



Department
for International
Development



SYSTEMATIC REVIEW OF NON-STATE JUSTICE SYSTEMS IN SOUTH ASIA

PROTOCOL, FEBRUARY 2016

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Funding

This is an independent report commissioned and funded by the Research and Evidence Division in the Department for International Development. This material has been funded by UK aid from the UK Government, however, the views expressed do not necessarily reflect the UK Government's official policies.

Acknowledgments

The authors acknowledge DFID for sponsoring and getting started this project. We are also thankful to PWC and EPPI Centre for their support. We also acknowledge the support received from the Department of Management Studies, Department of Humanities & Social Sciences, Industrial Consulting & Sponsored Research and Central Library of IIT Madras in the conduct of this research.

Conflicts of interest

There were no conflicts of interest in the writing of this report.

Contributions

The opinions expressed in this publication are not necessarily those of the EPPI-Centre/3IE or the funders. Responsibility for the views expressed remains solely with the authors.

Citation

This report should be cited as: Ali F, Mathew S K, Gopaldaswamy A K, Babu M S (2016), *Systematic Review of Non-State Justice Systems in South Asia*. Protocol. London: EPPI-Centre, Social Science Research Unit, UCL Institute of Education, University College London

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ABBREVIATIONS

AAS	Association for Asian Studies
BAAS	British Association for South Asian Studies
DFID	Department for International Development, UK
LMIC	Low and Medium Income Countries
NGO	Non-Governmental Organisation
NSJ	Non-State Justice
PICO	Population (Participants), Intervention (or Exposure), Comparison and Outcomes
RCT	Randomised Controlled Trial
SAALG	South Asia Archive and Library Group
SJ	State Justice
SR	Systematic Review
SSRN	Social Science research Network
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UP	Uttar Pradesh
USAID	United States Agency for International Development

1 BACKGROUND

Non-state justice delivery systems are informal justice mechanisms which co-exist with formal or state administered systems of justice. They also include some traditional systems and have generally been looked at as alternative dispute resolution mechanisms, especially in the rural areas, where people do not have access to formal justice delivery systems such as courts (DFID, 2004). Despite being popular mechanisms of dispute resolution, there has been mixed evidence on the effectiveness of the non-state justice delivery systems such as the role of Panchayat Raj system in India (Krishnan et al., 2014).¹

We intend to collate the available literature related to the complementarity between the state justice systems and the non-state justice systems, particularly the impact on providing access to justice in the context of South Asian countries. According to a study conducted by Baker (2010), linkages between state and non-state justice systems are important. The study also concludes that the state and international agencies “would be foolish to ignore links with non-state security and justice systems”.

In India, for example, there are formal (state) justice systems such as the courts (Supreme Court as the apex body, High courts at the state level and District courts at the district level) and non-state justice systems such as the Panchayats which are prevalent in villages. While the courts are used predominantly by people residing in urban parts of India, the Panchayats are popular means of delivering justice in rural areas. Similarly in Bangladesh, formal justice systems such as the courts (Supreme Court of Bangladesh-High Court Division and Appellate Division, subordinate courts and tribunals are the basic courts) exist alongside the informal justice systems such as the *shalish* system in villages.

In the subsequent sections, we have outlined the rationale, key concepts and purpose of the review, the conceptual definitions of non-state justice systems and the outcomes on which the review will focus. In addition, we discuss the methods used for identifying the studies, the criteria for including the studies in the review and the methods to be adopted for synthesis of the studies.

1.1 RATIONALE FOR REVIEW

In the South Asian region, the state justice systems have been complemented by the non-state systems. In India, for example the Panchayat Raj system was created as a mechanism of alternative dispute resolution. One of the important reasons for the establishment of Panchayat Raj institutions

¹ This has also been explained with examples in the subsequent parts, “Rationale for Review” and “Research Background”.

by the Government was to encourage governance at local levels as there exists a pendency of a large number of suits in the formal justice systems such as the civil and criminal courts. The non-state justice systems were viewed as alternative justice delivery systems intended to reduce both the backlog of cases in the courts and to provide a speedier and inexpensive mechanism of justice delivery to the people living in the rural areas who lacked access to the courts. In this way, the non-state justice systems were created to complement the state justice systems. Thus, the Panchayat Raj system was recognized by the Government of India and created pursuant to Article 40 of the Constitution of India. Similar to the Panchayat Raj in India, in Afghanistan, the *Jirgas* (informal justice systems used to settle disputes among the Pashtun people in Afghanistan and tribal areas of Pakistan) complement the formal courts in Afghanistan. However, the main issue is whether non-state justice systems such as the Panchayats or *Jirgas* enhance or undermine people's access to justice.

Studies on the complementarity of the justice systems have provided mixed results. A study conducted in the context of Himachal Pradesh in India noted positive response regarding the role of the non-state justice systems. The participants reported that "the elected representatives (elected panchayat leaders) of our village are very cooperative. They do help us to resolve our problems and guide us in court matters too" (Krishnan et al., 2014). However, a similar study conducted in Maharashtra, India also noted that while the panchayats are supposed to be the most accessible representative body, socio-economically disadvantaged groups report that their concerns are routinely ignored. On the other hand, non-state justice delivery systems also raise concerns such as lack of accountability (as there is no higher authority where the decisions given by informal justice systems can be appealed), corruption and lack of compliance with international human rights standards (imposition of inhumane and cruel punishments and gender inequality). Other factors such as accessibility, cost-effectiveness, speed and efficient redressal mechanisms are cited as reasons for preferring non-state justice delivery systems over the state justice delivery systems (DFID, 2004).

Apart from providing access to justice, one of the objectives of the Panchayat Raj system in India is to empower women by providing reservation for women to be elected in panchayats for gender equality in justice delivery systems. However, the extent to which women have been empowered through the Panchayat Raj systems is debatable. Women who are elected to the Panchayat Raj systems often lack knowledge of their rights and responsibilities as the panchayat representatives (Mohanty and Mahajan, 2003). Women are often ignored and male family members known as "*panch patis*" (husbands of elected women representatives) attend meetings of the panchayat and take important decisions which essentially does not serve the purpose of representation of gender in justice delivery systems.

Women's courts (*mahila mandals* or *mahila adalats*) have recently evolved in India to encourage women to solve their domestic disputes informally rather than going to state justice systems. It is a

special forum designed to address women's marital disputes. However, evidence suggests that the women who preside over *mahila adalats* have a patriarchal mindset which is the same ideology that guides the state courts (Vatuk, 2013). This in turn can defeat the objective behind women's courts, thereby having an impact on the effectiveness of these courts. However, based on our preliminary literature search, we found scant empirical evidence in this area which makes it difficult to ascertain the validity of the claim. Therefore, it is necessary for a comprehensive synthesis, of the available evidence.

Further there are also studies (Bjorket and Sanghera, 2014) which have reported misuse of non-state justice systems by some Khap Panchayats which are a form of local self-governance among *Jats* in north-western India. They have been particularly criticized for violating basic human rights such as sanctioning honour killings of young couples who marry within the same gotra (clan). Another concern linked to the issue of human rights is that there are not enough checks on the powers of the non-state justice systems. In the state of Samoa, the non-state justice systems such as the village *fonos* have inflicted punishment which included banishing, killing and shaming by ordering people to be "roped like pigs to large sticks" (Forsythe, 2007). In Afghanistan, concerns have been raised by the Afghan Government, the Supreme Court and the international community about whether these non-state justice systems should be allowed to continue. These concerns stem from the fear that due to the presence of the non-state justice delivery systems, the resources needed for the functioning of the state justice delivery systems would be diverted (Coburn and Dempsey, 2010). On the other hand, it has also been found that due to corruption in the judicial systems in Afghanistan, people prefer to have their disputes resolved outside the courts by *Jirgas* (Wardak, 2002).

The studies that have examined the role of the non-state justice systems in ensuring access to justice have fallen short of reaching any clear conclusive finding regarding their effectiveness (Krishnan et al., 2014). The lack of adequate evidence in the form of empirical studies has led to ambiguities regarding the outcome of the disputes decided by non-state justice systems. Notwithstanding this limitation of non-state justice systems it is important to study the merits of these systems, because in developing countries, it is quite possible that more disputes are handled by the non-state justice systems than the state justice systems.

With more than 30 million cases pending in the Indian courts as of 2015, the state justice systems are more in need of assistance in disposing the backlog of cases. Non-state justice system can play a critical role in reducing the backlog and in becoming an avenue for resolving new disputes when there is complementarity between the two systems. Further, the manner in which some non-state justice systems have worked in abject disregard of human rights also point to the benefits of complementing the two systems. Yet another disadvantage of the non-state dispute settlement mechanism is the perceived lack of binding authority. The absence of clarity on whether non-state justice institutions

such as Panchayat Raj were to act as the lowest rung of the state or as a local sub-governmental system affected their development (Baxi, 1982). The failure of Panchayat Raj system is attributed to its procedural rigidity when compared to the opportunities to bargain and mediate in litigation (Meschievitz and Galanter, 1982). For non-state justice systems to work, there must be appropriate linkages with the existing state justice systems.

