

# Report on the Activities of MAJLIS 2004-2005

## CULTURAL CENTRE

### 1. Fellowship to Artists and Art Researchers

The fourth round of Majlis culture fellowship will continue till the month of December 2005. Each round of fellowship which takes around two years to complete comprises of three months for announcement and reach out, three months for selection procedure including interviews of short listed applicants, twelve months of project period and four months for final reporting, public presentations and evaluation.

#### Selected candidates for Majlis Fellowship for the Arts 2005

1. Tushar Joag: *Intervention in public spaces through art*

##### **Visual Art**

As an ironical take on the modernization and corporatisation of art practices, Tushar Joag proposes to launch an art project under an assumed corporate identity UNICELL. In his own words "UNICELL undertakes works on behalf of the citizens and / or the state. ... it creates works of art that seek to make interventions in the urban space, by designing and producing objects that are functional, and aesthetic.

2. Pankaj Rishi Kumar: *Documentary film on women boxers in Mumbai and Delhi*

##### **Film**

Pankaj Rishi Kumar proposes to explore 'how female boxing creates new space for gender enquiry in India'. Placed within the genre of study on sexuality and space he hopes to examine the gender biases within any physical culture. Pankaj's study will be in the form of video documentation which he plans to edit into a film later.

3. Goutam Majumdar: *Research on use of lights all over India and application via production of **Visarjan** (Rabindranath Tagore)*

##### **Performing Art**

A professional art designer Goutam Majumder proposes to study the role of lighting and light designing in various cultural spaces within Indian communities. He also wants to develop a manual on representing patterns of lights in the communal spaces to the performing area.

His aim is to produce a light designed oriented production of Rabindranath Tagore's *Visarjan*, using the findings of this study.

4. Renee Colvom Lulam: *A compilation and translation of folk tales from the North East collected through workshops with village elders*

### **Literature**

Renee Lulam proposes to document folk stories from various communities in a few districts of North Eastern states. The attempt is to document the oral literature and history through the proceedings of various youth dormitories – where the youth receive instructions, knowledge, and legacy through stories and directives from the village elders.

5. Abir Bazaz: *Research and documentation on the writings of resistance: Kashmiri narratives in the 1990's.*

### **Literature and Research**

Abir Bazaz has been working on contemporary Kashmir for last ten years in the capacity of researcher, filmmaker and activist. He proposes to collate, chronicle and study Kashmiri writing in post 1990s. His area of work includes young generation of writers who came of age only in the era of political turbulence, changing structure of traditional literary forms due to the political situation and various forms of memoirs.

The present selection committee comprise of Gulammohammed Sheikh, artist and poet from Baroda; Mitra Mukherjee Parikh, literary critic and faculty member in SNDT university from Mumbai; Suresh Chabbria, film scholar and faculty member in Film and Television Institute of India from Pune; Gowri Ramnarayan, Art critic, musician and journalist from Chennai; Anuradha Kapur, theatre director, culture study scholar and faculty member in National School of Drama from Delhi.

## 2. Digital Archive of Video Footage: Godaam

An archive ideally takes years to gather enough material and references to start functioning as a public service unit. Majlis' archive, Godaam, is no exception. It is still in its infancy. But it is important to assess the ongoing process of collecting material in terms of its stated ideological position.

From the very beginning the aim of the archive was categorise as following:

- a) To collect material, with reference to contemporary politics and history.
- b) Evolve a process where the socio-political background of the material is part of the 'reading process' of the collected visuals
- c) Popularising the concept of viewing video material as references for academic research
- d) Popularising the concept of making films with 'found footage' (technical name for collected material as against freshly shot ones) among the media students

Though still not at its beginning stage works on all these four categories have started. For the material, it was decided from the very beginning to concentrate on Bombay and Kashmir.

### **Bombay**

For the collection on Bombay this year we had initiated some major projects for recording the contemporary events. Both the parliament and assembly elections were shot extensively. Since the elections of 2004 proved to be historical for the nation, this material of looking at elections from various points of view would prove very useful in future.

In the next phase we identified a few areas in the city and shot footage around those areas. This project worked in different dimensions: local histories, local events, local political meetings, small religious ceremonies on the road, popular memories of the old residents etc.

At the same time, material from our previous workshops, such as video training workshop with the youngsters of the textile industry district (Girangaon) , as well as the rushes from various Majlis productions, that have represented Bombay in some depth, and with a difference- all have found way into the archive. Contributions from photographers and other film makers too have slowly begun to trickle into our collection. The audio tapes of interviews, rare maps and photographs which were collected during the research on the oral history of the textile industry conducted by Neera Adarkar and Meena Mohan, are also being catalogued in the archive.

The above mentioned documentations which are generated through independent efforts are complimented by mainstream material such as the news stories in televisions, representations of Bombay in mainstream cinema etc.

## **Kashmir**

On Kashmir, our collection makes different demands of us. Media people in Kashmir are cooperative and also eager to disseminate material from Kashmir, about Kashmir, that they think represents the truth about the situation more closely than the bulk of representations found in the mainstream Indian media. But the main problem in this case is of logistic and our own access/understanding of the material. We travelled to Kashmir and made contacts there, and got material from them, but following up proved almost impossible from Bombay. Though we have established contact with some local people who would collect material for us in our absence, they seemed too caught up in day to day crises to do the work systematically. A more comprehensive and sustainable method needs to be worked out for Kashmir. The problem gets compounded as even an innocuous task like collecting existing images and sending it to a NGO in Mumbai is regarded as suspicious activity for a local person in Kashmir. Hence, in a strange way, it is safer for outsiders like us to visit Kashmir once in a while and try to locate material.

Thus the main thing in the case of Kashmir is to remain alert and agile in terms of methodology. A lot of the diversity of our Kashmir material has come from pursuing small leads, and from keeping our resources open for others. Someone who came in to see the collection also gave us copies of his collection- of mainstream films on Kashmir made in Pakistan. A visual artist from Baroda contributed home made 8mm films that her family shot in Kashmir 30 years back on their holiday trips. In the next phase we also plan to work through the Kashmiri artists and writers' communities. In this context the contribution of Abir Bazaz, Majlis fellow for the current fellowship term, who is also a filmmaker and literary activist in Kashmir will be of immense help.

## **Pedagogical work towards popularising 'found footage' filmmaking**

Most recently we conducted a 10 day workshop on making films with 'found footage' in collaboration with PUKAR. Some twenty undergraduate students participated in the workshop. After the initial training on editing and concept of 'found footage', they were given access to a part of the Bombay section in the archive. The training included sessions on how to look at old images, how to sort and relocate them, and watching international films made in this genre. At the final stage the students made four short films with the archival material under the theme 'reframing Mumbai'. The final pieces seem testimony that the archive could be an interesting tool in pedagogy with a generation whose relationship with the language of images is very fundamental. The participants themselves have organised several screenings of their films on 'Reframing Mumbai' in other colleges in Mumbai.

Our next plan is to initiate and facilitate courses on 'found footage' in Mass communication classes. Though the material that we have collected is still not adequate for the purpose, we have already started informally talking to the various mass communication depts in order to introduce the concept slowly.

### **Outreach to researchers**

This year the visitors have started coming in - researchers, film makers, artists, students, and film enthusiasts. So far we have been offering our services only on prior appointment with clear information on the visitor's special area of interest. This is done firstly due to space and personnel crunch in Majlis office. But since we mostly deal with political material, it is also important to maintain some kind of record of the visitors and their intentions. More concrete plan needs to be evolved to systemise the use of the archive by general public.

We have also started collaborating with other archives in the country. One of the major inspiration has been Centre for Ethnomusicology in Gurgaon, which has done some good work for some years on archiving audio material. They invited us for a national seminar in Goa on various aspects of archiving where we presented the ideas of our archive as a repository of social memory. They are also sharing with us their technical expertise on conservation and maintenance.

### 3. Educational CD-Rom: Spice Adventure

The educational CD-Rom is finally ready for the launch. This project, titled *Spice Adventure*, will be the first computer animation-game CD which is 100% developed and produced in India. We are very proud of its historical success. This programme is produced in collaboration with a design and animation company *Thatzit*.

An adventure narrative of the protagonist learning about the multi-dimension of the Indian culture, about Indian cuisine to be specific, through an animated journey across the globe and 18 original computer games. If distributed successfully this project will open up a completely new dimension in pedagogical entertainment. This was also a test of our ability to remain agile and in tune with the changes in communication technology. For this project we not only had to learn new forms and technology but also acquaint ourselves with new school of aesthetics and narrative style.

