

## ANNUAL REPORT OF MAJLIS 2009-10

### Financial Profile

In the reporting period of 2009-10 Majlis had two new donors – Dorabji Tata Trust for the Legal Centre and the Ford Foundation for the Cinema City project. Majlis' traditional donor HIVOS, who had supported Majlis activities since 1992, has been phasing out of Majlis by reducing its contribution since 2006-07. This financial year was the last year of HIVOS support to Majlis. However, for the **Cinema City** project HIVOS has contributed a special one time grant of Rs.20,00,000/- to Majlis. In addition Majlis has also channelised a grant made by HIVOS to Queer Nazariya, a LGBT film festival in Mumbai. We have also received a small grant in the month of March from Global fund for Women for documentation of Gender and Public Place in the city. The work on this project will commence only in the next financial year. The legal centre has received a one time grant from Action Aid for the publication of the proceedings of the seminar on **Negotiating Spaces: Legal Pluralism, Gender Concerns and Community Constructs**. In addition we have received the balance grant from PSBT (Public Service Broadcast Trust) and Doordarshan that was sanctioned in 2008-09 for Cinema City documentaries.

Majlis has not purchased or sold any major asset or property in this financial year.

***Please see the enclosed audited statement***

### Centre for Inter-Disciplinary Art Initiatives

This was a year to realign our works and resources to the emerging forms and practices. This was also the year of collaboration and net working. The forms and structures of our earlier works needed to be reorganised in order to cope with the new technology and new forms in popular and public cultures. While doing this, we have also evolved a system of working with a large number of free lance artists and academics. Currently around 25 free lance artists are working on the projects of the cultural centre.

Working with the academic institutions and media channels in partnership too is a new experience. As the academic institutions face the resource crunch they are looking for partnerships with private sector and independent centres. Similarly the public media houses too are looking for different ways of programming due to the internal contradiction within the entertainment industry in the era of globalisation. Today it is

possible, to some extent, to create small pockets of niche programme within the mainstream media.

### **Cinema City: Research Art and Archive Project**

The main activity in the cultural centre in this reporting period has been the rapid progress of the Cinema City project. It is a project to archive the cities that produce cinema at an industrial scale and where cinema greatly influences the broader social and cultural lives of the city. The project is envisaged as an Asian project. It has been quite evident since last couple of decades that an Asian cultural identity is slowly emerging through literature and cinema. The instances of Asian collaboration and cultural exchanges too are growing. On the other hand the discipline of urban studies is also developing a sub theme around Asian Cities. These developments make us believe that forging collaboration at the continental level may not be a distant dream.

But currently the project is concentrated in Bombay / Mumbai only. It is a practice based archive project where the archive would be built through large number of cultural productions by diverse sets of people / organisations. The productions, its base research and its residuals will form the archive. The logic of the project is to make archiving a circular process of collaboration, participation and interaction between the author, collector and user. Choice of cinema as the base line of the project, hopefully, has ensured greater public participation.

Thematically the project enquires into the hidden labour and the spaces that produce atomic units of cinema, namely sweat shops of costume, set, wigs, objects; suppliers of animals, dancers, junior artists; display banner painters, tiny computer based post production units; acting classes, photo portfolio makers etc. While we document this vast labour force through audio, video, photo and text documentation we are also mapping the spatial network that connect all these production units to the final output of cinema through a series of cartographical maps.

The second enquiry has been about the public output of cinema or the viewing conventions of cinema. These conventions are not only reflective of the social realities of the city but also chart the development logic that has been followed in the city since the beginning of 20<sup>th</sup> century. For example, in the contemporary city, there are several conventions of viewing cinema exist simultaneously – multiplexes for the gentrified

neighbourhood that screen latest Hollywood and Bollywood films, single screen cinemas for the old middle class and working class neighbourhoods that screen contemporary and old Hindi and Marathi films, slum cinemas in the shacks in the suburbs that screen regional films on video for migrant wage workers, mobile tent cinema that imports cinema paraphernalia to the remote villages during religious festivals and so on. Each of these conventions has a time line that touches upon the social history of the city: development, real estate, employment, migration of wage workers, issues of identity politics, death of organised sector, rise of service industry, issues of gender in public places etc. We have documented each of these viewing conventions through productions of video documentaries, photo essays and topographical maps and drawings and factual dateline.