The need for a systematic review arises in order to ascertain the manner in which challenges faced by the non-state justice systems can be addressed to make them more efficient and accessible to people and thus complement the state justice system. The complementarity of the non-state justice delivery systems with the state justice delivery systems regarding access to justice, time and cost involved in settling disputes will also be determined based on published research addressing these issues in this review.

1.2 DEFINITIONS AND KEY CONCEPTS

According to a study on informal justice systems conducted by UNDP, UNICEF and UN Women, it is difficult to define non-state justice systems in a manner that covers the wide range of informal justice delivery mechanisms. The study had broadly defined them as systems “encompassing the resolution of disputes and the regulation of conduct by adjudication or the assistance of a neutral third party that is not a part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law” (UNDP and UN Women, 2012, page 8). Since it is difficult to define and classify non-state justice systems, we rely on the definition of its opposite, the state justice system in clarifying the elements that make the system. The essential features of a formal justice systems are as follow:

1. **Universality** -The state justice systems usually follow a uniform code of procedure. For example in India, the courts follow the Civil Procedure Code, 1908 and the Code of Criminal Procedure, 1973. In Bangladesh, the Code of Criminal Procedure, 1898 is in place.
2. **Presence of formal rules and structures**- Since the state justice systems follow a uniform code, they have formal rules in place.
3. **Enforcement mechanism** - The state justice systems such as the courts pass a decree or judgment to ensure that the orders and the decisions of the courts are complied with and enforced. Non-compliance leads to penalty.
4. **Procedure for elimination of arbitrariness** - There are checks on any bias on the part of adjudicators. If an adjudicator personally knows the parties at dispute, the adjudicator would

need to recuse from the case. A litigating party can also appeal against the decision of the formal justice system.

5. **State recognition** - Formal justice systems are usually backed by the State. They are created, recognized and enforced by the State.

For the purpose of this study, we have identified the main features of formal justice systems and have used them indirectly to define informal justice systems. Hence, those systems that lack any or all of the features of the formal justice systems are considered as informal justice systems or non-state justice systems. It is worth noting that there are some justice systems that may be defined neither as formal justice systems nor as informal justice systems. Infact, they may be rightly regarded as hybrid models of customary, religious and state-run 'parajudicial' systems (UNDP and UN Women, 2012).

1.3 CURRENT PRACTICE BACKGROUND

Non-state justice systems are prevalent in developing countries; they are generally looked upon as a way to make the local people self-sufficient and to improve access to justice by providing them with cheaper means of dispute settlement. Culturally, the South Asian countries such as India, Pakistan and Afghanistan have had a long-standing tradition of resolving disputes through village or community mediation. In general, traditions and customary law play an important role in settling disputes in developing countries.

The Constitution of India provided for the establishment of Panchayat Raj institutions as a means of local self-governance in the villages. Further since there is a large number of cases pending in the courts in India and a paucity of resources (lack of judges to decide cases), Lok Adalats (People's Courts) in India were established to lessen the burden of the Judiciary. This was also seen as a means to settle disputes through inexpensive and amicable mechanisms like conciliation and mediation (A recently held Lok Adalat settled as many as 1.25 crore cases in a day). Regulations for the conduct of the Lok Adalats have also been framed under section 28 of the Legal Services Authorities Act 1987. In practice however, the Lok Adalats have started functioning very differently; although they were designed to bring about peaceful settlement through alternative dispute resolution mechanisms such as conciliation, they have started assuming adjudicatory functions (Under Section 22C of the Act which was introduced through a 2002 amendment, the authorities constituted under the Act can adjudicate in cases where conciliation fails). This defeats the intial purpose of the Lok Adalats and makes them look like the courts established by the state justice system.

The non-state justice systems have also been criticized as being ineffective in justice delivery and draining the resources of the State. Scholars have started questioning the legitimacy of these institutions and whether they should continue to co-exist with the state justice systems. For the

purpose of policy-making, it is pertinent to see that the decisions of these systems are properly enforced and that they do not violate the international human rights standards.

1.4 RESEARCH BACKGROUND

Prior studies on non-state justice systems have focused on the nature of these systems, the strengths and weaknesses of the informal justice systems (most of which are recognised by the state), and their relationship with the formal justice systems. As there is no previous systematic review that has been done on the non-state justice systems, the findings of such studies are based on published research in the form of empirical, conceptual or theoretical studies. A study conducted under the aegis of the International Institute for Democracy and Electoral Assistance (2008) has identified gender inequality as a weakness of the non-state justice systems. The study looked at the institution of *bashingantahe* (men entrusted with the responsibility of dispute settlement) in the African country of Burundi and concluded that traditionally, the institution has excluded women and has not laid down the procedure for women to perform the function of *bashingantahe*. The study identified the deep-rooted cultural notion of male domination and a conservative social climate as reasons for this inequality.

In the context of the Republic of Vanuatu, Forsyth (2009) studied the role of women in the institution of *kastom* (traditional justice system administered by non-state leaders known as chiefs). The study found that in a large number of communities, the participation of women in *kastom* meetings is restricted or non-existent. Moreover, in a few places, women are prohibited from speaking in the meetings. There was also a gender bias inherent in the decisions of the *kastom* where women were given greater punishment than their male counterparts for a particular crime. However, when it came to cases of sexual abuse or domestic violence, there seemed to be mixed evidence; while a large number of women felt that the chiefs did not take reasonable steps to punish perpetrators of domestic violence, some women were of the opinion that the chiefs listened to the victims and also fined their husbands for acts of domestic abuse.

The study also examined the relationship between the *kastom* and the state justice systems in the country. It was observed that there is evidence to suggest that the *kastom* system is currently facing a threat to its survival due to lack of support by the State. One of the respondents in the study stated that “the system of chiefs is weak and we are afraid it will break”. Another difficulty reportedly faced by these systems is the inability of the chiefs to maintain law and order in various parts of Vanuatu. This is attributed to the fact that there is lack of consensus among the chiefs to decide the “traditional” way to resolve disputes. The study also identified that the authority of the *kastom* chiefs is diminishing due to the proliferation of chiefs; disputes over the title of chief (person responsible for settling disputes) have caused the system to stop functioning in certain places. Almost all the chiefs

interviewed mentioned that people have lost respect for the *kastom*, seldom attend the *kastom* meetings and do not obey the decisions passed by the *kastom*.

In the context of South Asia, studies have been undertaken to examine the role of khap panchayats (a system of local self-governance consisting of village elders in the Indian states of Haryana, Rajasthan and Uttar Pradesh) in justice delivery. An empirical study conducted by Rajpurohit and Prakash (2015) highlighted instances of discrimination against women by khap panchayats and *shalishi adalats* in West Bengal, Rajasthan, Haryana and western parts of Uttar Pradesh. The study noted that the khap panchayats imposed social sanctions which go against the formal justice system. Moreover, there is little respect for the individual identity and liberty of a woman as the khap panchayats govern with a patriarchal mindset. According to Rajpurohit and Prakash (2015), the decisions of khap panchayats are illegal and act as a hindrance to sound governance and development.

On the other hand, in places like Afghanistan and Baluchistan, the informal justice systems are strong and formal courts are generally not used by women as doing so would be viewed as diminishing the honour of the family (Mehdi, 2002). In Bangladesh, the informal justice delivery mechanism is *shalish* (village-based dispute resolution), which is not governed by any formal procedure. Disputes may either be resolved through arbitration by the *shalish* panel or by mediation where the *shalishkars* help the parties arrive at a mutual agreement. *Shalish* have been categorized into three forms (traditional *shalish*, government-facilitated *shalish* and NGO-facilitated *shalish*) by Golub (2003).

A study conducted by the UNDP and UN Women (2012) found that though there is corruption among the formal District Courts in Bangladesh, the local people are of the opinion that the District Courts are more impartial and fairer in their judgment than the *shalish*. Apart from the customary legal systems, the most common type of non-state justice systems is religion-based justice systems such as the *sharia* courts in Nigeria (Oba, 2004). *Sharia* courts refer to “all those courts administering Islamic law in Nigeria, whether exclusively or concurrently with jurisdiction in common law and customary law matters” (Golub, 2003). Religion-based systems like *adat* courts and Islamic courts are also prevalent in Western Sumatra.

Though we have found studies addressing the effectiveness of different non-state justice system models (practices), there is still no comprehensive review of the existing literature on non-state justice systems. As can be observed, non-state justice systems are existent across the world in various forms with evidence ranging from some being very effective to some on the verge of being dysfunctional. An overall synthesis of the existing models or practices followed by various non-state justice systems would aid in policy formulations for many developing economies where non-state systems are expected to complement the state sponsored justice systems.

