Agricultural Workers' Cooperatives. In this case, a SEWA cooperative of agricultural workers was given wasteland to cultivate fodder and fuel to save the women the necessity of going afar to collect these. This threatened the vested interests of the village leaders who took the cooperative to court. SEWA went to court to protect the rights of the women but also held several conciliatory meetings with village women and men. SEWA eventually retained the land for its original purpose.

The Process: Action Strategies

In SEWA, issues are considered from a holistic perspective, not purely in terms of their "legal" or "extra legal" character. Furthermore, for SEWA it has always been important that issues be considered from the perspective of its members and that strategies or actions be worked on in partnership with the members. In short, the axiom is: "no action that we take can be right if the women themselves are not ready for it." The reason for this is that such actions more often than not fail. The strategies adopted for members involve two processes: first, organizing and education; and only then, action. To a large extent, both these processes are interlinked and cannot be carried out on their own.

Organization and Education:

Ways to organize the self-employed may differ. They may take the form of a cooperative, a union or an informal group at the village or area level that comes together to solve common issues. Accordingly, the educational processes and methodologies adopted may also differ.

Cooperatives:

For a cooperative, organizing begins with understanding the principles of cooperativism and why it is necessary to form a particular cooperative, which may be one of several types: land-based; livestock; artisan and craft; banking and credit; trading and vending. The common factors underlying all these cooperatives are their central concerns:

- increasing the income of the members
- providing an alternate economic organization
- generating employment and income
- increasing the asset base for women

These concerns are directly linked to the economic system of the country, and are explained to the members and potential members over time, either through small workshops or during daily interactions with the women.

Once the idea of forming a cooperative has taken root, then begins the second stage of educating its women members. This education mainly concerns the practical and legal aspects of registering and forming a cooperative. This involves knowing what steps have to be taken to register a cooperative and where to register it; what the prerequisites are for forming a cooperative; and how to draft by-laws and resolutions. Another aspect of this stage also involves getting to know the government and the political bureaucracy. It is necessary to meet with the relevant officials to begin the technical process of forming a cooperative. It is also necessary to convince the authorities concerned that support for such a cooperative exists, and that these poor, illiterate women can manage a cooperative and benefit from such a venture. There are many skeptics who believe that women do not understand business; that they do not know how to manage and account for money. They view an economic venture with only women in it as a "suicidal path" that can only lead to loss of money and failure.

SEWA members become familiar with all the procedures involved in setting up a cooperative. At least two members always accompany the core organizers when they are dealing with the government. There are several reasons for this. First, it educates them about the legal and administrative process. Second, it breaks their fear of government offices and officials and familiarizes them with the people with whom they must

deal in the future. Third, it enables them to communicate the stage of the cooperative's legal and administrative process to the other members. This form of communication is one hundred fold better than any other form, as cooperative members have faith in other members.

Once the legal process of registering a cooperative is over, the next stage begins in which the members learn about marketing, accounting, designing projects and about the nature of the cooperative. The first years are the toughest, with the SEWA personnel playing dual roles. On the one hand, they are sponsors struggling to turn the cooperative into a viable economic venture, and on the other hand they are trainers, helping the members to be self-reliant, to learn to run the cooperative independently, and to share the profits of this venture.

Unions:

A major goal of the unions is to gain recognition of workers in the informal and the self-employed sector. Existing unions, academics, the government, legislation, and government policies are all impervious to the fact that the largest number of workers, and women workers in particular, work in this sector. Even the women do not have a distinct identity of themselves as "workers" because the nature of their work is mostly home-based and they have remained outside the purview and general recognition of the law.

The first step toward organized struggle, therefore, is to bring about the consciousness among the women themselves that they are "workers." They not only contribute to or supplement the family income (very often the women are the sole earners of the family) but also contribute toward the economy of the country. The second step is to bring all these women together on the issue of work to form a common identity as workers. This is done through worker education classes held at the union office or in the work areas where the women stay. Other topics discussed are occupational health, general health, savings, and the status of workers in other sectors of employment within the state and in other states. The focus of the classes invariably turns toward law, since eventually everyone wants to know about worker rights; how can these rights be exercised, and what workers are entitled to under the law. This is a difficult topic to deal with because most of these workers

are simply not covered under the existing laws. Ultimately for a worker, everything revolves around wages, rights and laws. For workers, there is no weapon greater than the law. Through law, workers can go into litigation, put pressure on the employer, and increase their collective bargaining power.