In order to make an impact in the children's entertainment market which is overwhelmed by war games and Disney products, we had to be very careful about the balance between entertainment and pedagogy. We wanted the visuals to be different from the hegemonic culture of Disney. Towards that aim we painstakingly evolved a visual style which is more conducive to Japanese animation and Indian miniature paintings. But children always tend to go for habit and comfort situations. It was a risk to try out too many novel ideas in a children's programme, especially since we wanted it to be a market product. We did not want the children to feel alienated. Hence we appointed a group of children ageing 8 to 12 yrs as our consultants and tasted the programme at every stage on them. The children consultants assisted us in fine tuning the programme and made it more user friendly. Due to all these phases of experimenting and trials and errors the project took almost double of its proposed time to materialise.

#### The Launch Programme

The test copies of the programme were launched in a specially organised children's festival on 27<sup>th</sup> March 2005 at the Experimental theatre, NCPA. The festival was part of a larger programme titled **Import-Export** which explored various aspects of multi-culturalism. The last day was dedicated to children.

A cultural fest decorated with festoons, banners, cut-outs and balloons was organized for 100 invited children. Along with the provisions of playing the **Spice Adventure** in large groups there were other games (to be played in groups and manually) on the theme of multi-culturalism. These games were specially invented for the occasion by the young artists who worked on this programme.

Each participating child was given a gift packet containing the CD, a toy and a pocket size book. They were requested to send their feed back in a prescribed form. The launch turned out to be a big success and now we plan to duplicate the whole programme in other cities while introducing the **Spice Adventure** in the market.

## **Future Plan**

But for a programme like this production and its quality is only half of the job. Now the task is to reach out to the children who are infested by the Disney products and the war games. We have been negotiating with the book stores, schools, children centres, parents associations and also to commercial distributors. We plan to devote the major part of the next year in distributing and promoting the game CDs. We plan to develop partnerships with various agencies and institutions in different cities, mount a promotional scheme in that area and thus boost up the sale. It may be important to note that with this product we aim to permeate the main stream market of entertainment. But the market is overwhelmed by the war games and Disney products. Our project is

## 4. Film on Bombay

One of the major activities this year was shooting for the much delayed film on Bombay. The film is currently titled: *7 Islands and a Metro*. The film would be a culmination of our decade long association with the development of the city of Bombay/Mumbai: the urban planning, migration, communalism, globalisation, space politics, and citizenship and gender issues. The knowledge and experience that we have earned through our myriad projects of India Sabka youth festival, organising culture for WSF 2004, conducting pedagogical workshops for students, making *I live in Behrampada* film, research and book on the closed textile industry and litigation on behalf of women are all gathered and processed into this film.

### Structure and Form

The structure of the film is a juxtaposition of fictional narratives with non-fictional cinema verite material. The two fictional protagonists are writers in the city of Bombay and the chronicle unfolds as they exchange their ideas and findings about the city. Their different readings about the city also represent their gender positions and individual style of writing. The non-fictional segments of the film will cover the history of the labour market, history of entertainment industry, debates on citizenship, lives in the fringes, real estate policies and identity politics. The idea is to chronicle the making of a mega metropolis in a post colonial third world country. And in that sense the film will not remain a specific story about Mumbai, but will rise to become a master narrative of metropolises in developing countries.

We have sourced the film through extensive research in the field of urban folklores; decrees, regulations and rules which gave shape to the city at different times; unconventional ways of earning livelihoods which are special characteristics of a big city; grave yards and crematoriums of various communities who have been living in Bombay; history of various eateries and cuisines; songs on Bombay in many languages and cartographs of the city through various eras.

The film is divided into seven episodes and each episode is dedicated to one of the seven goddesses who believed to be protectors on Bombay/Mumbai. As a twist in the narratives the episodes are called as Goddess 1: Checknaka, Goddess 2: Construction Site, Goddess 3: Pillion Ride, Goddess 4: Shifting Sand, Goddess 5: Left Luggage, Goddess 6: Reclamation, Goddess 7: Faith.

### Present Status

90% of the shooting of the film is complete. The material that we collected so far is of 100 hours. Once the film is complete this material will be stored in the archive and made available to the students and researchers. We hope to finish the film by December 2005. With the increasing academic and political interest in urban studies the film, hopefully, will become a major resource material for students and activists.



## 5. World Social Forum 2005

Encouraged by the success of 2004 we invited some of the people who worked for the culture committee to constitute an informal forum. With a few individual artists and three NGOs Majlis, Magic Lantern Foundation and Point of View, the forum @Culture was born in August 2005. For the Porto Alegre event in January 2005 we chalked out a plan which is conducive to our work in 2004 yet restricted in volume due to language and cultural difference between Brazil and India.

We proposed five programmes: cultural contribution to the opening ceremony, a plenary session with international artists on **Challenges to Political Art Practices**, a film festival, a national level art exhibition titled **Hunger@globalisation**, a multi-disciplinary exhibition on **Borders in Asia**. Other than organising the plenary Majlis also co-ordinated all the projects. Besides, we worked along with the Brazilian committee to evolve a comprehensive policy for culture at WSF 2005.

### Reports on individual projects of @Culture

WSF 2005 gathered 155,000 participants from 135 countries in Porto Alegre, capital of the state of Rio Sul in South-East Brazil, between 26-31 January. The Forum was geographically hugely spread out with each thematic terrain housed in clearly defined areas. The central point of the Forum was Usina do Gasômetro, a gas factory right on the river bank was reconverted into the central co-ordination area of the WSF and the Forum stretched out on its two sides. The Forum took place under a ferocious summer sun and yet nicely shaded streets of down town Porto Alegre remain over filled with WSF participants.

#### A. WSF OPENING CEREMONY

Organised by Point of View

The musicians from India selected to perform at the WSF opening ceremony were:

- Rabbi
- Amit Heri Group

A brief description of each of them is provided below.

#### **Rabbi (2 musicians)**

Where great Punjabi singers have all taken a jolly vow to remain pre-modern forever, Rabbi's first album, *Rabbi*, is supremely cool for its individual intelligence and interiority. It sidesteps market platitudes to engage with form, style, and feeling – both musical and literary. "There's a direct link between language, experience and emotional intelligence. Some people can calculate the angle of the sun, I can find a song."

And he does. Each song is crafted from lived experience and felt observation - the proto spiritual, much played *Bulla ki Jaana Main Kaun, Jugni*, about a woman mendicant wandering through present day Kashmir, Bombay, Punjab and Delhi in search of meaning; *Gil te Guitar*, about the slow drift apart of friends; *Tere Bin*, an impossibly intimate love song whose rhythms owe as much to a wedding gidda as dancing alone, semi-drunk in a softly lit city room.

### **Amit Heri Group (5 musicians)**

Drawing from various musical cultures of the world including Latin, Indian, Contemporary, Jazz, Funk, Blues and European music, the AMIT HERI GROUP performs original compositions with Carnatic overtones that range from mellow and pretty, to fiery and funky. Tightly woven compositions interspersed with intricate improvisations in a high-energy performance make the AMIT HERI GROUP a uniquely enjoyable listening experience.

One of the few Indian musicians to perform at major international music festivals, Amit Heri has performed at the Berlin Jazz Festival, Montreux Jazz Festival, London Jazz Festival, Paris Jazz Festival, Rome World Music Festival & the WOMAD Festival. Amit has also scored music for feature films & dance theatre productions.

Both Rabbi and the Amit Heri Group agreed to contribute their musical talents towards WSF 2005 – without any remuneration, in keeping with the Forum's philosophy.

## **B. Plenary on Challenges to Political Art Practices**

Organised by Majlis and Paromita Vohra

The Plenary on Culture was something that emerged from a sense of the theoretical ideas that had informed the plan for culture as a part of WSF 2004 as well as a sense of lacuna that we felt – the space for a larger political, philosophical discussion on theoretical understanding arising from arts practices. We were interested in foregrounding the concerns of political art as well as theorizing from art, not only from conventional academic discourse but from activists' forum.

*Our collective started with the belief that in order to 'build a new intellectual and moral order' which would facilitate 'another world', it is extremely important a political task to ensure adequate representation of cultural practices and discourses within the World Social Forum as well as maintaining a discussion of issues of form and creativity. The uncritical tendency on the part of political activists, of treating culture as an appendix or a mere service provider to real politics has alienated many potential movements/initiatives from people and separated it from social practices.*

Our effort was to get a panel from different disciplines and different regions and to frame the discussion around certain broad themes which the speakers would interpret along with a presentation from their oeuvre.