COMPLEMENTARITY BETWEEN THE STATE JUSTICE SYSTEMS (SJS) AND THE NON-STATE JUSTICE SYSTEMS (NSJS)

Complementarity between the state justice systems (SJS) and the non-state justice systems (NSJS) is achieved when the two systems interact with each other in mutually beneficial manner. The benefit the state justice system gets through the complementarity is in having a viable alternative dispute settlement system which reduces the burden on the state justice system. The benefit the non-state justice system enjoys through the complementarity is to have a supervisory mechanism from the state justice system to take care of issues of bias, arbitrariness and accountability. The significance of access to NSJS can be determined by identifying the complementarity between the state justice systems and the non-state justice systems in three different ways. First, complementarity may exist between state and non-state justice systems where decisions rendered by the non-state justice system are open or susceptible to judicial review by the state justice system. Judicial review would ensure a check on any arbitrariness or bias in the NSJS, and also bring in accountability in the system. Secondly, complementarity may exist between state and non-state justice systems when NSJS are organized and supported by the State. NSJS supported by the State would lead to efficient justice delivery mechanisms, cost-effectiveness, sharing of workload of SJS and access to justice. Thirdly, complementarity may exist between state and non-state justice systems where there is a provision for transferring cases pending in the SJS to the NSJS. Transfer of pending cases to the NSJS would similarly result in speedy justice, reduction in the workload of the SJS and increased access to justice. It is expected that complementarity between state and non-state justice systems will result in better economy, lesser conflict in societies, better access to justice, respect for rule of law and quick redressal of claims. The entire process is depicted in Figure 1.

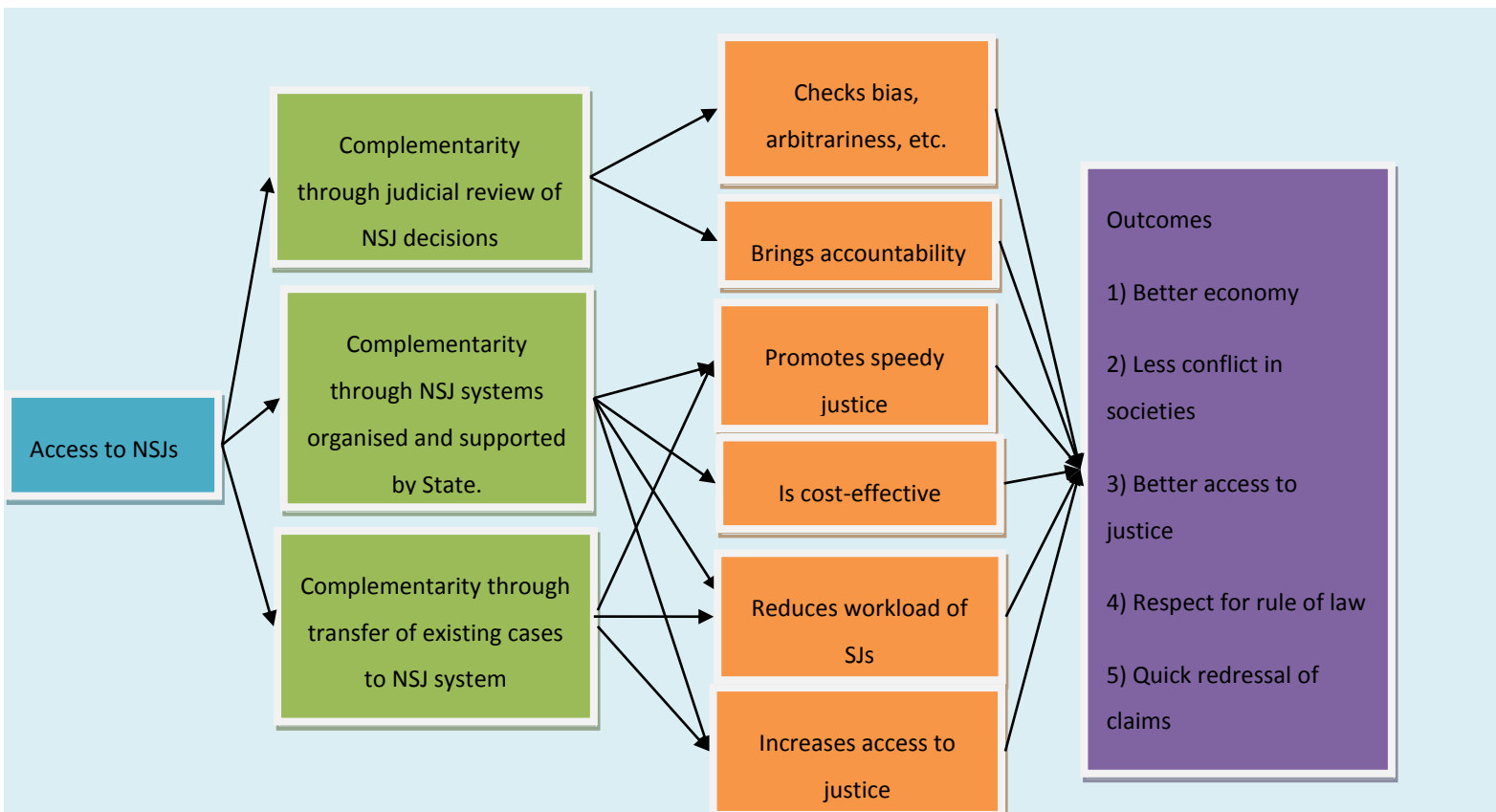


Figure 1: Complementarity between State Justice Systems (SJS) and Non-State Justice Systems (NSJS) and its Benefits

1.5 PURPOSE OF THE SYSTEMATIC REVIEW

The main purpose of this systematic review is to develop understanding about the complementarity between state and non-state justice delivery systems in South Asia. In particular, this study will analyse the legal structure of the prevailing justice delivery systems and the role of religious norms, tribal and community ties in the region. This review will also examine whether religious systems (so far as they pertain to the settlement of civil disputes and not disputes relating to application of religious laws) and tribal systems will be subsidiary to the state or if these systems can exist in parallel. The scope of this review will be limited to South Asia to those non-state systems that will be recognized as legitimate systems by the state in which it operates.

1.6 REVIEW QUESTIONS

The main research questions which will be addressed in this review are the following:

What are the different models of non-state justice systems in South Asia? What are different approaches for strengthening complementarity between state and non-state justice delivery and what have been the effects of these interventions?

Sub-questions

1. Do non-state justice systems enhance or undermine people's access to justice?
2. Are non-state justice systems speedy and cost-effective?
3. Do non-state justice systems lack accountability (is there arbitrariness or bias in these systems)?
4. Have the non-state justice systems been successful in their objective of gender justice?
5. What are the challenges that are being faced by the non-state justice systems (threat to survival, lack of support by the State, corruption, non-enforcement of decisions, etc.)?
6. Are the non-state justice systems upholding the norms of international human rights laws in their decisions?
7. Do non-state justice systems reduce the workload of state justice systems?
8. Do non-state justice systems help in reducing conflict in societies, thereby promoting better economy?

2 METHODS

2.1 EXPERT INPUTS TO THE REVIEW

This systematic review project has enlisted the services of experts from related fields such as judges, practicing lawyers, researchers and academic experts involved in justice, law and non-state justice systems. In particular we will be taking inputs from our project advisor Dr. Osama Siddique and the members of our project advisory group whose members are (i) Justice B. N. Krishna, Retired Judge of the Supreme Court of India, (ii) Anand Grover, Senior Advocate of the Supreme Court of India, (iii) Dr. Sudhir Krishnaswamy, Faculty, Azim Premji University and (iv) Dr. Arun Thiruvengadam, Faculty, Azim Premji University. In addition we will also seek inputs from experts from SARH or DFID who could review and advise our SR process.

As the experts are geographically located in different parts of the world, we shall be contacting them telephonically, mostly using VOIP connectivity. We expect to get specific inputs on key words, potential sources of research articles, and databases to leverage the vast experience and exposure the experts possess in non-state justice systems. We will contact the experts periodically for comments and direction throughout the course of the SR process.

2.2 SYSTEMATIC REVIEW PROCESS

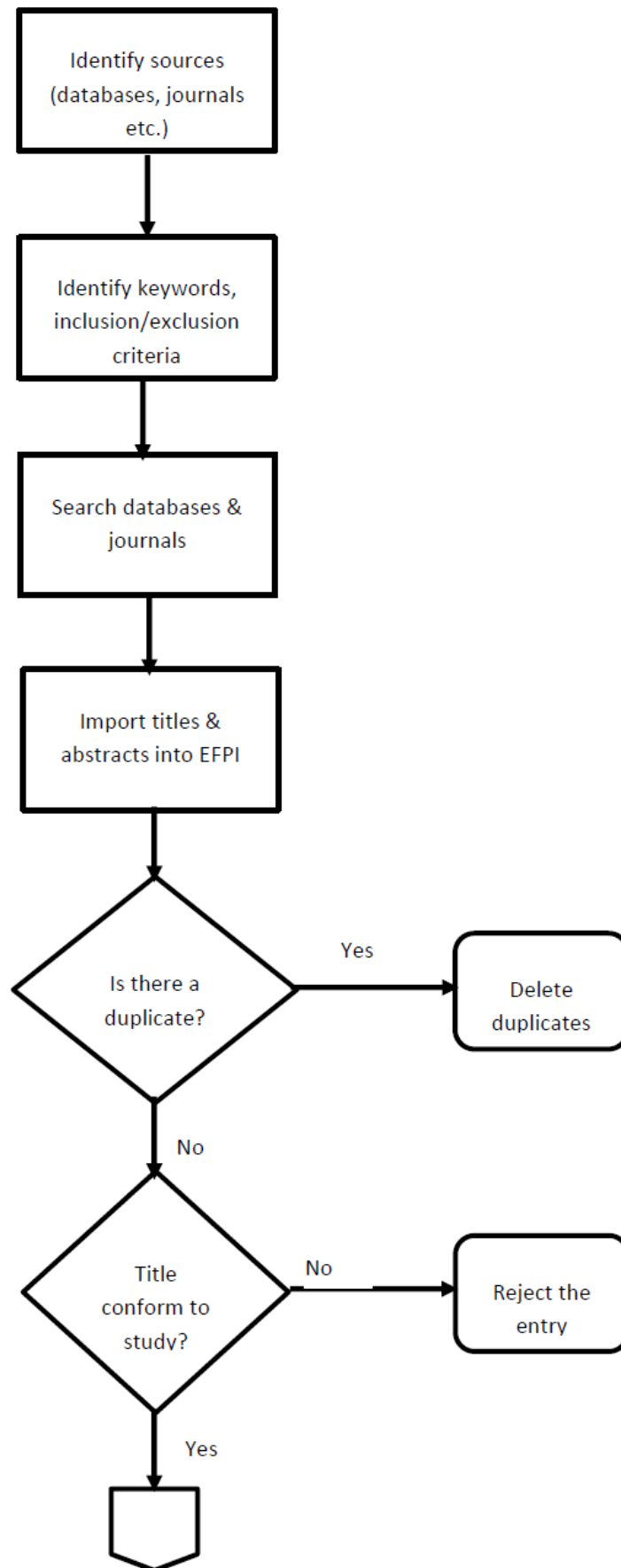
We will be following the process described below to ensure quality and reliability of the findings from the study. Figure 2 depicts the activities included in the review process and their logical flow using a flow chart diagram.

