

Dear all,

We write this note to discuss some of the issues raised by Madhusree in her open letter. This is not the first time that such situations have arisen, but probably this is first time a feminist founder member of an organization has picked up courage to not only publicly sever ties with the organization, but also make public her political introspections. This is occasion also for us to take stock of our politics and the work we do, and engage with the new generation of people in movements.

While we put out issues which require greater introspection, we also put down our experience of working with Majlis legal in specific. We do this with the hope that in these times of needing maximum solidarity we learn to find ways of talking of the differences and problems we have with each other. No one likes to make any of these issues public and so we did not speak of this earlier but we raise it here now so that there can be a wider discussion on how to deal with such differences in our approaches. We reiterate that we know there may be many other spaces where similar issues might be there and so this is not specific vilification of an organisation but just an attempt to make a more concrete example to help the discussion.

So here are the three major general issues which this discussion throws up for all of us, some of which are alluded to in Madhusree's letter and also in the comments that have come up since. Issues that we had discussions on, during the national conferences but seem to have no space to discuss any more.

Relationship with the state: The feminist critique of the State has always been problematic for its own members and that of other progressive movements because of the unusual nature of women's positions and multiple identities. There never was one 'adversary' out there who you could oppose. The many existing patriarchies spread weblike in all layers of our lives including State mechanisms. So how do we see 'working from within' and from 'without'? While we ask for affirmative actions and legislations, how do we ensure accountability of State to our causes and resist any kind of co-option? How do we do it collectively, while including the various sections and organizations using diverse ways of engagement? There will be some who think it is not possible to work with State and others who might want to experiment in working with the state or community. It is not an impossible situation. Over the years on various occasions we have come up with collective responses and demands before the State, even as late as presentations before Justice Verma commission. And over the years we have managed to question our own stands and ways of working with the State.

NGO-ization/ Institutionalization and accountability: Feminist counselling when it made its appearance in the 1980s was a radical departure from the traditional counselling and created waves in, not only the provision of that service, but in the perception of the women - victim and later survivor. As time passed besides campaigning for women's rights and raising awareness around it, some of us chose to provide services, support, technical and legal help to women in general. Now we needed to be accountable to the sources of funding as well as remain true to our feminist principles. In this process, has our accountability to the movements, women in general and to all marginalized sections of society, become something that we need to relook at?

Collective functioning: While raising slogan of "Personal is Political" we also experimented and worked with various organizational structures to evolve collective functioning. Even in Institutions and NGOs how do we experiment with collective functioning? How do we ensure that "members" / "employees" are part of the decision making process? Do we look at this as one of the important value that needs to be nurtured? Do we see collective functioning not only within organization but as part of movement across various organizations as non-negotiable aspect?

While each of these is important, in the current situation, where we need to stand in complete solidarity with all the movements of the marginalized section of the society, how we deal with the State requires much greater scrutiny. So here are our specific experiences of working with

Majlis Legal Centre and the State. We are giving detailed specifics to ensure there is no misrepresentation.

Majlis works on two projects “MOHIM” and “RAHAT” in collaboration with State Government in advisory position, focusing on implementation of PWDVA and POCSO respectively. Our experiences are related to both these aspects.

Manodhairya Scheme :

The movements and campaigns which started in 1980s were not just for amendments in laws regarding sexual assault, but changes in societal attitude as well as judicial procedures which further brutalize the survivors of sexual assault. Thousands of women activists and innumerable organizations from all over India have been part of this movement. **One of the efforts was that of the Delhi Domestic worker’s Forum. In response to their petition, the Supreme Court had passed an order in 1995, asking the Government for a scheme to be brought in within six months which would provide for legal aid and compensation and rehabilitation to the survivors of sexual violence.**

For years and decades the Government did nothing. Finally National Commission for Women drafted a scheme, which was further revised sometime in 2010. Further, the Code of Criminal Procedure was amended in 2009 to include section 357-A of the Cr.P.C., which provides for the setting up of a ‘Victim Compensation Scheme’. But in Maharashtra no scheme was announced, except every now and then some promises were made.

We, in FAOW, were deliberating about filing a PIL in Bombay high court since 2010 to force the Government to abide by the order of the Supreme Court and by the amended Cr.P.C.. After representations to the Government, finally as a last resort we did file a PIL in Bombay High Court on 17th January 2013. Thereafter we also called for a meeting of all women’s group in Majlis office, since we realised that Majlis was acting in an advisory position to Government of Maharashtra, to discuss how to take this issue further. To our great surprise, we were heavily criticised by Majlis, for filing the PIL, stating that we were wasting time and effort of Government officers by dragging them to the court, instead of working within the system. Most of us came out of the meeting wondering with whom were we engaging ?