The themes we outlined were:

- Integrity of vision, language and identity (Retaining many languages)
- Noble Savages – Commodifying literature/ Agenda making of funding
- Copy right and Copy left/Ownership of media/ Media conglomerates
- Politics of Art/ The meaningfulness of form
- Putting the alternative on the map/ mainstreaming the marginal
- Technology and Creativity
- International Body: Body, Identity and Performance

#### **Panelists**

*Rula Halawani: Photographer from Palestine*

*Jimmie Durham: Native American installation artist, performer and activist*

*Koffi Koko: Choreographer from Benin*

*John Akomrah: Filmmaker of Ghanaian origin from the UK*

*Gilberto Gil: Musician and Minister of Culture from Brazil*

#### **C. CROSSOVERS & REWRITES: Borders Across Asia**

Facilitators: Shilpa Gupta and Mamta Murthy

Being a region of racial and cultural confluences for centuries now, Asia continues to be a site of frequent border confrontations. A gamut of related social movements is played out around this political imperative. Besides the many conflicts over race, religion, caste and gender within, the region is also struggling with borders imposed by retreating colonists. While still recovering from post colonial upheavals it has found itself in a grip of many new, often unseen forms of imperialisms. **Crossovers and Rewrites** sought to map this specific cultural and political geography, focusing on Borders as a theme at this anti-globalisation forum.

After months of mobilizing, nearly 40 artists and art collectives from across Asia were short listed. All the works were collated using popular cheap techniques of mass production such as copying, printing on vinyl/ paper or digitally onto CDs and DVDs. In this way we tried to question the hegemony of art markets which thrive on the uniqueness of an art object making it precious and inaccessible to a wider audience.

This exhibition by its very production methods sought to convey that art can really be democratic, non-elitist, widely accessible if the artist, producer and disseminators truly intend it.

#### **The artists included were –**

**China** Lin Yilin, Ou Ning & Cao Fei, U-theque ; **Indonesia** Eko Nugroho, Krisna Murti, Taring Padi, Tintin Wulia ; **India** Anita Dube, Madhusree Dutta, Shilpa Gupta, Subodh Gupta, Sudhir Patwardhan, Inder Salim, Valay Shinde, Laxminarayan Tallur, Raqs Media Collective ; **Iran** Simrin Keramati, Khosro Khosrani ; **Japan** Candy Factory, Chikako Yamashiro ; **Malaysia** SpaceKraft ; **Pakistan** Farida Batool, Farjad Nabi ; **Palestine** Rula Halawani ; **Singapore** Ming ; **South Korea** Young Hae Chang- Heavy Industries, Hyung Min Moon, Hong Sung Min ; **Sri Lanka** Tissa De Alvis ; Jim Pervette **UK** ; Hiraki Sawa **Japan/UK** ; Zarina Hashmi **India/USA** ; Walid Raad, The Atlas Group **Lebanon/USA** ; Joe Oberg, The Transnational Foundation ; **Aar Paar, Public Art Project between India & Pakistan** India : Shakuntala Kulkarni, Tejal Shah, Shilpa Gupta, Nalini Malani, Navjot Altaf, Gargi Raina, Monica Bhasin, Aarti Sethi, Anand Taneja, Iram Ghufuran, Mritunjy Chatterjee & Taha Mehmood and Pakistan : Hamra Abbas, Asma Mundrawala, Rashid Rana, Shalalae Jamil, Bani Abidi, Maryam Rahman, Alia Hasan Khan & Adnan Madani

#### **D. Globalisation @ Hunger**

As the media globalizes and repackages itself into a product, the question of the daily existence of millions of people is edged out: hunger and starvation which are a huge cost and fallout of globalisation and as treacherous a killing machine as war rarely gets media attention.

800 million human beings in the world are undernourished

Some 334 million live in extreme poverty-a number which is expected to increase to 471 million over the next five years. It is estimated that 320 million people in India are facing starvation.

While government godowns overflow with food grains, the government of India exports phenomenal amounts of food grains, and the import figures for agricultural products have quadrupled from 1995 to 2001. The surplus food grain in the government godowns denotes, not abundance but the loss of the buying power of the masses.

Food grains being exported are priced lower than the below-poverty-line (BPL) rate and the rate at which it is sold to drought affected areas!

As debts rise from high seed prices, chemical fertilizers and competition from corporate agriculture, farmers are pushed to suicide.

These disturbing facts and figures are the end product of far more insidious and inexorable government decisions and economic treaties, so that policies are increasingly anti-poor - like land

reform laws to facilitate corporate agriculture, lifting of Quantitative Restrictions, cutting back on public expenditure in areas of health, dismantling of systems that gave access to the domestic markets to the Indian farmers.

The exposition Globalisation@Hunger was inspired by the essay 'Republic of Hunger' by the noted economist Utsa Patnaik. Selected artists, activists and theoreticians were invited to react to this crisis and evolve some collaborative works for WSF 2005 .

Guwahati(Assam) based film makers **Sonal Jain** and **Mriganka Madhukailya** traveled with **Manoranjan Chitrakar** (Mednapore, West Bengal) a traditional 'pat' (scroll) painter to Bolangir and Kalahandi in Orissa.

Sonal and Mriganka produced a single channel video titled L.O.H. (Line of Hunger). Manoranjan (Manu) produced three pat- paintings based on three different stories narrated to them by the villagers. The extremely elaborate pats talk of starvation deaths, and the scheming agents who take the farmers to cities to work as daily wages labourers on construction sites or brick kilns.

**Surabhi Sharma**, from Bangalore (Karnataka) chose to make a film with images of a river frothing with chemical foam, fields turned saline with polluted waters, farmers dwarfed by highways and construction sites eating into them, wells made useless without water. This was a collaborative project with **Sureshkumar Gopalareddy** a sculptor also from Bangalore. Agricultural Economist **T.N.Prakash** provided theoretical inputs. Sureshkumar comes from a family of farming background who due to repeated crop failure have taken up weaving as their profession. Suresh made a montage of the images with the stills from Surabhi's film and printed it on flex. This was given a lining of silk woven on the family looms. The flex and silk medium was installed like a funnel with a monitor showing Surabhi's film at the narrow end echoing the printed images.

**Arunkumar H.G.** from Delhi also comes from a family of farming background. Arunkumar made an installation of white and gold china crockery with decals of toiling farmers and outstretched hands, and a table cloth to match. The contrast of the fine dinner service which talks of excess in one strata and the deprivation in the other makes a succinct statement.

**Jivya Mashe**(Dahanu, Maharashtra) a Warli painter partly subsists on the crop he grows and his diptych 'Unhalyacha Chitra' (Painting of the Summer) and 'Pavsalyacha Chitra' (Painting of Monsoon) shows the people of his community leaving for the city in search of alternative means to earn their living as the streams and rivers run dry in summer and agriculture is unfeasible.

The noted poet and former legislator **N.D. Mahanor** (Jalgaon, Maharashtra) is a farmer by occupation and has a close understanding of the predicament. Apart from doing pioneering work

in the field of horticulture he has written extensively and his poetry is suffused with farmer's woes. Four of his poems were chosen and painted on banners.

**Riyaz Komu**,(Mumbai), created a mixed media installation.

**Ravi Agarwal** (Delhi) made photographic panels that depict everyday encounters with 'food' and the human condition encompassing 'hunger.'

**Dr. Utsa Patnaik**

Extracts from the essay **Republic of Hunger**

## **E. OTHER WORLDS ARE BREATHING 2005:**

a festival of films on alternatives

Organised by Magic Lantern Foundation

### **The Idea**

In December 2003, while selecting films for WSF Mumbai 2004, and after having watched dozens of films, one of the members of the selection committee expressed his surprise that so few films actually focused on exploring alternatives for another world. Most of them indeed documented social tragedies, economic collapses, environmental disasters and injustice in its various forms. The overwhelming response to the 2004 festival got us started. We believed so much in people's need for hope and in films' ability to be a first partial answer, a sparkle and dared to explore the possibility of creating a festival later on that would specifically look into alternatives..

### **Screening**

The festival was hosted in 2 identical rooms opposite each other (Sala Leste and Sala Oeste, ie Room East and Room West) separated by a fairly narrow space that became the festival's lobby space over those 4 days. The rooms had a capacity of 100 seats each. The screening facilities were very good. The sound system was excellent and the screens of very good quality.

Sala Oeste had a surrounding sound system. The screening would begin at 2.00 p.m. each afternoon and continue till 8.30 p.m. If filmmakers were present the screening would be followed by a 10-15 minute interaction. Quite a few people came to us expressing their desire to host the festival in their university, college, cultural centre, Municipality and so on.