The review would be conducted in two stages; the mapping stage and the in-depth review. During the mapping stage, the studies would be screened and included/excluded on the basis of whether they meet the inclusion/exclusion criteria (Appendix 3). Subsequently there will be three more levels of screening based on 'Title search' and 'Abstract search' where the studies would again be filtered on the basis of whether their title and their abstract conform to the objective of the review. Based on the filtering a 'full text screening' would be carried out to identify those studies that would be finally included for the indepth review. The synthesis of the relevant studies forms the second stage of the review.

At the mapping stage, we will create an initial, broad bibliography using the search strategy. The emphasis here would be to identify studies to ascertain the varied non-state justice models (practices), the difference in approaches either for the same model based on expected outcome or location of intervention. Additionally, the emphasis would also be to identify the factors that

contribute to NSJ complementing the State Justice systems. We would be focusing on interventions made by the both governmental organizations (such as the Panchayat Raj system introduced by the Government of India and Community Mediation Boards Programme in Sri Lanka) and village or community mediation schemes, similar to that carried out by the Gerry Roxas Foundation in the Philippines and the implementation of restorative justice projects. With regard to the religious non-state justice systems, we would be including only those systems based on evidence, and excluding others based on religious belief. We would be including studies on non-state justice systems that identify phenomena or outcome such as efficiency in justice delivery, improved access to justice, gender justice, promotion of fairness and equality, speedy delivery of justice, decrease in crime rate, lack of neutrality and fairness in procedure, inability of non-state justice systems to decide cases, non-compliance with human rights, non-enforcement of decisions, lack of accountability and threat to survival of non-state justice systems. The studies which fail to identify the socio-economic impact of non-state justice systems will be excluded.

We have defined inclusion and exclusion criteria for research papers and articles in order to ensure that we do not miss any relevant article in our SR process. The review will focus on studies in the context of South Asia.



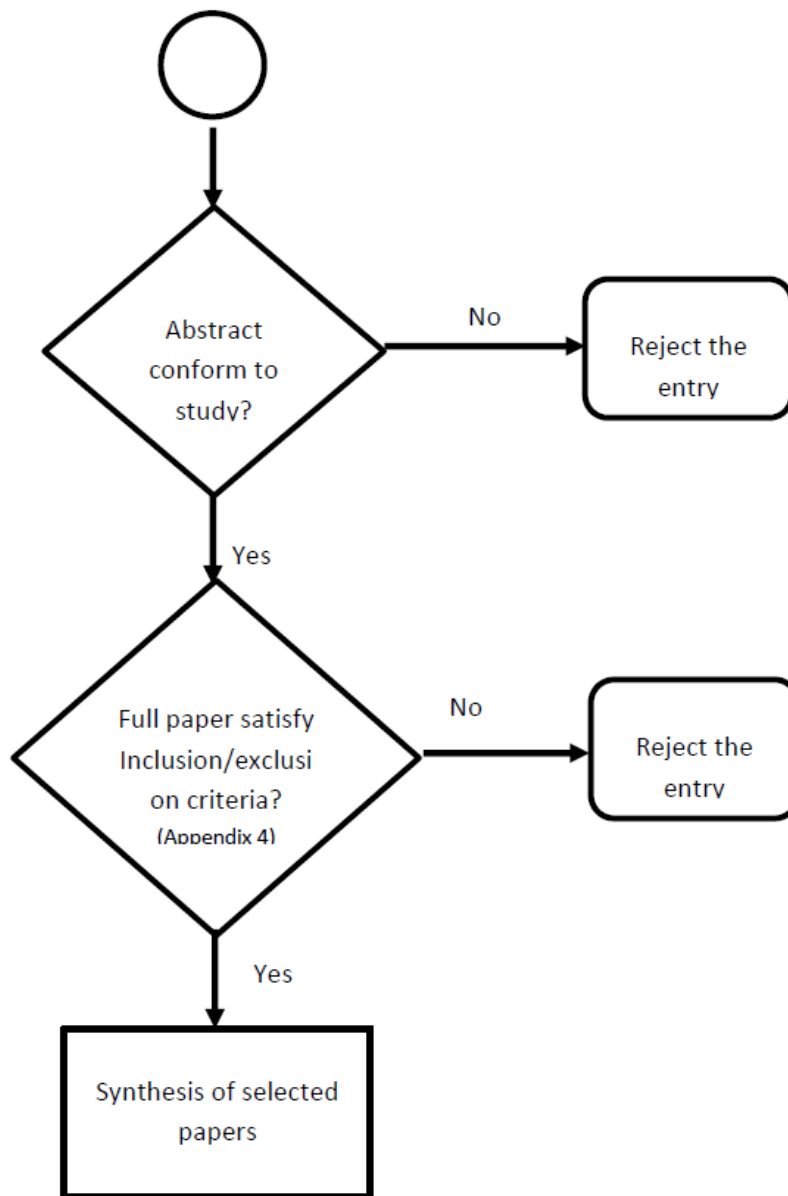


Figure 2: Flowchart for the NSJ SR process

SCREENING STUDIES USING INCLUSION/EXCLUSION CRITERIA

Inclusion and exclusion criteria for mapping as detailed in Appendix 3 will be applied on identified studies successively to: (i) titles and abstracts and (ii) full reports. Full reports will be obtained for those studies that appear to meet the initial criteria or those that have insufficient information, these will again be screened for ensuring that they meet all the listed criteria. There will be no geographic limits placed on the search in the search phase of this project. The resulting systematic review specifically will focus on South Asian context. For the purposes of this review, South Asia will include the following countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. Research that included countries from both South Asia and other countries will be eligible for inclusion in this review.

Eligible study types would include qualitative, mixed-methods research. Mixed-methods studies with qualitative evidence, phenomenological studies, qualitative descriptive studies, ethnographic studies, grounded theory studies, action research studies and feminist research studies would be included. Studies with no explicitly stated qualitative approach but which report on qualitative data will also be included in the review. In order to include the best available evidence in the full systematic review, studies that did not state or adequately describe their approach to qualitative analysis of data will be excluded from the scoping review and subsequent systematic review. Whilst studies that did not meet the inclusion criteria for the scoping report will be excluded at the screening stage, the included studies will be of varying relevance to the ultimate review questions. This relevance will be judged according to the following criteria:

- Whether they examined peoples' experiences of receiving or delivering non state justice system?
- Whether they examined peoples' experiences of such interventions.
- Whether they reported qualitative methods of data collection and analysis on peoples' experiences.
- Whether the studies qualitatively investigated peoples' experiences of their involvement in the receipt of justice through non-state programmes in terms of positive benefits/negative consequences;
- Whether the studies qualitatively investigated peoples' motivations to participate/not participate/drop out of non-state justice programmes;
- Whether the studies qualitatively investigated other household or community members' beliefs and attitudes toward people who participated in non-state justice programmes.

CHARACTERISING INCLUDED STUDIES

At the mapping stage, a quick characterization would be carried out based on the type of intervention, region, population, target study design and outcomes. The PICO components would form much of the eligibility criteria for the initial screening of the studies. The acronym PICO stands for Population (Participants), Intervention (or Exposure), Comparison and Outcomes.

Population (Indicates the Population, and any sub-groups, that will be the focus of this review): As indicated the review will be confined to South Asia. In particular we propose to study non-state justice systems that prevail among regional, religious and ethnic subgroups like the *Jat* community in north-western India, *jirgas* among *pasthun* community in Pakistan and *shuras* in Afghanistan, *bhoras* in India and subgroups based on gender like the *mahila adalats* (courts for women) in India.