During the hearing of the petition, Majlis appeared along with Government counsel, and also indicated to our lawyers that all our efforts were mere publicity stunts. It was only after number of hearings and coaxing by the high court that the scheme finally came into being from October 2013. Even today the matter is pending before the court because the budget made available for the scheme is so inadequate that not even 25% of the survivors get the help promised in the scheme.

What information do we get at the Majlis website?

There is absolutely no reflection on struggles of movements over the decades. But on the other hand justification is offered on behalf of the Government for the delay in bringing in the system. **A delay of two decades...**

Here we give a small excerpt from MAJLIS website. Do read the rest there:

“Maharashtra cabinet has approved Manodhairya, a scheme for providing financial assistance and support services to victims of sexual violence and acid attacks. This is a moment of great pride and achievement for us at Majlis Legal Centre as we have been actively campaigning on the issue for the last four years”.

Domestic Violence Act 2005:

The Lawyers Collective (Women’s Rights Initiative) began its campaign for a civil law on domestic violence in the early 1990s. There were extensive discussions and consultations all over India with very many women’s groups, and the law came to be passed through collective

struggles of this campaign. Sometime in May 2012 The Commissionerate, Women and Child Development, Pune and Majlis Legal Centre entered into a collaboration to monitor the effective implementation of the PWDV Act within State of Maharashtra, and named it MOHIM.

Department of women and child development (WCD), Government of Maharashtra, issued a circular on 24th July 2014. We are not privy to details of role played by Majlis in formulating this circular. But it was announced to the women's organisations in meeting jointly organised by DWCD and Majlis where Majlis released Mohim's PWDVA handbook with the circular printed in it. This circular states that in cases of domestic violence, counselling or mediation between the parties can be conducted by stakeholders, **only through an order of a magistrate** and any stakeholder engaging in this practice without a court order would amount to a violation of the law.

Advocate Flavia as women's rights lawyer and consultant to the department of women and child development, Maharashtra completely backed this circular even through her articles in newspapers and her presentations in other places including IAS Academy Mussorie.

All women's groups on the other hand were in complete opposition and asked for removal of the circular. We argued that the Government cannot issue a notification which intends to curtail freedom and rights of any citizen to approach any professional services, be that of lawyers or counsellors before, during, or post litigation. The law cannot limit a woman's freedom in terms of whom and when she can approach for any kind of counselling and/or mediation. Further in our opinion this circular was aiming to swallow the autonomy of the very organizations that brought the legislation into existence in the first place.

On March 2015 Dr. Jaya Sagde, Director Women's Studies Centre, ILS Law college wrote to Bombay High court stating that, this circular is violative of article 21 of the Constitution of India, as it infringes on the rights of women who are victims of domestic violence and also NGOs which are working for the promotion of protection of women's human rights. This letter was converted into a suo-moto petition, by the Bombay High Court.

Various women's groups as women's rights organization and service providers joined in that petition as interveners. The organizations included:

Awaaz-e-Niswaan, Akshara, AIDWA, ASMI, FAOW, Lawyers Collective, Sakhya Women's Guidance Cell, Swadhar, Sneha, TISS, Stree Mukti Sanghatan, Bharti Stree Shakti.

Human rights lawyers who appeared for us, included Gayatri Singh, Mihir Desai, Maharukh Adenwala, Veena Gowda, Vijay Hiremath, and others.

On the other side opposing all of us was the State of Maharashtra and Majlis. We spare more details of arguments put forth before the Court by Majlis, just end to say that we were successful in setting aside the said circular issued by the Government of Maharashtra.

Once again we wish to state here, that our purpose in giving the details of these incidents is to indicate that this is not about working with the State any more it is working as the State and against the very same feminist comrades and organisations that we all claim to have a legacy from.

If Majlis did not have a twenty five year celebration where they spoke of feminist legacies, maybe we would not have felt the need to raise these issues. We raise them here not to qualify anyone as a feminist or not, but in the hope that in these times of suppression of dissent, maybe those that lay claim to feminisms at least shall evolve ways of conversing that lead to a dialogue and not repression and suppression.

Forum Against Oppression of Women