### **Encounters with filmmakers**

Filmmakers' presence to screenings brought a lot of energy into the process and a lot of excitement from the public. **Paromita Vohra** from India introduced her film on WSF 2004 (Work in Progress), **Scott O'Brien**, filmmaker and activist from Burma came to introduce 'Karen Education Surviving'. His special request – to not take photographs of him – underlined the threats people like him live under. **Farah Nousheen** came from the US to present 'Nazrah: A Muslim's woman's perspective'. **Daniela Broitman** had a long discussion with the audience over her and Fernando Salis' film 'Voices from the edge – The Favela goes to the World Social Forum', as it was the last screening of the day. At the same time but in the other room, **Marcelo Andrade Arreaza** introduced 'Venezuela Bolivariana: People and Struggle of the Fourth World War' in front of a packed and fully excited house. **Debora Palomo, Silvia de Los Santos, Lalo Paret and Freddy Espinosa**, all part of the movement of workers who take over their factories in Argentina and are the main characters of 'The Take', by Avi Lewis, were there, with some

members of the production crew, to receive a very emotional standing ovation from an overwhelmed audience.

Towards the end of the forum the Brazilian committee got into organisational trouble in respect of the closing ceremony. Remembering the spectacular closing ceremony the previous year in Mumbai, they asked us to bail them out. It was a difficult task with the language problem and our alienation from the local infrastructure. Still we managed to put up an one hour programme with cultural representations from the continents of Asia (as the host of the previous forum), South America (as initiator of the forum) and Africa (as the host of the next forum). The Asia programme as well as the closing ceremony begun with a musical on peace from the young Palestinian dancers who are in exile in Brazil. India was represented by a human sculpture on the history of the western army invasions in various Asian civilisations, designed and executed by the @culture artists who were present in Porto Alegre.



## OTHER PROJECTS

### A. Book on textile mills

**One Hundred years One Hundred Voices**

**The millworkers of Girangaon: an oral history**

Finally the research on the oral history of the textile district of Mumbai, by Neera Adarkar and Meena Menon, has seen the light of the day. Early this year the book has been published and released with lot of publicity by Seegull publication. The book is exquisitely produced with lot of photographs and rare map of the city. It was formally released in Bombay, Delhi, Calcutta, Pune and Hyderabad with panel discussions with scholars, social scientists and activists and with readings from the book.

We are aware of the fact that book needs to be reached the non-English speaking readers. The text is already translated into Marathi. Eminent Marathi publisher *Mouj* has agreed to publish the book. Further negotiation is on.

### b Import/Export: Cultural transfer between India, Germany and Austria

This project was supported by the Culture fund, European Union. The project is a collaborative effort between Majlis in India, Werkleitz and House of World Culture in Germany and De Ego in Austria. The project consists of a cultural festival in each country, a documentary film from each country and a publication in English and German – all exploring the cultural exchanges and overlaps between India and the German speaking Europe. The first chapter of the festival took place in Bombay on 25<sup>th</sup>-27<sup>th</sup> March 2004. The following chapters will take place in Vienna in May '05 and in Berlin in August '05.

### **Symposium: Legal Study and Social Science**

The symposium started with a session on Citizenship, identity and movements. This session with two speakers and two respondents, all rights activists and scholars in different contexts, explored laws, norms, notions and cultures involved with movement of people. With a special reference to the changing concept of 'citizenship' in the era of post 9/11, the session examined the role of state in controlling 'moving people'. This session, with rich presentations and interventions, practically set the tone for the entire symposium.

Flavia Agnes, practicing lawyer and legal scholar, traced the origin or at least a high power endorsement towards intolerance and violence to migrants and minorities in India into the dominant ideology of the powerful nations of the west. From the politics of superior race of fascist Germany to the recent propaganda of curbing 'Islamic terrorism' by the USA, it seems regressive ideology move faster and deeper than any possible asylum seeker.

Helmut Dietrich, historian, social scientist and activist, graphically elaborates the development of 'outsider' logic through the period of making of the European Union. He elaborates how migration policies itself, more often than not, give rise to the hysteria about organized crime – the age old conspiracy of terming unwanted people into criminal and unfamiliar culture into barbaric.

### **Literature**

Keeping the structure of multi-disciplinary approach on, the next session was reading from a German novel *Cut* by the author Merle Kroger. Merle Kroger read a few chapters from the novel in English. Literary scholar Mitra Mukherjee Parikh was respondent to the session.

The novel covers two very important phases in the history of India-Germany relationship: Subhas Bose and the INA in Berlin during the world war and the contemporary awareness towards Bollywood cinema and India music deejaying. Written in the style of road movies and the form of crime thriller, the novel essentially deals with some people on the move, between countries, eras and different readings of the past. Owing its allegiance to the genre of film narrative, the story line moves between Humburg, Bombay and London with ease while permeating into the distant past.

### **Theatre Essay**

In the next session again we tried to bring in another layer of discipline. Anuradha Kapur, theatre director and culture study scholar, presented her paper *Multiple Borders* in theatrical performance. The performance was mounted specially for *Import/Export*.

The performance was a reading of the German writer Heiner Muller's text Fountain Head in the specific context of India and the global context anti-Islamic waves. She presented the text as theatre in progress. The Muller text deals with issues of totalitarian state and its inevitable effect of mutation on its citizens. Anuradha extended that logic and the text to dominant ideologies in the world politics and its doctrine towards 'restriction of movement'.

With a set which resembles the vantage point of a watch tower the performance essay comprised of an actor in multiple images, an on-stage musician and a video screen. The discussion on the play was in two parts. An informal discussion with the audience after the play and a detail discussion during the symposia the next day.

### **Film Study**

The second day of the symposium started with a session on film study titled *Goods, Desire and Flesh - Transcending Borders: Indian cinema as case study*

The speaker of this session was Ashish Rajadhyaksh, eminent film study scholar. He categorized his presentation as dealing with two important moments in the history of Indian cinema.

Ashish explained how the first trace of censorship in cinema came into existence as an articulation of the British rulers' fear for losing respect in the eyes of native subjects. The assumption was that as the natives watched the white men and women indulge into 'immoral' activities on screen, their fear and awe for the British colonial may get affected. Hence the first act of state control to cinematic images in the pretext of public health came to existence in 1918. He further elaborated on an effort to mobilize a critique of Hollywood cinema as violent and 'improper to Indian culture' in comparison to British and European cinema. The campaign fell flat as the local audience and opinion makers failed to separate the USA from British or other European cinema in their blurred overall imagination of a unified 'West'.

The second part of the presentation was on the contemporary globalization of Bollywood. He argued that *Bollywood* has come to stand for the brand name of the market for the culture of the Indian Diaspora. The market is far wider – both geographically and economically; non-linear and complex than its origin in Hindi cinema.

### **Visual Culture**

The speaker of the visual culture session was Angelica Fitz, cultural theorist, author, curator and director of DeEgo, Vienna and the respondent was Rahul Srivastav, social scientist and director of Pukar (Partner in Urban Knowledge and Research), Bombay.

In her capacity and concern as a theorist and curator in the field of art and architecture, Angelica is deeply engaged with the issues of public space and cityscape. In her paper she demonstrated the design and level hierarchy of the modern city-state planning, with a special reference to New Delhi. With accompanying visuals she presents the 'art in public space' project in DLF, the satellite city of Delhi.

### **Multi-media presentation**

This session, presented by filmmakers Madhusree Dutta and Philip Scheffner, was based on the experience of their joint venture *from Here to Here*, a film on movement, arrival, departure and longing and belonging. The presentations were made through video clips, sound bites and power point projection.

### **Photo Exhibition**

#### **FOOD SKIN AND OTHER BAGGAGE**

Young filmmaker and an associate of Majlis, Mamta Murthy, was assigned to develop a photo exhibition for **Import/Export**. She chose to explore the idea of *food* as a metaphor for cultural exchange. She extensively shot the well known phenomena called German Bakery in India and then developed panels of photo collage for exhibit.

## Documentary Film

### From Here to Here

This is one of the three documentary films to be produced within the *Import/Export*. The Bombay chapter film *From Here to Here*, is a 60 minute documentary by Madhusree Dutta, Bombay and Philip Scheffner, Berlin.

The film is made from 2 different 'Here's: India and Germany with people who are somehow associated with the 'there' too. By juxtaposing the two narratives the filmmakers tried to enhance the overlapping and cross purpose tensions than exploring the common issues. Philip Scheffner portrays two German professionals; one Indian migrated to Germany and the other born in Germany of an Indian father and German mother. They are politically articulate and professionally assured people. Whereas Madhusree Dutta's protagonists are a motley group of elderly German women who came to India upon their marriage to Indian men. Their identity as Indian is extensively linked with their marital stature and their lives are recollected mainly through memories. These two sets of people, varied not only in their origin but also in their ways of looking at life, together form the trajectory of the film.