Intervention (Indicates the nature of the Intervention for which evidence will be gathered): The predominant objective here would be to identify the differences in interventions of non-state justice systems, the differences in intervention in relation to expected outcome. In addition we would also include the difference in interventions and outcomes in terms of region or gender. The identification of complementarity factors in non-state justice systems based on the intervention type will also be analysed. One possible example from India on the complementarity aspect would be the state sponsored Panchayat Raj institutions to encourage governance at local levels and to empower women. The emphasis in the example would be to identify evidences that describe the effectiveness of this institution, in delivery of justice and its complementarity.

Comparison (Indicates what comparison interventions will be included in the review): Though an ideal method of comparison of studies would be on quantitative evidence, it is very hard to come by for a research question such as the current one. We will compare the different models that work across South Asia as the models are largely dependent on prevailing regional differences and locally accepted practices and beliefs. We would also attempt to focus on the differences in the effectiveness of state sponsored non-state justice systems vis-a-vis non-state sponsored systems which basically emanate from religious practices or regional culture. The differences in cost, the target population in terms of gender, accessibility and accountability of such systems based on intervention type, region and sponsoring agency (state vs non-state) will be compared. Based on the initial screening we have not been able to come across quantitative studies that meet the necessary conditions for a quantitative analysis, therefore we will be restricting this review to qualitative studies.

Outcome(s) (Indicates which intermediate and endpoint outcomes will be included in this review, giving due consideration to any adverse or unintended consequences that may occur along the causal chain): The aim of this systematic review is to identify the factors contributing to the functioning of

the non-state justice systems. The desirable outcomes would include better access to justice through cost-effective and speedy justice delivery mechanisms (Research sub-questions 1 and 2), quick redressal of claims (sub-question 2), respect for rule of law by bringing in accountability and checking arbitrariness or bias in the justice delivery systems (sub-question 3), promotion of gender justice and equality (sub-question 4), recognition of challenges faced by non-state justice systems (sub-question 5), respect for and promotion of international human rights (sub-question 6), reduction in workload of state justice systems (sub-question 7), better economy and less conflict in societies (sub-question 8). We expect that the synthesis of relevant literature would aid in identifying factors either positively or negatively affecting the complementarity of non-state justice systems to the state sponsored justice systems. The outcome would also be factored in mapping the successful approaches adopted by non state justice systems for complementarity.

Thoughtfully and unambiguously specifying the parameters for each of these attributes allows for research questions to be created that will yield the intended outcome of assessing the review question. Apart from PICO, additional criteria include study design, minimum number of subjects per study, background of the participants, baseline status, minimum intervention period, minimum information for characterizing the intervention, outcome measures of interest. The draft coding tool is provided in Appendix 4. After applying the inclusion and exclusion criteria to the studies, key-wording strategies will be tested upon a subset of material prior to moving on to charting the data. The key-wording strategy would be discussed with the research team's South Asia expert on justice systems, DFID-SARH, the EPPI-SG and the Expert Advisory Group to clarify any potential changes required based on this text dataset. Once the key-wording strategy is finalised it will be used to code the studies in EPPI-Reviewer 4.0. Studies included from the scoping review will be initially evaluated and characterised according to type(s) of non state justice intervention(s). The provider of the non state justice intervention(s) and the beneficiaries will be described, as well as the country or region in which the intervention was offered and the setting (i.e. South Asian country or country/context relevant to South Asia, in an urban or rural environment). Each study will then be characterised according to its design, including: systematic review, qualitative, mixed-methods with qualitative data reported upon. The phenomena of interest assessed will be described in relation to the context of the participants, their experiences and views of receiving or delivering non state justice interventions, and other impacts on the non state justice service users wherever available.

CONTEXTUALISATION

In order to maximize the relevance of the review findings to specific South Asian region/countries, we would organize the review on the basis of themes and country cases. These studies would be chosen to reflect the complex mix of constitutional governance and community factors in the region. Country

experiences of protracted conflict (Afghanistan) and the sustained interest of global policy advisors in regions would be examined closely.

The review would lay emphasis on the efforts of reconstruction of conflict torn economies and the attempts to manage access to justice amongst local communities.

Existing linkage between state and non-state justice systems would also be accorded priority. Regions and communities that have traditionally relied on informal justice delivery systems, like Afghanistan and Pakistan, would be identified for closer scrutiny. Certain non-state justice systems such as *jirgas* (an assembly of leaders that decides disputes according to the teachings of Islam) which are popular in Afghanistan are also found in Pakistan. Since certain religious and cultural traditions are present in both the countries, the findings of the study of *jirgas* in Afghanistan can be reasonably applied to those in Pakistan. The same would be done for other countries sharing similar characteristics of non-state justice systems.

In terms of effect of variables such as constitutional governance and religious practices along with variables that capture political stability would be analysed and policy implications would be drawn. This would be of relevance to regions that have traditionally relied upon informal justice delivery systems since antiquity.

The review would also address the legitimacy of existing informal systems which have been recognised and complemented by the state justice delivery systems. In this context we will also document some of the best practices prevailing in the region so that it can be replicated to other regions which suffer from issues relating to access to justice.

IDENTIFYING AND DESCRIBING STUDIES: QUALITY ASSURANCE PROCESS

The searches will be initially carried out to identify relevant publications, reports with potentially relevant text and data. Each citation will then be piloted independently by the two lead reviewers using inclusion criteria stated in Appendix 3. Reports or web-sites with potentially relevant text and data, which will be assessed independently in duplicate by the two lead reviewers (Feroz Ali & Saji Mathew) using the initial mapping criteria for the review.

Coding of included studies in the systematic map (including all publications/reports etc.) will be carried out by Suresh Babu and then validated by Arun Kumar and Umakant Dash to create a final study dataset.

In case of a disagreement between the lead reviewers it will be referred to a third reviewer (Dr. Osama Siddique) or one of the advisors for their views and comments. Their view will be taken as the final decision.

2.3 SEARCH FOR POTENTIAL STUDIES

We have outlined a list of databases to be included in our search strategy for potential databases in Appendix 1. Here we have identified list of databases which will be a major source of research papers and articles in our study. In addition we have identified a list of hand search journals (see Appendix 1) for consideration in the review. Further we have identified potential key words and their combinations (see Appendix 2). We will be using these key words for search in different databases and journals. Titles and abstracts will be imported into EPPI Reviewer 4, which will be used to keep track of and code studies found during the review. It is proposed to include studies that have been published or completed from the year 1990 onwards. Since the main objective of the review is to strengthen the capacity for evidence based on informed decision making, it is felt that a synthesis of recent evidence would be more relevant for policy decision making and provide more credence to the review.

PEOPLE AND ROLES FOR QUALITY ASSURANCE

- i. Feroz and Saji will formulate a data extraction policy and manage the codification of the data so retrieved. In addition they will also be involved in supervising and directing the research associates in the data extraction process.
- ii. Suresh and Saji will review and validate the inclusion and exclusion criteria defined. They would be able to comment on the studies identified and create a policy of inclusion and exclusion.
- iii. Feroz, Saji, Arun and Suresh will be involved in title screening and abstract screening of the studies. They will also be involved in full text screening by dividing the studies among themselves based on the outcomes.
- iv. Feroz and Saji would have the overall responsibility of synthesising or integrating both the qualitative and quantitative findings. Arun and Suresh will validate the process and findings.

Disagreement between the lead reviewers (if any) will be referred to the advisor (Dr. Osama Siddique) who will make the final decision.

2.4 IN-DEPTH REVIEW

After the initial screening and selection of appropriate research papers and articles for review as described in the previous sections, the next step would be to conduct detailed appraisal of the papers based on the quality of these studies. This appraisal of studies would be conducted based on delivery and adequacy, reliability and validity of outcome measures and other factors affecting heterogeneity of outcomes. We will assess the quality of individual studies based on the guidelines of DFID (DFID, 2013). A 'checklist for study quality' will be completed for each study included in the review and based on this the study will be classified as high, medium or low quality. Studies will be critically appraised according internal validity and external validity and publication bias.

SYNTHESIS OF EVIDENCE

Our attempt would be to synthesise qualitative evidence pertaining to the review question. An initial scanning of the literature points to the predominance of qualitative studies therefore we will be restricting to qualitative synthesis. We expect substantial heterogeneity in terms of the type of data, country where studies conducted, outcomes analysed, etc., therefore we will adopt an narrative approach which will more suitable to synthesise the outcome and impact evidences from qualitative studies. Textual narrative also makes the context of the study clearer and is more likely to make the heterogeneity between studies transparent (Barnett-Page and Thomas, 2009). Since textual narration helps to bring out the heterogeneity (with respect to outcomes) between studies, this method is suitable for qualitative synthesis of evidences. Textual narration would help to understand the causality in greater detail between interventions and outcomes, while helping to deal with heterogeneity.