The purpose of worker education classes is not limited to consciousness-raising or the discussion of legal issues; it also serves to identify potential leaders. These leaders receive special inputs on how to deal with the daily problems of the members and represent them before employers, government officials and in courts of law. The classes also pinpoint issues needing immediate attention.

At special meetings members discuss possible strategies; who will participate in given programs, and how. Over time, strategies are designed to include more members. Often this involves close coordination with the members, employers and labor officers, as simultaneous pressure has to come from all sides. This may require providing certain information to the member. For example, if the strategy has a particular law in mind, the different aspects of this law have to be explained.

Action Strategies:

SEWA bases its action on the type of issue and the overall strategy worked out. The action can take the form of:

- Sit-in demonstrations or *satyagrahas*
- Taking-out processions
- Presentation of memorandums and lobbying the government
- Strikes
- Litigation

These actions are always designed and undertaken according to the needs and readiness of the members. The leaders mobilize the workers in their areas, often calling area meetings to discuss the issues and the purpose of the action. The members too, do their part in contacting other member-workers to participate in a particular action. Striking, of course, is a last resort when all other avenues have been exhausted.

When it comes to distributing memorandums of demands or lobbying the government, members and the leaders work out and then draft the list of demands and the issues. As the

workers concerned are signatories to the memorandums, they are familiar with their contents. Many of the workers accompany the core organizers to the offices and present their demands personally. When going into litigation, the mood and willingness of the litigants is gauged. Litigants are aware of the purpose, advantages and disadvantages of litigation, and other aspects of the issues involved. When lacking material proof, SEWA has to depend on witnesses to prove its cases. Grassroots organizers and the worker leaders help prepare witnesses and organizers collect material evidence.

Litigation

When dealing with court cases, SEWA began by hiring lawyers. The lawyers would then work out the substantive case. With the help of a paralegal, the organizer would collect for the lawyer all the available data, any material proof available, and other required documents.² The lawyer would help prepare the witnesses prior to appearing in court. Initially, it was very important to work with the witnesses, as most of them had never been to any courts and had no experience with court cases. They were not only scared about the case and their work security, but also about what would happen on the witness stand. To help witnesses lose their fear of the unknown, SEWA initially enacted "mock courts" in the offices, and on one occasion even filmed a mock court on video to familiarize other workers. Gradually this fear disappeared.

Today SEWA's system of handling cases has changed. Whenever possible, SEWA does not hire lawyers to fight cases in the labor courts, but hires them to appear only in the high courts. Two trained paralegals appear for SEWA in the labor courts, and with the help of the organizers, they prepare and argue cases. The paralegals consult the lawyers during the preparation and running of the cases, but SEWA works out the actual arguments and strategies for the case. As a result, there is a greater need to train paralegals from among the grassroots organizers who come from the working community.

Paralegal Training:

SEWA's training of organizers into paralegals began in 1988 when it took over the *Jivraj Bidi* case. At that time the core organizers, members, and the paralegals helping the lawyers knew very little of the law and legal procedures. To gain familiarity

with the issues, SEWA organizers began by preparing two-page case studies of ten of the major cases. This included describing how the issue/complaint came to SEWA's notice, how the organizer dealt with it, and how the lawyer transformed a legal issue into a legal case. The case study also contained a glossary of the government authorities who would be involved in the process of the case reaching the court. These cases were discussed in a four-day workshop. The intention was to increase the appetite of the organizers to know more about the relevant laws, to understand how problems could be transformed into legal issues, and finally, to critique the handling of the case. During three subsequent workshops, twelve laws relevant to SEWA's members were discussed. The organizers accompanied the lawyers and the paralegals dealing with the cases to court, and in the process learned the practical aspects of the judicial system.

Most of SEWA's organizers are from the working community and are not highly educated. Therefore, it will take a long time before they can handle cases directly, as this involves a great deal of writing (drafting), preparation of arguments, researching case law, and reading. However, what is important to SEWA is that the process has begun and even the judges are now accepting the presence of paralegals arguing cases. Very soon the courts must get used to the workers themselves arguing their own cases.

At this point it would be valid to ask why paralegals are more effective than lawyers, at least at the level of the labor court or evidence court. SEWA has learned that it is better to represent its own cases, not only because doing so has a positive impact on the court, but it also saves delays that result from lawyers taking successive adjournments when overloaded by other cases or to repay a favor to other lawyers. When appearing for itself, along with the group of member litigants, SEWA is able to make emotional appeals based on the suffering and victimization of the litigants—an approach most lawyers would hesitate to take. SEWA is closely involved in the issues of its own members and has a first hand understanding of their problems so that it can represent them with a greater commitment. To a lawyer the issues make up a case, to SEWA it is a cause.