In this reporting period the Cinema City project were presented in three public events:

**April 2009.** Curtain raiser of the project at Persistence Resistance Film Festival at IIC, Delhi

**October 2009.** Public presentation of the project with art show, film screenings and panel discussions at NCPA, Mumbai, in collaboration with Asia Society India.

**February 2010.** Multiple venue art shows, film screenings and panel discussion on occasion of 60<sup>th</sup> anniversary of Berlinale International Film Festival at Berlin.

The completed projects that are showcased in these events are following:

### **Short Films and Video Portraits**

**Certified Universal** duration 15 mnt

Dir: Avijit Mukul Kishore

On many cinemas that exist and constantly get reproduced in the city. The simultaneity of many authors and many audiences that make cinema such a living phenomena in the city is explored.

**Darkroom** duration 10 mnt

Dir: Renu Savant

On the basic materiality of cinema – the chemicals and the moving people. The film attempts to return the reproducible image of cinema to its source – the chemical interactions, in the lab and in the city.

**Director Producer Actor Cameraman Mentor Babulal** duration 15 mnt

Dir: Richa Husing

In the shanty town of Dharavi lives Babulal who runs 5 Star acting school at his home that measures upto 10 feet by 10 feet. We have first come across the acting school while documenting the livelihood practices in Dharavi as part of the Godaam activities. The desire to be matinee idol has no class, the awe that high pitch histrionics can

produce has no distinction and the sub culture of cinema aspiration permeates into all locations of the city.

**Dhananjay Kulkarni “Chandragupt”** duration 10 mnt

Dir: Rhivu Laha

A film writer impersonates as a night watchman. A nocturnal character by profession, Dhananjay, watches over the residential buildings in the night and spins stories about the dream city and the distant cinema.

**Do Rafique** duration 15 mnt

Dir: Rafeeq Ellias

Rafeeq Ellias walks a talk with Rafique Baghdadi around old and fading neighbourhoods tracing the memory of cinema. Rafique Baghdadi is a quintessential cinema citizen for whom the city itself is an archive of its cinema.

**Sin City** duration 15 mnt

Dir: Srikant Agawane

On the filmography of crime in the city. The film explores the topography of the city against the structural development of crime stories in Hindi cinema.

**The Slum Cinema** duration 20 mnt

Dir: Madhavi Tangella

Tucked behind the bus stops or under the flyovers of Bombay run illegal / unofficial shacks of cinema that double up for shelter and linguistic refuge for migrant wage workers. As the poor migrants huddle together in language and region clusters in order to hide from the alien city and its incomprehensible tongue, the cinema houses spring up in every neighbourhood to show films in their language of comfort.

**Have you dreamt Cinema?** duration 15 mnt

Dir: Hansa Thapliyal

On three women who live along Film City Road - their relationship with the idea of recreation and the place that cinema has as a pleasure house in their lives. The desire to be part of the cinema, its distant memory or even the absence of it in one's life make a distinct cinema narrative.

**Topography of the Cinema City**

With Research and Design Cell of KRVI (Kamla Raheja Vidyanidhi Institute of Architecture and Environment Studies)

The space of desire is what bridges the space of cinema to that of the city. On the other hand, the space of productions is what engages the city with its cinema. The cinema city, then, is a complex mesh of spaces and labyrinths that produce cinema in the city and represent / imagine the city in cinema. The map of such a city would be the layers of iconised images and the cartographies of everyday life intertwined with one another.

## **Collaborative Art Projects**

**Documentation and Video Installation on Sweatshops in Western Suburb:** The shanty town of Adarsh Nagar (literally means Model Town), the glitters of Lokhandwala market, the Barista café at Yari Road where aspiring actors squat and the workers' chawl in SVP Nagar constitute the suburb of Andheri West, which is approximately 3 to 12 kilometers away from all major film and TV studios. Approximately 8000 units of service providers to cinema and television industry exist in this area. These are the neighbourhoods where the migrant Bollywood aspirants head towards as soon as they arrive in the city. The city within the city circles around the fragility of glamour & aspiration, glitter & livelihood and luck & determination and never encounters the other settlements, the nation outside.