2.5 SYNTHESIS PROCESS

The synthesis would be based on outcomes identified. The outcome data for synthesis would be generated by considering studies encompassing benefits of non-state justice systems including, but not limiting to, speedy disposal of cases, cost-effectiveness, flexibility of procedure, rehabilitation of offender, gender justice, etc. Other possible fallacies of non-state justice systems such as inability to decide cases, non-compliance with human rights, non-enforcement of decisions, lack of accountability, unfair and partisan procedure, etc. would be considered as the outcomes of interest. Outcome data will be classified into social and economic outcomes. Social outcome indicators may include: access to justice, decrease in crime rate, gender justice and compliance with human rights. Economic outcome indicators may include cost-effectiveness of non-state justice delivery mechanisms and affordability of non-state justice systems. Study characteristics, target group, exposure,

comparison group and study relevance, validity criteria and outcome data will be tabulated and presented in the report.

The synthesis will follow a clear pathway of intervention, outcome and impact pathways. The synthesis will lead to identification of model that would be effective depending on the purpose for which such a non state system is created and the region in which it is operating.

3. TIMELINE

Stage of review (Tasks)	Description	Start date	End date
Title Registration(allow 2 weeks)	<p>Selected teams will register their reviews with the EPPI-Centre.</p> <p>The team is allowed around 2 weeks to complete the process after contract signing.</p>	October 10, 2015	October 24, 2015
Preparation of preliminary protocol	<p>Preliminary Protocol preparation will start simultaneously with title registration. Preliminary protocol will include- (1) Background, (2) Aims and rationale for review, (3) Definitional and conceptual issues, (4) Objectives of the SR; (5) Conceptual Framework; (6) Methods of the review (Review approach, identifying potential studies, inclusion-exclusion criteria, data collection and management, analysis, contextualisation, report writing etc.); (7) References Key inputs in preliminary protocol will be (1) determining the scope of the review and defining the inclusion - exclusion criteria and (2) developing a search strategy which includes determining which databases and other sources to search, which search terms to use; date(s) for including studies etc. Teams will consult advisory group members while preparing the preliminary protocol and / or will take their feedback on the draft preliminary protocol before submitting it for review.</p>	October 15, 2015	December 17, 2015

Protocol review and revision	Protocol review will involve 2 stage review- first stage review by QAT and second stage review by DFID Teams will revise protocol for QAT's and DFID's comments.	December 17, 2015	March, 2016
Stage I: Streamlining review scope based on availability of existing evidence	This stage will include: (1) Search - Based on inclusion-exclusion criteria and key search terms agreed during preliminary protocol stage, relevant databases, websites and journals will be searched to identify and retrieve relevant primary studies. (2) Screening - Studies identified by the search are then checked (screened) to exclude those that do not meet the inclusion criteria. Screening will be carried out for titles, abstracts and full text. (3) Coding - Details of the selected studies are coded to understand characteristics of existing evidence. (4) Scoping: Based on coding of studies, existing evidence will be mapped by various domains- type of intervention, type of studies, geographical coverage etc. to understand scope of existing research for the theme.	February 1, 2016	May 9, 2016
Preparation of Stage II Protocol	Teams will add following sections in preliminary protocol to prepare stage II protocol: (1) results of searching and scoping exercise; (2) proposed modifications in scope of research (research	May 9 , 2016	May 29, 2016

	question, population, interventions, outcomes, types of studies, geographical coverage etc.) based on search and scoping and; (3) approach for contextualisation. Teams will consult advisory group members while preparing stage II protocol and / or will take feedback from advisory group on draft stage II protocol before submitting it for review.		
Stage II Protocol Review and revision	Stage II protocol will be reviewed by QAT (2 weeks) and DFID (1 week); Teams will revise protocol for QAT's comments in 2 weeks and for DFID's comments in 1 week.	May 30, 2016	July 11, 2016
Presentation of Stage II Protocol	Teams will make a presentation on the finding of searching and scoping exercise as well refined scope of research to SR consortium, DFID and advisory group. PPT should be organised after 1 week of submitting stage II protocol.	June 6, 2016	June 6, 2016
Stage II start: Data Extraction	Relevant data and information will be extracted from selected studies using data extraction sheets;	June 14, 2016	July 2, 2016
Appraisal	Appraisal determines how much weight is placed on the evidence of each study included in the final synthesis. The three key components to critical appraisal are (1) the study's relevance to the review question, (2) the appropriateness of its methods in the context of the review, and (3) the quality of the execution of these methods.	July 2, 2016	July 20, 2016

Synthesise	It is the process of integrating the findings from the included studies to answer the review question. It involves examining the available data, looking for patterns and interpreting them. Synthesis may involve qualitative or quantitative analysis or both. At this stage, team will draw key findings and conclusions.	July 20, 2016	August 7, 2016
Contextualisation of findings to South Asian relevance	The team will contextualise the findings to South Asia and specific countries mentioned in the RfP.	August 7, 2016	August 22, 2016
Preparation of draft report, and summary	The report will include (1) Structured abstract (background, methods, results, conclusions); (2) Executive summary; (3) Background; (4) Objectives; (5) Methods; (6) Search results; (7) Details of included studies; (8) Synthesis results; (9) Limitations; (10) Conclusions and recommendations; (11) References (included studies and studies excluded when inspecting full reports). The systematic review report will also include a section on contextualisation and policy relevant implications of findings. Teams will consult advisory group members while preparing the SR report and / or will take feedback from advisory group on draft report and summary before submitting it for review.	August 22, 2016	September 6, 2016
Review and Revision of draft SR report with contextualisation and SR summary	Draft report will be reviewed by first by QAT (4 weeks) and then by	September 6, 2016	November 15, 2016

	DFID (2 weeks); Teams will revise report for QAT's comments in 3 weeks and for DFID's comments in 1 week		
Dissemination of draft report/findings	Organising dissemination workshop, stakeholder engagement	November 15, 2016	December 5, 2016
Finalising SR report	Incorporating feedback received during dissemination in the final report.	December 5, 2016	December 10, 2016

4. DISSEMINATION PLAN

The review team would engage in two stage dissemination. In the first stage the dissemination would be aimed at policy makers by circulating the report and soliciting their responses. Subsequently they would be invited to participate in focused group workshops where the findings of the reports from the policy maker's perspective would be discussed. We would also look at publishing salient findings of this review in popular press, newspaper OP-EDs, as well as journals that are targeted at the policy makers.

The second level of dissemination would be to the research fraternity. We would seek to publish the review in a reputed international journal, which will have wide access by the research community. The findings of this research would also be presented in some of the leading conferences and workshops in the area firstly as a mode of knowledge dissemination and secondly to get expert opinions. To enhance the accessibility of the study the research paper would be posted on leading research websites like SSRN and Research Gate. Hard copies of the final report will be sent to the experts, policy makers as well as leading libraries.

This report will also be shared with implementing agencies like the *mahila mandals*, *lok adalats*, *jirgas*, human rights organizations and NGOs who are engaged at the grassroots level. The review team would conduct a workshop for the personnel engaged at the grassroots level of non-state justice delivery systems to disseminate the findings and enhance their performance. The report and the findings will be widely shared with government agencies, legal experts and policy makers in the judiciary and the government.

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APPENDIX 1: SEARCH STRATEGY

Sources

1. Electronic search of bibliographical databases such as Lexis, HeinOnline, JStor, EBSCO, Wiley Online Library, ProQuest, SSRN, Springer Link, Emerald, Taylor & Francis, Science Direct
2. Systematic review databases such as the Campbell Collaboration Library of systematic reviews and the Cochrane Library
3. Existing systematic reviews to ensure that all the studies included in the earlier systematic reviews in a similar domain are included in this review.
4. Key websites:
 - o PhD thesis abstracts (<http://www.sasnet.lu.se/sasnet/sasnet-nordicdissertations>;
http://www.library.illinois.edu/asx/southasiancollection/sa_dissertations)
 - o DFID
 - o Association for Asian Studies (AAS)
 - o British Association for South Asian Studies (BASAS)
 - o South Asia Archive and Library Group (SAALG)
 - o Asian Journals Online
 - o Nepal Journals Online
 - o Bangladesh Journals Online
 - o Vietnam Journals Online
 - o Philippines Journal Online
 - o Sri Lanka Journals Online
 - o Indonesia Journals Online
 - o Indian Citation Index
 - o South East Asia Index
 - o SAGE Journals

In addition we will search policy pointers such as:

- o UNESCO Social and Human Science Publications,
<http://www.unesco.org/new/en/social-and-humansciences/resources/online-materials/publications/unesdoc-shs/>
- o IDRC digital library, <http://idl-bnc.idrc.ca/dspace/>

The search engines that will be used are Google and Google Scholar.