### Film Programme

The film programme was conceived to be a statement on the general perceptions of the two countries of each other. The film programme started with a lecture by two film critics from Bombay and Berlin -Meenakshi Shedde and Vinzenz Hediger. With video clips from three cinematic versions (1921, 1938 and 1958) of one narrative – which are popularly known as Tiger films –the lecturers tried to explore the notions of representations and journey embedded in it. The films are made in Germany, by German directors and mostly in Germany. The location of the story is in India.

Another source of special interest for the audience was **Wanted! A Patriot. The Way of Subhas Chandra Bose 1941-1945** by Navina Sundaram. A film made in the '70s for German state run television channel.

Then there were a series of Indian commercial films: remake of European film, Europe as location or Europeans as some kind of protagonist. But the old Indian films could not attract as much audience. Perhaps these films will evoke more academic interest in Europe than in India. Since the film programme is the only common thing to all the three chapters, it would be interesting to witness how the audience with different background perceives these films.

Social Scientist and development study scholar Shobha Raghuram said, "... with this project Majlis' long term work towards a political articulation of culture comes to a definite consolidation."

Adrienne Göhler, the artistic Director of Berlin Capital Cultural Fund said in her closing remark of the symposium "... this is an ideal model of combining social sciences and art projects into a comprehensive cultural programme".

## LEGAL CENTRE

### Contextualising the Legal Centre

The legal centre of Majlis, since its inception, has been engaged in a comprehensive women's rights programme. The activities of the legal centre can be broadly categorized as follows:

- Legal advocacy and litigation support to women from diverse socio-economic background,
- Evolving innovative legal strategies to protect women's rights,
- Public campaigns against discriminatory laws and violence against women, legal awareness and training programmes to lawyers, social workers, state officials, grass root level organizations, students and activists,
- Academic research and publications.
- Influencing policy level decisions on issues concerning gender and law
- Providing support and training to women's rights lawyers in smaller towns

Legal advocacy and litigation in lower courts forms the spine of the legal centre. The aim of the day-to-day litigation is two-fold - to secure the rights of individual women and to create positive precedence and bring in a culture of women's rights within the precincts of courtrooms. The trial court litigation revolves around issues of divorce, annulment of marriage, maintenance to wives and children, child custody issues, right of residence in matrimonial home and rights of women in invalid / bigamous marriages. After the Supreme Court ruling in 2001, in the Daniel Latiffi case, which upheld a Muslim woman's right to a fair and reasonable settlement under the Muslim Women (Protection of Right on Divorce) (1986), the litigation in magistrate's courts on behalf of divorced Muslim women has also increased. Locating our empowerment strategies within the framework of 'reform from within' Majlis also initiated a process of evolving a model nikahnama, which was released in September 2004.

Since 2003, we started an innovative programme titled, 'Fellowships to Women Lawyers from District Towns'. This programme, presently in its second year, has given Majlis a much larger presence in the rural districts of Maharashtra and has provided a platform for many more women lawyers to be associated with issues concerning gender and in providing legal assistance to women away from urban centres. Around 70 lawyers have attended the annual orientation programme held in the month of May each year. Of these, around 10 – 15 lawyers are selected annually for the fellowship. The project has helped Majlis create a large network with women lawyers and various District Bar Associations and the judiciary.

This programme has had ripple effect throughout the State of Maharashtra and has helped to strengthen women's rights in smaller cities and district towns. It is evolving to being a campaign platform on many issues that we have been working on such as property rights of women, child sexual abuse, declining sex ratio etc. Last year saw us organizing and conducting workshops for lawyers in different districts on these issues and other recent developments in law regarding women's rights.

Over the years, we have developed a referral system with various organizations based in institutional set ups such as Special Cell for women and children (based in Police Stations) and Dilaasa (A crisis center for women based in a Municipal hospital) as well as community based grass roots groups such as Awaaz-E-Nizwan and WRAG. The growing number of cases referred to us by these organizations, as well as the referrals we make to them in situations where a legal strategy may not be the best option has created a close and interdependent system, which benefits not only both partners but also the women.

The Supreme Court guidelines in the Vishaka Judgment has led many public undertakings to setup sexual harassment committees and Majlis lawyers have been invited as representatives in some of these committees. We have also been assisting women in filing complaints before the Sexual Harassment committee in their organizations.

In terms of outreach, we have had a boost in recent times with Flavia Agnes of Majlis being offered a regular fortnightly column titled, Law, Justice and Gender, in the daily newspaper, *Asian Age* since January 2004. This column provides us the scope to reach to the public, our concerns and engagements with law. All this has meant a tremendous growth in the number of women who approach Majlis as well as in the number of cases that are filed.

## Litigation and Legal Interventions

### *i. Support to Women in Distress*

<i>Category of Service</i>	<i>No. of Women</i>
Legal Advocacy	654
Litigation – Cases Filed	184
Litigation – Cases Decided / Settled	120

During the year 2004-5, around 650 women approached us for counselling and legal advice. While nearly two women approach Majlis each day, most of these cases do not translate into litigation. A lot of time is spent in providing legal counseling for women and helping women to resolve the issues without having to approach the court for reliefs. But efforts at mediation and counselling do not succeed in every case and then we are compelled to proceed to the next step and advice women to file cases in court. So out of the 650 women, we filed litigation on behalf of 184 women.

Even after filing a case, we pursue our attempt at arriving at an amicable settlement rather than getting women entangled in years of contested litigation. But despite our unrelenting efforts to amicably settle matters, there are times, in order to defend women's rights; we have to proceed with contested litigation. Over the years, issues such as right of residence in the matrimonial home, right to matrimonial property etc. have become highly contested domains of matrimonial law in Mumbai.

### *ii. Trial Court Litigation*

The litigation work at Majlis is at two levels - trial court litigation in contested cases and campaign oriented public interest litigation in higher courts. While litigation at the High Court and the Supreme Court set precedents for lower courts, changes in the law do not permeate down unless they tried and tested in these courts regularly. The gains at the higher level are easily discernible as landmark cases are reported in law journals. But the work at the trial court is unwritten and remains unnoticed. But it is this through this routine litigation work; we are able to push the boundaries of law beyond the established norms in defense of women. There are very few organisations in the country involved in the day-to-day litigation on women's rights at the trial court level.

The playing fields in these courts are more contested and complex. Being courts of the lowest level, the discretionary powers of these courts are often limited by earlier decisions of the Higher Courts, which are binding. The challenge is to reinterpret decisions of the Higher Court to each



individual situation in order to expand the notion of women's rights in the lower courts. It is by advancing coherent and innovative legal arguments while interpreting the legal precedents set by the higher courts, that the space for gender sensitive court environment gets created.

Given below are some of the sample cases dealt with by us at the High Court as well as the lower courts during the year.

### *Illustrative Cases*

#### **Muslims Woman's Right to Maintenance versus Husband's Right to Talaq**

##### **Farheen and Nasreen**

It has always been common strategy for a man to pronounce talaq when the wife approaches the court for maintenance under S.125 CrPC, in order to defeat her right. The divorced woman would then have to litigate her right to maintenance under Muslim Women's Act of 1988 at the Magistrate Court, which most perceive to be unfavourable to women. But two recent Supreme Court rulings have helped to block this strategy and have turned the equations in favour of women. Through these rulings the economic rights of Muslim women today are as good, or even better, than women from other communities. In Shamim Arra's case the Supreme Court held that a man cannot pronounce talaq without arbitration and during court proceedings. In Danial Lattifi's case the court held that in the event there was a valid Talaq then the husband would have to provide the wife 'maintenance and fair and reasonable provision' under the Muslim Women Act of 1988. The settlement will be a lump sum amount for life. Though these judgments were pronounced in 2002, they were not publicized in the media. Hence there is hardly any awareness even among judges, lawyers and activists regarding these rulings.

Since our organisation had taken up the campaign around the rights of Muslim women, we had written extensively on this issue to raise public awareness. We were also able to use these judgments in favour of Muslim women in two of our cases. In Farheen's case, she filed a Petition for maintenance for herself and her child, when her husband on the advice of his lawyer produced a 'Talaqnama' in his written statement. He also contended that in view of the Talaq her petition should either be dismissed or should be transferred to the Magistrate's Court. In view of the Supreme Court judgments the lower court ought not to have entertained these applications at all since the date of the 'talaq' was after the filing of the petition. But we were asked to reply and argue. We filed the reply basing our contention on the Supreme Court ruling in Shamim Ara's case where it has been held that *talaq* cannot be pronounced without an arbitration and in a written statement. After much persuasion and explanation the husband's application was rejected. Now, the case is pending in court for an order of interim maintenance.