**1956:** Federation for Welfare of Cine Employees, the parent body of current unions / associations is formed. Today the number of unions recognized by the film industry is 22. The union card does not only bring job security but is also used to protect a community of the privileged, to keep the non-members at bay.

Responding to the immediacy and contemporaneity of the phenomena this section is mapped through video documentation. The videos are then edited and mounted into a video art installation where the sweatshops literally function through small holes within the panoramic and iconic cityscape. We consider this section as the spine of the Cinema City project.

**Bioscope: Nation City Cinema Dateline:** A comprehensive dateline marking the making of the nation, building of the metropolis and expansion of its cinema has been evolved to map the evolution of 'public' through the 20<sup>th</sup> century. Based on the research this art work is created.

As one of the primary exhibition devices of cinema, the bioscope was delicately placed between folk practices and the technology intensive performance of the celluloid. Unlike formal cinema a bioscope could be replicated with simple lenses and assorted strips of celluloid by any self styled entrepreneur. The simple mechanism of bioscope still survives as a century old entertainment device. The advent of big cinema, sync sound, domesticated digital technology, network of film distribution, satellite television et al

could never completely erase the pleasure of peeping through a hole into random moving images while being in the middle of the hustle and bustle of a public place.

Inside the bioscope run various strips of texts that are actually small units of the dateline of cinema-city-modernity in 20<sup>th</sup> century. As the spectator presses a button the strips rotate and then stop randomly and thus create random combinations of the dateline units. It is a simple game built on the principle of interactive learning. It is surrounded by motifs of the popular and folk like imagination of the dream city.

**Cinema City Lived: a book on spatial and textual cartography:** This book is a compilation of images, maps and drawings punctuated with texts that have been generated so far through the project. This is an anthology of passages traversed by cinema citizens and cinema goods across the metropolis of Bombay. The protagonists are the labyrinths, the cross sections and the holes in the walls that produce atomic units of cinema and then move through the city to accumulate into India's most adored public institution – Hindi cinema. The book is edited by Rohan Shivkumar, the co-coordinator of the Cartography project.

The book traces the Cinema City assembly line by mapping spaces of Pre-Production, Production, Post-Production, Distribution, Display and Archiving/Recycling, that co-exist with other livelihood practices in the urban topography. The hundred years of Indian cinema, with all its eras and genres, live simultaneously in the city of Bombay. For example, while the official archives engage in a debate around preservation and utility, an old man in the far suburbs boils discarded celluloid strips to remove all traces of the image in order to recycle its polyester base. As Indian silver screen romance shifts from the location in Switzerland to Kazakhstan and Thailand, artisans from Kashmir migrate to the city to work in sweatshops that embroider costumes for the wedding saga in family films. The textile industry collapses as a consequence of the new economic policy and the factory compound gets converted into shooting floors for noir films.

Presently the book is printed in limited editions and only to be displayed within the project exhibitions.

**Calendar Gala** by multiple artists:

Gala means unit, mainly small and semi-formal commercial outlets in Bombay. In this project several independent artists design a calendar corresponding any one year of 20<sup>th</sup> century on the broad theme of cinema, city and modernity. This project is imagined as a creative annotation on the dateline research by individual artists.

The public culture of printed calendar was in the ascend in India since late 19<sup>th</sup> century. With the first dedicated press for calendar art, Sivakasi, starting in 1877 and Raja Ravi Varma, the pioneer of modern Indian art, starting a lithograph press in 1890, iconisation takes a new turn towards non-divine events and people. Printing technology and cinema, which were growing together in early 20<sup>th</sup> century, started aiding and complimenting each other. Film based picture postcards, calendars, posters and monograms became popular commodities by early 1940s. Parallel to the mystical and ever moving images in cinema the tangibility of printed images helped consolidate the iconic stature of cinema.