5. Electronic and hand search of the following journals that focus on the subject area of the systematic review
 - Women and Criminal Justice
 - Development Policy Review
 - Critique of Anthropology
 - International Criminal Justice Review
 - Journal of Law, Policy and Globalization
 - Canadian Journal of Criminology and Criminal Justice
 - The Journal of Social Studies Research
 - International Journal of Law, Crime and Justice (formerly known as the International Journal of the Sociology of Law)
 - The Social Science Journal
 - Social Science Research
 - Criminal Justice Matters
 - Comparative Legal History
 - Criminal Justice Studies: A Critical Journal of Crime
 - Law and Society
 - Griffith Law Review
 - International Journal of Comparative and Applied Criminal Justice
 - Journal of Crime and Justice
 - Journal of Islamic law and culture
 - The Journal of Legal History
 - The Journal of Legal Pluralism and Unofficial Law
 - King's Law Journal
 - Oxford University Commonwealth Law Journal
 - Peking University Law Journal
 - Restorative Justice: An International Journal
 - Victims and Offenders: An International Journal of Evidence-based Research, Policy and Practice
 - Women and Criminal Justice
 - Contemporary Justice Review: Issues in Criminal, Social and Restorative Justice
 - Contemporary Social Science: Journal of the Academy of Social Sciences
 - Contemporary South Asia
 - European Journal of Cultural and Political Sociology
 - European Societies
 - Global Crime
 - Journal of Contemporary European Studies
 - Journal of International and Comparative Social Policy
 - Justice Quarterly
 - Kotuitui: New Zealand Journal of Social Sciences Online
 - Restorative Justice: An International Journal
 - South Asian History and Culture
 - South Asian Studies
 - Criminal Law and Philosophy
 - Criminal Law Forum
 - Crime, Law and Social Change
 - Journal of Criminal Justice
 - Ohio State Journal of Criminal Law

- American Criminal Law Review
- Berkeley Journal of Criminal Law
- Virginia Journal of Criminal Law
- University of Denver Criminal Law Review
- Justice System Journal

For those journals available in print form only, we will undertake hand searching by reading the contents page of each journal issue.

We will search for relevant PhD theses published online, and those available in print form in reputed universities and research institutes in India will be hand searched.

APPENDIX 2: SEARCH TERMS FOR NSJ

1 Topic=(LMIC as listed in the 2012 Cochrane filter,

<http://epocoslo.cochrane.org/lmicfilters>

- A. (Africa or Asia or Caribbean or "West Indies" or "South America" or "Latin America" or "Central America"):ti,ab,kw
- B. (Afghanistan or Albania or Algeria or Angola or Antigua or Barbuda or Argentina or Armenia or Armenian or Aruba or Azerbaijan or Bahrain or Bangladesh or Barbados or Benin or Byelarus or Byelorussian or Belarus or Belorussian or Belorussia or Belize or Bhutan or Bolivia or Bosnia or Herzegovina or Hercegovina or Botswana or Brasil or Brazil or Bulgaria or "Burkina Faso" or "Burkina Fasso" or "Upper Volta" or Burundi or Urundi or Cambodia or "Khmer Republic" or Kampuchea or Cameroon or Camerouns or Cameron or Camerons or "Cape Verde" or "Central African Republic" or Chad or Chile or China or Colombia or Comoros or "Comoro Islands" or Comores or Mayotte or Congo or Zaire or "Costa Rica" or "Cote d'Ivoire" or "Ivory Coast" or Croatia or Cuba or Cyprus or Czechoslovakia or "Czech Republic" or Slovakia or "Slovak Republic"):ti,ab,kw
- C. (Djibouti or "French Somaliland" or Dominica or "Dominican Republic" or "East Timor" or "East Timur" or "Timor Leste" or Ecuador or Egypt or "United Arab Republic" or "El Salvador" or Eritrea or Estonia or Ethiopia or Fiji or Gabon or "Gabonese Republic" or Gambia or Gaza or Georgia or Georgian or Ghana or "Gold Coast" or Greece or Grenada or Guatemala or Guinea or Guam or Guiana or Guyana or Haiti or Honduras or Hungary or India or Maldives or Indonesia or Iran or Iraq or "Isle of Man" or Jamaica or Jordan or Kazakhstan or Kazakh or Kenya or Kiribati or Korea or Kosovo or Kyrgyzstan or Kirghizia or "Kyrgyz Republic" or Kirghiz or Kirgizstan or "Lao PDR" or Laos or Latvia or Lebanon or Lesotho or Basutoland or Liberia or Libya or Lithuania):ti,ab,kw
- D. (Macedonia or Madagascar or "Malagasy Republic" or Malaysia or Malaya or Malay or Sabah or Sarawak or Malawi or Nyasaland or Mali or Malta or "Marshall Islands" or Mauritania or Mauritius or "Agalega Islands" or Mexico or Micronesia or "Middle East" Systematic review of quantitative evidence on the impact of microfinance on the poor in South Asia or Moldova or Moldovia or Moldovian or Mongolia or Montenegro or Morocco or Ifni or Mozambique or Myanmar or Myanma or Burma or Namibia or Nepal or "Netherlands Antilles" or "New Caledonia" or Nicaragua or Niger or Nigeria or "Northern Mariana Islands" or Oman or Muscat or Pakistan or Palau or Palestine or Panama or Paraguay or Peru or Philippines or Philipines or Phillipines or Phillippines or Poland or Portugal or "Puerto Rico"):ti,ab,kw

- E. (Romania or Rumania or Roumania or Russia or Russian or Rwanda or Ruanda or "Saint Kitts" or "St Kitts" or Nevis or "Saint Lucia" or "St Lucia" or "Saint Vincent" or "St Vincent" or Grenadines or Samoa or "Samoa Islands" or "Navigator Island" or "Navigator Islands" or "Sao Tome" or "Saudi Arabia" or Senegal or Serbia or Montenegro or Seychelles or "Sierra Leone" or Slovenia or "Sri Lanka" or Ceylon or "Solomon Islands" or Somalia or Sudan or Suriname or Surinam or Swaziland or Syria or Tajikistan or Tadjikistan or Tadjikistan or Tadjik or Tanzania or Thailand or Togo or "Togolese Republic" or Tonga or Trinidad or Tobago or Tunisia or Turkey or Turkmenistan or Turkmen or Uganda or Ukraine or Uruguay or USSR or "Soviet Union" or "Union of Soviet Socialist Republics" or Uzbekistan or Uzbek or Vanuatu or "New Hebrides" or Venezuela or Vietnam or "Viet Nam" or "West Bank" or Yemen or Yugoslavia or Zambia or Zimbabwe or Rhodesia):ti,ab,kw
 - F. (developing or less* NEXT developed or "under developed" or underdeveloped or "middle income" or low* NEXT income or underserved or "under served" or deprived or poor*) NEXT (countr* or nation* or population* or world):ti,ab,kw
 - G. (developing or less* NEXT developed or "under developed" or underdeveloped or "middle income" or low* NEXT income) NEXT (economy or economies):ti,ab,kw
 - H. low* NEXT (gdp or gnp or "gross domestic" or "gross national"):ti,ab,kw
 - I. (low NEAR/3 middle NEAR/3 countr*):ti,ab,kw
 - J. (lmic or Imics or "third world" or "lami country" or "lami countries"):ti,ab,kw
 - K. ("transitional country" or "transitional countries"):ti,ab,kw
- (#A OR #B OR #C OR #D OR #E OR #F OR #G OR #H OR #I OR #J OR #K)

#2 Topic= ('legal settlement' OR 'settlement of disputes' OR 'justice delivery' OR 'informal justice' OR 'non formal justice' OR 'non-formal justice' OR 'traditional justice' OR 'traditional justice approaches' OR 'traditional forms of dispute resolution' OR 'traditional authority' OR 'traditional domination' OR 'local justice' OR 'alternative dispute mechanism' OR 'informal systems' OR 'decision-making' OR 'justice seeking' OR 'access to justice' OR 'community access to justice' OR 'participatory justice' OR 'community dispute resolution' OR 'dispute settlement' OR 'dispute resolution' OR 'justice dispensation' OR 'access to justice' OR 'legal pluralism' OR 'judicial pluralism' OR 'reparative justice' OR 'restorative justice' OR 'indigenous law' OR 'community-based justice' OR 'community justice' OR 'alternative justice' OR 'customary justice' OR 'panchayati justice' OR 'hybrid dispute resolution' OR 'alternative dispute resolution' OR 'customary law' OR arbitration OR 'soft arbitration' OR conciliation OR mediation OR vigilant* OR 'private policing' OR 'private armies' OR lynching OR militia OR 'local self-government' OR 'local conflict resolution' OR 'plural legal orders' OR 'non-state actors') OR

Title= ('legal settlement' OR 'settlement of disputes' OR 'justice delivery' OR 'informal justice' OR 'non formal justice' OR 'non-formal justice' OR 'traditional justice' OR 'traditional justice approaches' OR 'traditional forms of dispute resolution' OR 'traditional authority' OR 'traditional domination' OR 'local justice' OR 'alternative dispute mechanism' OR 'informal systems' OR 'decision-making' OR 'justice seeking' OR 'access to justice' OR 'community access to justice' OR 'participatory justice' OR 'community dispute resolution' OR 'dispute settlement' OR 'dispute resolution' OR 'justice dispensation' OR 'access to justice' OR 'legal pluralism' OR 'judicial pluralism' OR 'reparative justice' OR 'restorative justice' OR 'indigenous law' OR 'community-based justice' OR 'community justice' OR 'alternative justice' OR 'customary justice' OR 'panchayati justice' OR 'hybrid dispute resolution' OR 'alternative dispute resolution' OR 'customary law' OR arbitration OR 'soft arbitration' OR conciliation OR mediation OR vigilant* OR 'private policing' OR 'private armies' OR lynching OR militia OR 'local self-government' OR 'local conflict resolution' OR 'plural legal orders' OR 'non-state actors')