In Nasreen's case we were not so lucky. When Nasreen filed a petition for maintenance, her husband filed an application that he had already pronounced *talaq*. He asked that the Petition be dismissed or transferred to the magistrate's court. In our reply we pleaded that since there was

no arbitration prior to *talaq* and while the case is pending before the court, the husband cannot pronounce *talaq*. The issue was new to the court and the court, instead of dismissing the husband's application decided to hear the matter on merit. Hence, the entire process of leading evidence and a full-length trial on the issue started. This would mean that Nasreen's maintenance would only be granted when the issue of *talaq* was decided.

So an application was filed for interim maintenance asking for maintenance from the date of the petition. The Family Court not being clear on the issue granted maintenance from the date of the petition till the date of *talaq*, which only meant a few months. Hence, we filed a writ petition in the High Court challenging the order and stating that these orders were in variance of the judgments of the higher courts. After a lengthy argument and apprising the Judge of the recent Supreme Court ruling, the writ petition filed by us on behalf of the wife has been admitted and will now come up for final hearing. But rather unfortunately, till then, Nasreen will not be entitled to maintenance.

## **Rights of Natural Guardian versus Best Interest of the Child**

### **Celestine and Melissa**

A Christian girl Mary was married to John who was working on a ship as an electrician. A few years later Mary gave birth to a male child, Sheldon. John neither came to see the child nor came for the christening ceremony. He would not send any money for Mary or her child.

It was only when the child was two that John returned and only a few days after his return Mary died. Mary's sister's husband was contacted and was informed about Mary's death. At this point, John's sister handed over the baby to Mary's mother, Celestine, along with his clothes. Thereafter Celestine and other family members attended the funeral.

Celestine spoke many times to John regarding Mary's death but John was very vague, evasive and rude to her. She lodged an FIR alleging dowry harassment, as Mary's death was under suspicious circumstances. John immediately obtained an anticipatory bail and avoided arrest.

Thereafter, only to harass Celestine and as a counter blast to her case, John filed a complainant in the magistrate's court, that his child Sheldon had been kidnapped and kept under duress by her. He asked for a search warrant to be issued against her and for an order to produce the minor child Sheldon in the Court.

Immediately Celestine approached us and we filed a reply to John's petition. We also filed a Guardianship Petition in the Family Court for Mary's mother, which is the appropriate forum to decide on issues of custody and guardianship.

Prior to the hearing of John's private complaint, we moved the family court and were successful in getting an order from the family court to retain the custody of the child. The Court stated that it was in the interest of the minor that he be with the grandmother till the criminal case of murder against the father was decided. The court in this case denied the natural guardian his right over the child in the best interest of the child. In view of the family court order John's criminal complaint was dismissed and the child is with the maternal grandmother.

In another case, which we have been litigating for many years, is the case of Melissa. Melissa and James have two children, the elder, a boy aged eight years and the younger, a girl aged four. After much litigation and approaching several courts we had managed to get the daughter in the custody of the mother while the son was with the father. In order that the two siblings meet and interact with each other we had also filed consent terms that each child would go to the other's house every weekend. Pursuant to this Melissa sent her daughter to James's house on Saturday and was expecting her to return on Sunday evening. When she did not, she panicked and went to James's house only to find it locked. She filed a police complaint but was not able to trace him.

The next day she contacted us and we filed an application to produce the child in Court. The Family Court told us that nothing could be done till we traced the father of the child. We telephoned his lawyer who refused to tell us where either his client or the child was. We then wrote him a letter and once again telephoned and pleaded with him. He finally informed us that the child had been admitted in a hospital for depression. We were shocked and asked Melissa to immediately go there. She went and saw the child but was not permitted to meet the child. The next day, even before we could move the Court, her husband had not only changed his lawyer but also the child's hospital. We anyway informed the lawyer that we were going to move the court for orders and that James should be present in Court.

Fear in James mind was all that worked for us. Fearing that the Judge would pass orders against him, he appeared in Court with a new lawyer. He was asked to furnish the details of the whereabouts of the child, which he refused. It was only when the court threatened to arrest him did he reveal the name of the hospital. We were immediately directed to take our client to the hospital, which was about two hours from Bombay and report back to the court the very next day.

When we reached the hospital, we found the child happy and relaxed, watching television. We found that the hospital was only a nursing home specializing in orthopedics and not capable of

looking after children. We returned to the court the next day with our report. The court immediately ordered that the father bring the child to court and hand over custody of the child to the mother. She also ordered that no access be given to the father till the entire case was decided on merits. The case is pending in court for further directions.

## **Monogamy versus right of women in bigamous relationships**

### **Geeta and Sheila**

Last year we had the case of Geeta, the second wife of a Hindu man who was forcing her to leave the house wherein she had resided with him as his 'socially recognized' wife for the last thirteen years. The question for us was to see if it was possible to translate this social recognition into a legal recognition of her rights.

In a packed courtroom the husband's lawyer would refer to Geeta as a 'keep', 'mistress', 'concubine' only to drive home the fact that in law she had no right. Amidst jeering and laughter we argued the matter for three days to obtain an order in her favour. The court considered our argument of the changing nature of relationships and recognized a second wife's right to shelter and granted us an order in her favour.

There were significant developments in 2004-5, in respect of the right of a woman in an informal or bigamous relationship. In December 2004, the Supreme Court in a case titled *Rameshchandra Daga vs. Rameshwari Daga*, that in a country like India where polygamy is a socially recognized practice among Hindus too; a second wife's right has to be recognized. We were elated at this judgment but only for a short while. Soon the Supreme Court in a subsequent ruling gave a ruling contrary to this decision.

It was between all these vacillating judgments that the family court referred to us the case of Sheila. Sheila had very meager resources and could not afford a lawyer. Due to the wrong strategies adopted by her previous lawyer, she was about to lose her rights. We were expected to make the impossible happen.

Sheila, a Christian urban woman married to a Hindu man who had migrated to Bombay from Kolhapur District of Maharashtra. They had registered their marriage under the provisions of the Special Marriage Act. Both Sheila and her husband were teachers in a private school. After 20 years of marriage, Sheila's husband died and she had become a widow. Prior to his death he was ailing for a long time as he had contracted AIDS. Sheila had spent all her savings on his treatment. She was even forced to buy a new house as they were forced to shift out of their old home once the neighbours realised that her husband was suffering from AIDS. To reassure him,

she purchased the house in their joint names though she alone paid for it from her earnings and by securing a bank loan. Despite a long medical struggle, she lost her husband.

By this time, Sheila had incurred a huge debt borrowing money from friends and well-wishers. So she went to the school in which he was employed to collect his dues. She was shocked to find that another woman had also filed for her husband's dues stating that she was his legally wedded wife. This started years of litigation for Sheila and the other woman. In view of the Supreme Court's vacillating judgments, it was essential for the lower court to decide on one legal marriage. The question of using principles of equity like in Geeta's case did not arise. Hence our entire shift in this case was to negate the other woman's marriage and argue that Sheila's marriage was valid.

The complexity of the case was that while Sheila was educated, urban and was working, the other wife was uneducated and rural. While Sheila had a marriage certificate the other had no proof of marriage at all. While the other wife contended that she was the first wife of Sheila's husband her child was younger than Sheila's. While Sheila was fighting alone, the other woman had the husband's entire family's support. Law required us to make a choice but we were unable to decide who was right. If second marriage was recognized in law an equitable solution could have been found but now one had to lose.

As lawyers we fought Sheila's case but as activists we also tried to investigate the matter at the district level and to verify whether Sheila's husband had, in fact, married earlier in the village. Our investigations revealed that the husband was in fact married earlier in the village. This rendered Sheila as the second wife devoid of all rights. But on the other hand it was Sheila who had shouldered the entire responsibility of caring for an AIDS afflicted husband and had incurred huge debts to pay for the medical expenses. So she had a right in equity. Through the persistent follow-up of the case and written arguments submitted in court, we were succeeded in the lower court.

The first wife filed an appeal against this order. In the High Court, the judges were able to grasp the gist of the case very well and advised us that if the matter proceeds, both women will suffer and Sheila will lose all her rights including the right over half the dwelling house as it was in joint names. But Sheila who felt terribly wronged refused to heed our advice. We failed in our efforts to persuade her, and since we felt that prolonged litigation will cause more harm to her, we decided to withdraw from this case. It was a case where the woman's own aspirations and the legal technicalities just could not match. The case is pending in the High Court and may reach the final hearing stage after many years. Meanwhile the amount due to either of the wives will lay dormant with the school authorities and the Provident Fund Department.

## Right of Residence in the Matrimonial Home

### Priya

Priya was a widow having one daughter living in Kolkata. She came to stay with her aunt in Mumbai. She would work as domestic worker to maintain herself and her daughter. After a while a neighbour, who was employed in Saudi Arabia, proposed to her and assured her that he would look after her and her daughter. So she agreed to marry him.