At present, SEWA's legal work functions at several levels:

Members, who receive legal information relating to their work and daily lives during worker education classes and meetings.

Leaders, comprising the core group of SEWA's members, who receive specialized legal information during one-day meetings, depending on their needs and the issues relevant to them.

Organizers, who receive training to understand the technical aspects of law and to appear in courts. Presently they prepare cases and follow-up those cases.

Paralegals, who, while they may not be fully qualified or practicing lawyers, fulfill all the necessary functions of a lawyer by preparing cases, representing litigants and arguing cases in court. They also research case law and study existing laws for loopholes, and use this knowledge to lobby the government and make suggestions for legislative amendments.

Lawyers, who are consulted during the preparation of the case and during the hearings. They guide SEWA on court procedures and how to approach a particular case. They also handle SEWA cases in the higher courts.

In addition to specific cases, SEWA may have to lobby lawyers, judges and government authorities at all levels for changes in government policies and legislation concerning women workers. It is necessary to formulate new and more protective legislation for workers in the informal sector to make their issues and problems visible at the local, national and international level.

Conclusions

Through interaction with women workers, SEWA's functions and actions have evolved as a response to their problems and issues. Because of this dynamic process, the strategies and actions change depending on the needs of the workers and the context. Therefore, it is difficult to draw clear cut conclusions regarding those strategies. However, there are some lessons that SEWA has drawn from experience that may be useful for discussion and debate.

SEWA perceives legal literacy as a continuous, ongoing process related to struggle, be it within a union, cooperative, or a group of women gathered to solve a common problem. To SEWA, legal literacy begins the moment a woman worker contacts the organization with her individual problem. Her problem has to be viewed in the context of the politics, economics and social structure of society. SEWA has found that legal literacy cannot be used independently, but should be part of a holistic or multipronged approach to be really effective. Legal literacy should lead to action and improvement of a person's situation, and should not just be a method of imparting information.

Neither should litigation be seen as an end by itself. It cannot become a matter of "principle" for women workers in the informal sector. In many instances there are no laws applicable to such workers. SEWA uses law to bring pressure on the government or the employer. Litigation itself may not achieve complete gains but can be used as a strategic intervention. When coupled with other grassroots actions, litigation becomes an effective weapon in increasing the bargaining and negotiating power of the workers.

A country may have the finest of laws, but ultimately the attainment of social justice is through human relationships and not through victories in the courts. Law and humanity have to coexist for any provision of law to be carried out. It is very important to SEWA that legal literacy not only empower women workers, but also reeducate academics, politicians, bureaucrats, mass media, employers and the public. Unless there is recognition that rights are rights for all, progress and development remain empty concepts.

NOTES

1. A "*Bidi*" is a local cigarette rolled by hand. It contains processed tobacco rolled into *tendu* leaf and tied by a thread, the color of which depends on the brand of *bidi*. There are nearly eight million workers all over India who roll these *bidis* in their homes.
2. SEWA's concept of a paralegal is one who may or may not have a law degree, but does have an understanding of law and legal procedures.

Gender, Community Development and Paralegal Training in the Philippines: Pilipina Legal Resources Center

Emelina Quintillan

The PILIPINA Legal Resources Center (PLRC) is a social development agency that uses the law as a tool for people's empowerment and community development. It has adopted the "legal resources" approach, emphasizing legal self-reliance, de-professionalization, and interest group advocacy. The PLRC defines development as the "process of increasing capabilities and reducing vulnerabilities" in order to improve the quality of life. Thus, it has adopted a holistic view of the legal system in designing its strategies. It takes into consideration the interrelationships between the substance or content of the laws or policies, the structures that implement it, and the culture in which the laws and the structures operate.

PLRC's program focuses on training and education since they are crucial to human development. The program is designed to raise the consciousness of the community for self-help, and to sensitize national and international power players and decision makers. The PLRC conducts nonformal training for paralegals in the depressed communities and nonformal training for lawyers and other professionals in the "legal resources" approach to development issues. The components of its program are advocacy litigation, legal literacy, research and publication, and networking. Its primary clientele are women and disadvantaged communities—the urban poor, rural and ethnic communities.