('non state justice delivery' OR 'non-state justice delivery' OR khap* OR panchayat* OR 'lok adalat' OR 'mahila adalat' OR shura* OR 'shura-i-islahi' OR 'shura-i-jamaatkhana' OR Jirga* OR 'Pashtun jirga' OR 'qawmi jirga' OR 'quami jirga' OR 'loya jirga' OR 'ulasi jirga' OR 'ulusi jirga' OR 'shakshi jirga' OR 'sarkari jirga' OR Sulah OR faislo OR fasilo OR 'sardari system' OR 'mahila mandal' OR 'fono' OR 'traditional justice systems' OR 'traditional justice forums' OR 'informal justice system' OR 'non-formal justice system' OR 'non formal justice systems' OR 'informal justice institutions' OR 'non-formal justice institutions' OR 'non formal justice institutions' OR 'non-judicial justice system' OR 'non judicial justice system' OR 'indigenous justice systems' OR 'community justice systems' OR 'customary justice systems' OR 'customary justice mechanisms' OR 'customary courts' OR 'Customary Courts Act' OR 'native courts' OR 'Native Courts Law' OR 'Area courts' OR 'non-state justice systems' OR 'non state justice systems' OR 'non-state traditional courts' OR 'non state legal orders' OR 'non-state legal orders' OR 'non-state legal institutions' OR 'shalish' OR 'salish' OR 'shalishi adalat' OR 'kangaroo court' OR 'community mediation' OR 'community boards' OR 'community justice groups' OR 'mediation boards' OR 'village mediation' OR 'customary justice forums' OR 'dual justice systems' OR 'dual systems of justice' OR 'traditional dispute resolution' OR 'indigenous justice process' OR 'indigenous legal systems' OR 'local justice system' OR 'local peace committees' OR 'traditional dispute mechanism' OR 'tribal justice' OR 'traditional criminal justice system' OR 'Indian tribal courts' OR 'nyaya panchayat' OR 'traditional courts' OR 'rondas campesinas' OR 'local courts' OR 'local councils' OR 'local council courts' OR 'Traditional Courts Act' OR 'Traditional Authorities Act' OR 'Local Courts Act' OR 'primary justice Malawi' OR matai OR 'indigenous courts' OR 'Kebele Social Courts' OR Bashingantahe OR 'adat justice' OR 'adat dispute resolution' OR 'adat councils' OR 'nagari adat institution' OR 'village courts' OR 'village councils' OR 'village judicial autonomy' OR 'village judiciary' OR 'Barangay justice system' OR 'Katarungang Pambarangay' OR 'African customary law' OR

'Aboriginal customary law' OR 'street committees' OR 'religious courts' OR 'People's mediation courts'
OR 'street gang' OR 'organized crime group' OR 'Wazee wa magogo' OR Veisorosorovi OR Bulubulu
OR 'Had Gasa' OR Kijo OR maraka OR tukhum OR Gacaca OR unimane OR 'Abunzi Committees' OR
Xeer OR 'Beja law' OR 'Salif customary law' OR 'Islamic law' OR 'shariah courts' OR 'shari'ah courts' OR
'sharia courts' OR 'sharia-based court systems' OR falekaupule OR 'Falekaupule Act' OR taupulega OR
'Taupulega Act' OR faipule OR 'kastom systems' OR Malvatumauri OR 'Malvatu Mauri' OR
'Zwelethemba model of conflict resolution' OR monkalun OR 'peace committees' OR 'district peace
advisory councils' OR 'dispute resolution councils' OR 'district multi-party liaison committees' OR
'village peace and development committees' OR 'committees for inter-community relations' OR
'village ombudsman') OR

Title= ('non-formal justice systems' OR 'non formal justice systems' OR 'non state justice delivery' OR
'non-state justice delivery' OR 'informal justice systems' OR 'non-judicial justice system' OR 'non
judicial justice system' OR 'informal justice institutions' OR 'non-formal justice institutions' OR 'non
formal justice institutions')

APPENDIX 3: INCLUSION AND EXCLUSION CRITERIA

Criteria	Inclusion	Exclusion
Country context and participant type	<ul style="list-style-type: none"> • Afghanistan • Bangladesh • Bhutan • India • Myanmar • Nepal • Pakistan • Sri Lanka 	<ul style="list-style-type: none"> • Any other country studies
Intervention	<ul style="list-style-type: none"> • Interventions by the respective government (such as the introduction of the Panchayati Raj in India, Community Mediation Boards Programme in Sri Lanka) • NGOs or donors (such as interventions similar to those of the Gerry Roxas Foundation in the Philippines and NGOs in Bangladesh, restorative justice projects) • Interventions by religious bodies (such as those similar to Malawi Primary Justice Programme by the Catholic Commission for Justice and Peace). 	<ul style="list-style-type: none"> • Non-state systems that are not recognized as legitimate systems by the state in which they operate
Methodologies and study design	<ul style="list-style-type: none"> • Impact evaluation studies • Qualitative studies • Review reports/studies • Perception-based studies • Regional/sectoral studies on non-state justice systems 	<ul style="list-style-type: none"> • Studies that report upon non-recognised justice systems alone, will be excluded.

	<ul style="list-style-type: none"> • studies pertaining to complementarity • studies pertaining to dispute free region aided by NSJ 	
Outcomes	<ul style="list-style-type: none"> • Efficiency in justice delivery • Improved access to justice • Gender Justice • Promotion of fairness and equality • Speedy delivery of justice • Decrease in crime rate • Lack of neutrality and fairness in procedure • Inability of non-state justice systems to decide cases • Non-compliance with human rights • Non-enforcement of decisions • Lack of accountability • Threat to survival of non-state justice systems 	<ul style="list-style-type: none"> • Studies on non state justice systems that do not identify any socio-economic impact on the people (excluded as it will not lead to complementarity)
Type of publication	<ul style="list-style-type: none"> • Published research studies • PhD theses • Organisation reports • Conference proceedings 	<ul style="list-style-type: none"> • Editorials • Theoretical/conceptual papers • Comment pieces • Newspapers
Year	Research published on or after 1990	Research published before 1990
Language	Published in English	Not published in English

APPENDIX 4: CODING TOOL FOR MAPPING

1	Study information	
1a	Research question as expressed in study	
1b	Clarity of research question	Done Not done
1c	Study design-describe	
1d	Methodology – allocation	Done Not done Unclear
1e	Methodology – control for external circumstances	Done Not done
1f	Describe the funding sources for the study, and financial or other issues declared	
1g	Researcher bias	Done Not done
2	Non-state justice delivery mechanisms	
2a	Types of non-state justice systems	
2b	Access to non-state justice systems for the disadvantaged groups	
2c	Access to non-state justice systems for women	
2d	Description of non-state justice systems	Done Partial Not done
2e	Confounding interventions-describe	
2g	Confounding reinterventions	Done Partial Not done
2h	Other data on non-state justice systems provided	

APPENDIX 5: LIST OF POSSIBLE STUDIES FOR SYSTEMATIC REVIEW

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- 2) Allen, M., Dinnen, S., Evans, D. and Monson, R., 2013, Justice Delivered Locally: Systems, Challenges, and Innovations in Solomon Islands. Washington, D.C.: The World Bank. Available at: <http://documents.worldbank.org/curated/en/2013/09/18310356/justice-delivered-locally-systems-challenges-innovations-solomon-islands>
- 3) Baker, B., 2010, Linking State and Non-State Security and Justice, Development Policy Review, 28 (5), p. 576-616. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-7679.2010.00500.x/epdf>Barfield, T., 2006, Informal Dispute Resolution and the Formal Legal System in Contemporary Northern Afghanistan [for the Rule of Law Program at the United States Institute of Peace Washington D.C. (Draft Report)]. Available at: http://www.usip.org/sites/default/files/file/barfield_report.pdf
- 4) Chirayath, L., Sage, C. and Woolcock, M., 2005, Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems. Available at: http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Customary_Law_and_Policy_Reform.pdf
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- 9) Faundez, J., 2003, Non-State Justice Systems in Latin America Case Studies: Peru and Colombia. Available at: <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/Faundez.pdf>

- 10) Forsyth, M., 2007, A Typology of Relationships between State and Non-State Justice Systems, *Journal of Legal Pluralism and Unofficial Law*, 39 (56), p. 67 113. Available at: <https://lawandsocietycisr.files.wordpress.com/2013/01/forsyth-art.pdf>
- 11) Forsyth, M., 2009, A Bird that Flies with Two Wings: The Kastom and State Justice Systems in Vanuatu. ANU E Press.
- 12) Forsyth, M., 2011, Spinning a Conflict Management Web in Vanuatu: Creating and Strengthening Links between State and Non-State Legal Institutions, *Journal of Legal Pluralism and Unofficial Law*, 43(63), p. 179 205.
- 13) Galanter, M. and Krishnan, J. K., 2004, "Bread for the Poor": Access to Justice and the Rights of the Needy in India, *Hastings Law Journal*, p. 789 834. Available at: <http://www.gsdrc.org/docs/open/ssaj115.pdf>
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- 15) Golub, S., 2003, *Non-State Justice Systems in Bangladesh and the Philippines* (Paper prepared for the United Kingdom Department for International Development). Available at: <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/GolubNonStateJusticeSystems.pdf>
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