Few months after the marriage, the relationship between them started deteriorating. The husband started harassing her in different ways. When he came to India the harassment increased. He started assaulting her and also threatened to throw her out of the house. After few days he left the house and started living separately. He filed a police complaint denying the marriage and alleged that Priya is a woman of loose moral character, that she is a Bangladeshi, an illegal immigrant and is working as a bar dancer and that she is illegally occupying his house. Later the husband also informed Priya that he had sold the house and that she should vacate the same. When she was called to the police station she explained to the officer about her marriage and requested them not to take any action against her.

At this stage, the Special Cell located within the police station, referred her to us. We immediately filed a petition in the family court, for an injunction restraining the husband from dispossessing her and the minor children. We were able to get an immediate ad-interim order in her favour. When the husband came to court, he informed the marriage counselor that he had taken a house on leave and license and that he would take Priya to that house to stay with him. Priya refused as she feared that once she shifts from the house in which she is staying, her husband would desert her and go to Saudi Arabia and she would be rendered shelterless. Priya insisted that her right of residence in the present home be secured. The court saw through the manipulations and demanded that the husband must give an undertaking that he would not dispossess Priya and the minor children from the matrimonial home. The husband refused to give such undertaking. So the court passed a further interim order confirming the earlier ad-interim order restraining the husband from dispossessing her. So presently Priya is residing in the matrimonial home. The case is pending for further orders.

#### *iv. Public Interest Litigation*

### **Public Interest Litigation against fraudulent marriages and divorces by Marriage Bureaus**

This year saw one of the earlier issues we had campaigned against, resurfacing in more complex and multiple forms. The sense that no law, whether drafted by the 'state' or 'us', is 'good law' unless constantly monitored and reinterpreted, was reinforced in some of the important cases dealt with by us in the larger public interest.

### **Background - the PIL in 1996 and the enactment of a new Law in 1998**

Several marriage shops had mushroomed around the Metropolitan Magistrate's Court at Bandra (East) and were luring young couples into performing 'instant' marriages and were charging exorbitant fees. In our experience as matrimonial lawyers, we had come across several such cases, where marriages performed by the *karyalayas* were held to be null and void as essential ingredients / ceremonies of a valid marriage under the Hindu Marriage Act had not been complied with. Taking advantage of the clause under the Bombay Registration of Marriages Act, 1953 that the parties could register their marriage in absentia, a racket of lawyers and priests were getting young couples married without verifying the age, religion, previous marital status or any such details, which are essential facts. As a result, we were flooded with cases where women who could not prove the validity of their marriages or the marriage would be declared null and void when its validity was challenged in the court of law. Husbands would use this to escape from their liabilities to pay maintenance or provide shelter.

In order to prohibit such practices, we had filed a Writ Petition in 1996. The police raided several such shops, found incriminating evidence against lawyers and persons running the business of registering marriages. Several lawyers were arrested and the marriage shops were sealed. But in order that such practices do not recur we pressed for a new legislation, which would give authority to the Registrar of Marriages to scrutinize documents before registering marriages.

A prolonged litigation and sustained lobbying with the bureaucracy for two years finally ended in a State legislation, which was enacted in 1998 titled, *Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998*. Through this legislation, it was made mandatory for the couple to appear before the marriage registrar and sign in the register maintained by him. The marriage registrar was given the power to verify the technical validity of the marriage performed under the personal laws of the parties to avoid future hardships to women.

Unfortunately, since the Registrar of Marriages failed in his duty to scrutinize the functioning of marriage bureaus, after a while, gradually these bureaus mushroomed again in the same spot under different names and were engaging in activities of solemnizing marriages and drawing up illegal divorce decrees. Advocates and Notaries were associated with these marriage shops, which provided them with a cloak of legitimacy.

### **The case of Pooja Kamble**

In August 2004, the case of one Pooja Kamble hit the news headlines. Pooja was assaulted and taken by her husband to one of these marriage shops at Bandra (East) and was forced to sign documents allegedly for divorce. Her husband paid the lawyer a sum of Rs. 3,000/- by selling her jewelry. They were merely asked certain cursory questions and their identities were not verified. They were then informed that a divorce from court would take them 10-15 years but that they could obtain the same within 30-45 minutes, and that the same was valid. Though Pooja was distressed and weeping, the persons in that office made no enquiries about her consent or state of mind. The Deed of Divorce by Mutual Consent, prepared by an advocate, stated fraudulently that there had been no cohabitation between the parties though there were three children from the said marriage. Further, the terms of the deed also falsely stated that she has received all her jewelry and that she will not claim any maintenance from her husband or file a petition under section 125 Cr PC, thus forgoing her right to maintenance and custody of children. A Notary notarized the Deed of Divorce.

Following this incident, we collected further information and filed another Writ Petition in the Bombay High Court, which is pending. As a result of this petition, the marriage shops have been closed down. The Registrar of Marriages has been constrained to take action against several marriage shops, which have been carrying such illegal and fraudulent activities. Every Vivaha karyalaya now has to have a notice in their premises in English, Hindi and Marathi giving the legal procedure to register a marriage. The Bar Council of Maharashtra and Goa has also initiated action against several lawyers who have been engaged in these activities. The Writ Petition received wide media publicity and created social awareness regarding this issue. The Petition and the proceedings before the Bar Council are still pending.

### **Representing the Bar Dancers in Legal Proceedings.**

Bombay has a unique place of performance called 'Dance bars', where women dance to recorded music as part of the entertainment package. There are an estimated 75,000 girls working in these bars across Maharashtra who have till recently never been organized or their concerns articulated. But during 2003-4, the process of unionizing the bar dancers started by a group of social activists and in 2004, the Bharatiya Bar Girls Union was officially registered. Ms. Varsha Kale, the social activist became the President of the Union.



Sometime in August 2004, an association of Bar Owners had filed a Writ Petition against the arbitrary raids being conducted by the police. The police in their defence had stated that the raids were being conducted because the obscenity laws under the Indian Penal Code, was being violated. In the meantime, an NGO Prerana, which works with commercial sex workers and on AIDS awareness programme, had intervened in support of the police. They also stated that the bars were in fact brothels and the bar owners were traffickers. Ironically, in the entire controversy, the plight of the bar girls, upon whose body the violation of human rights actually takes place had remained invisible. If arrests were made on the ground of trafficking of minors for the purpose of prostitution, then the strict guidelines under the Immoral Traffic Prevention Act had to be complied, which the police had failed to do. During arrests, the police had abused and molested the girls and they had been retained in police custody overnight, without the presence of a woman police officer. The police had also tried to get incriminatory evidence by forcing the bar girls to sit along with customers and taken photographs etc.

It is in this context, the bar dancers' union approached us to file intervenor application on their behalf. In the application filed by us on their behalf, we have requested the court to ask the state to frame strict rules which must be followed while conducting the raids and had also asked for a committee to monitor the police raids so that there is no sexual exploitation of these young girls from a vulnerable section.

Rather unfortunately, on the very same day on which the arguments in this case were concluded, the proposed ban on dance bar girls made newspaper headlines. The response was mixed with some women's organizations and political parties supporting the ban and many other women's organizations opposing it. The issue is still raging and has not yet been resolved. Majlis and many other women's groups have come out openly in support of the bar dancers and also attended rallies and protests organized by the Bar Girls Union.

The matter is still pending in the court awaiting the next step of the state government. We are planning our future legal strategies under the guidance of Justice H. Suresh.

## Campaigns, Workshops and Training Programmes

### i. Community Based Personal Law Reforms

One of the important interventions that have had a substantial impact on both women's movement as well as the debate on human rights / minority rights has been our campaign for community based legal reforms. In the post Shahbano period, when the Muslim Women's Act was enacted amidst a roaring controversy, the issues concerning Muslim women came to be posed within a binary of - gender versus minority identity. While women's groups demanded for a uniform civil code the Muslim and other minority religious leadership opposed it as a violation of the Constitutional mandate of protection of minority identity. The rights of Muslim were trapped within this controversy and there was a stalemate. The demand for a Uniform Civil Code was appropriated by the Hindu right-wing fundamentalists who were gaining credibility.

The dichotomy of this situation dawned on us in the post-Babri Masjid demolition period when we worked on issues of relief and rehabilitation. In this context, while addressing the human rights issues of Muslim women, we were compelled to work in close proximity with Muslim religious leadership. We felt that we need to evolve a new theoretical frame work which would pose minority women's rights within the frame work of identity concerns as Muslim women cannot be split within the binary of gender versus minority identity.

It is this realization that forced us to redefine our concerns and carry on a campaign first to oppose the demand of the Uniform Civil Code and then actively work for community based law reforms. We wrote several articles, organized several meetings and carried on an active campaign both within human rights groups and women's organizations to bring in this new perspective. Several of our publications, both formal and informal, addressed this issue.

It was not our premise that Muslim women's rights should be frozen until a community consensus emerged. We adopted a two-fold strategy – to highlight and propagate pro-women court rulings and to work within Muslim leadership to bring in community based reforms.

In pursuance of this framework, during the year 2004-5, in cases concerning Muslim women, we tried to apply the principles laid out by the landmark decisions of the Supreme Court to the litigation processes in the family court and High Court.

At the other end, during June – September 2004, we worked consistently with Muslim scholars, religious leaders and women members of the Personal Law Board and academicians and succeeded in drafting a 'model nikahnama' which would protect women's economic rights. This 'model nikahnama' was released by a maulavi in September 2004. This event received wide media publicity and made national headlines. We sent copies of the model nikahnama to

members of the Muslim Personal Law Board. This led to a general awareness in the media and more particularly among Muslim women that a Muslim woman has the right to include her conditions into a nikahnama. We consider this awareness within Muslim women about a model nikahnama or a conditional nikahnama, a victory for Majlis and to several other organizations and individuals who had consistently worked to change the discourse on personal laws. Finally in April 2005, the All Indian Muslim Personal Law Board was also constrained to release a 'model nikahnama' including the clause of arbitration, which has served to curtail the arbitrary power of the husband to pronounce triple talaq.

## **ii. Workshop for Marriage Counselors in Family Courts**

The two-day workshop was organized by us to provide an interactive forum for marriage counselors across three states and to sensitize them towards gender concerns. This was an innovative venture and for the first time, the marriage counselors from three different states could interact with each other and exchange their experiences. The focus of the workshop was to emphasize that neutrality in counseling might in fact work against women, the weaker partners within marriage.

While some workshops have been conducted for marriage counselors in Maharashtra, the concept was new to counselors from other states. The programme was conducted in co-ordination with Women's Commission of two states Karnataka and West Bengal and the venture was supported by a grant from Dorabji Tata Trust. This was also meant to be a follow-up of the Family Court research conducted in these two states by the respective State Women's Commissions. Both the states had assigned the task of coordinating this research to Ms. Flavia Agnes of Majlis. The workshops flowed as an outcome of this venture.

As per the Family Court Act, 1984, it is mandatory to have marriage counsellors in every Family Court to mediate in matrimonial disputes. But unfortunately, the rules framed under each State vary a great deal in respect of the selection criteria, role and functioning as well as their efficacy in each state.

In order to bring in some uniformity regarding their functioning as well as to orient the counsellors about issues of women's rights, Majlis undertook a short-term project to create a manual and hold a two-day workshop for marriage counsellors from three states - Karnataka, Maharashtra and West Bengal.

The two-day training programme was held in January 2005 and was attended by around 75 participants. A manual prepared by us titled, *Taking Sides* was released during the workshop and the training was conducted using this manual as a base. Justice Suresh, retired judge of the Bombay High Court who had set up the mediation process in the City Civil Court, Principal judge

of the Family Court in Mumbai who is spear heading the mediation cell under the guidance of the High Court, the present and past Principal Marriage Counsellors of the Family Court in Mumbai and social activists and counselors dealing with issues such as mental health and violence against women were invited as resource persons. The workshops were highly interactive and provided ample opportunities for counsellors to interact with each other. On the third day, counsellors from other states were taken to the Family Court in Mumbai to observe the difference between the way they function in their courts and the way the counsellors function in the Mumbai Family Court.

### **iii. Legal Awareness Programmes**

Conducting workshops with grass root level organizations, women's groups, law students, academic institutions and activists both in urban and rural areas, has continued to be an important activity of Majlis over the years.

We have also been providing legal training to the Special Cells, which have been set up in the police stations in Mumbai and other district towns. This is an innovative collaborative programme between an academic institute - Tata Institute of Social Sciences, Mumbai and the Police Department. The first Special Cell was set up in Mumbai in 1985 and today has spread to several district towns. Through this programme, trained social workers are placed in police stations to help women in distress. During the year, Trupti Panchal has been travelling all over Maharashtra, setting up and monitoring the special cells which have been set up in various district towns. TISS has been organising month-long trainings for the newly recruited social workers for these cells. Through Trupti's intervention, the legal team of Majlis headed by Veena has been involved in providing para-legal training to these social workers. In some district towns, there has also been co-ordination between the lawyers of our district lawyer programme and the special cells.

Another important component of this programme is gender sensitization to the judiciary, police officials, social workers and social work colleges. We have been invited as resource persons at the gender sensitization workshops conducted by the National Judicial Academy, Bhopal, International NGOs and the National Police Academy.

During the year, we have also conducted several workshops for students in various law colleges – National Law College, Bangalore, National Institute of Juridical Sciences in Kolkata, K.C. Law College and Advani Law College in Mumbai and other educational institutions. During the year, we also structured a course and conducted the same for M.Phil. students of S.N.D.T. University. We have also conducted workshops at the Women's Studies Programmes in several universities in smaller towns. More important among them were the workshops we conducted in at the Lucknow University as well as the Utkal University in Orissa.

Another important aspect of our legal intervention has been to provide legal training to Mahila Samkhya programmes (these are rural based developmental programmes which are managed by State governments through bilateral aid from the Dutch government.). Earlier we had provided the legal resource for starting the Nari Adalats in Baroda. Since then several other states have also invited us. During the year we conducted three-day workshops for grass root level participants of the Mahila Samkhya programme in Andhra Pradesh and Uttar Pradesh.

## **Fellowships to Women Lawyers from District Towns**

In January 2003, Majlis started a new and innovative project titled, *Fellowship to Women Lawyers in District Towns of Maharashtra*. The project has been supported by a grant from Mac Arthur Foundation. The aim of the project is to combat human rights violations of girls and women, support mechanisms, which will help women to access justice delivery systems and to spread legal awareness to women from marginalized sections. In order to counter the violations, the project aims to evolve a group of community based women lawyers equipped with feminist legal ideology and a practical knowledge of Constitutional mandates, International Conventions, domestic statutes and court skills to deal with issues of rights violations of women. The project also hopes to create machinery in district courts so that the gains of public interest litigation initiated in the higher courts and newer enactments can be made accessible to the district towns to facilitate their implementation.

The project was to be actualized by providing orientation, training and support to women lawyers - both fresh graduates as well as women at their mid-career levels. Although there are a significant number of women lawyers in smaller cities, they lack exposure, skills and confidence to counter the established norms of a pre-dominantly male dominated, and highly commercialized legal profession. The project was initiated with an objective to expose these lawyers through an intensive orientation programme and periodic trainings and by providing a support structure so that they become well equipped to deal with human rights / gender rights violations of women in general and adolescent girls in particular, in their local area.

The programme was structured as follows – A five-day intensive orientation programme was held to around 70 - 80 lawyers from the district towns of Maharashtra. Even if a lawyer was not selected as a fellow, the orientation programme would benefit the lawyer by exposing her to a women's rights / human rights ideology and provide an opportunity for like minded women lawyers and develop linkages. From this larger group, depending upon the aptitude, commitment and need of a particular region around 10-12 lawyers were selected for an annual fellowship. Their work would have to include some or all of the following components - legal awareness programmes in slums, rural / tribal areas, legal advocacy and litigation to needy women, campaigns for adolescent girls regarding sexual abuse and violations of rights, legal research on issues of concern in the local area and publication of relevant articles in local newspapers.

During the year, the fellows were to be provided further training in capacity building and skill development to help them to fulfill the goals they had set out and also to monitor and evaluate the activities conducted by them.

As part of the campaign and networking component, the fellows were also encouraged to hold workshops in their own areas, which could be attended by a large number of lawyers, as well as

the entire group of selected fellows from other districts. These public meetings were held in coordination with local NGOs or the district level bar association. These workshops provided hands-on experience in organizing public events. They also proved to be extremely useful in helping them to evolve local level resources and support structures and also in building networks among the fellows themselves.

At the end of the fellowship, the fellows were invited for an award ceremony and a certificate of successful completion of the fellowship was awarded to them. The previous years fellows were encouraged to work along with the fellows selected for the next year, wherever feasible, to ensure continuity.

### **Plans for the Next Year**

The plans for the third year orientation course are already underway. The last two years work has given the programme credibility and acceptance among women lawyers in district towns. During the year, while following all the components of the programme as mentioned above, it is also the time for us to review the project and give it a new direction, based on the experience gained in the last two years. Two areas we wish to actively pursue when we re-structure this programme is - (a) how we can incorporate some individual fellows of the preceding years as trainers to the newer fellows and (b) whether it is possible to shape the fellowships so that they eventually lead to more permanent organizational linkages with local NGOs.

Madhusree Dutta

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