This project re-negotiates the iconisation process of the contemporary images in public domain through the 20<sup>th</sup> century. We wish to make 100 calendars corresponding to the 100 years of 20<sup>th</sup> century and thus create a pictorial archive of urban visual cultures.

## **Works in Progress**

### **Documentation of Manipuri film industry:**

Manipuri cinema is a distinct cultural form that is highly influenced by the rich performing art and literary traditions of the region as well as the cinematic convention of the west Asia, namely Korea. Its contested relationship with the Republic of India and the recent history of civil wars has made cultural productions in Manipur edgy and subversive. Its geographical and cultural proximity to Burma and China too has added another layer to Manipur's search for a contemporary cinematic form.

The documentation is happening in two folds. We have developed a local unit and have provided them with some basic equipments. This unit is semi-autonomous and function more as retainer to Majlis archive. Additionally, a unit from Majlis, headed by Mamta Murthy, travels to Imphal in regular intervals and film the making of some local cinema, its paraphernalia, interviews with filmmakers and other practitioners and so on. We plan to produce a documentary based on the material developed through this process.

**Documentation of Malegaon Film Industry:** Malegaon is a small town in Maharashtra and only 250 kilometers from Bombay. It is a town of power loom textile industry and majority Muslim population. This town has developed an indigenous film industry since 1970 to the extent that today there is a distinct cinematic convention that is called Malegaon films. Some of these films are energetic adaptation of Bollywood or Hollywood films. But the adaptations are complex and critical in nature. For example, in the film titled Malegaon ka Superman (Superman of Malegaon) the actor chosen to play superman is deliberately made to look rickety and impoverished. Hence while riding on the popularity of the original Superman flick the Malegaon version is also creating a critic and an alternative to its primary narrative.

There is another convention in Malegaon where series of films are made on indigenously developed stock characters. Where till date the Bombay cinema could not develop a mascot the Malegaon industry has come up with couple of such characters who not only appear in series of films but also address the election rallies and other socio-political events. The Malegaon films are made on shoe string budget (at an average Rs.25,000 or less that 500 \$) and imports nothing from outside the town except the female actors. Infact the industry is in complete denial of the existence of women. Women neither take part in the making nor do they watch these films. We are trying to get women's testimonies on this practice but have not achieved any result yet.

Currently we have just started documenting and exploring this unique cultural phenomenon. This is a collaborative project with Frame Works, a research and media collective in Delhi.

**Phantom Lady Revisited: Photo art (Pushpamala N):** This a sequel to *Phantom Lady* or *Kismet* which Pushpamala had produced some ten years back. In that work, which comprises of a series of photographs of her impersonating the action lady of '30s, Nadia, Pushpamala had worked on the colonial cityscape of South Bombay and gender fantasy of the early cinema. The actress on whom Pushpamala's set of performance photographs were based is Australian Mary Evans aka Indian star 'Fearless' Nadia. Celebrated performers like Nadia had to bow out with the advent of talkie in cinema by late '30s as they could not speak the languages that Indian cinema was being made in. These female performers of silent era cinema brought forth a distinct imagination where



the foreign-ness of their persona was conducive to the fantastical roles that they played and the spaces that they inhabited. These fantasies, in turn, became motifs of modernity where the reel life 'feminine' could run through various transgressions and refractions that are prohibited for women in real life. Pushpamala phantom-ised (invoked) this forgotten prototype of the female entertainer within the colonial cityscape of South Bombay.

While the earlier edition was her independent work, on our invitation she has agreed to produce a new set of work where the fantasy character Phantom Lady visits the real estate conflict zones in North Bombay. This time the back drop of the Phantom Lady's action is Dharavi slums that are under severe threat of demolition, a broken down drive-in-cinema that is marked for major construction activities, large construction sites and their godowns. The project aims to address the issues of lopsided development and shrinking public spaces in the metropolis. This project is under production and due to get ready in the next financial year. Currently we are looking for additional funding for this project.

**Dissemination and Computer Programme:** In the process of conducting multi-disciplinary research on the cinema city and produce art works, films and publications we have also been collecting volumes of residuals. A large volume of research and documentation often gets discarded in the process of editing and fine tuning a finished product. These discarded material often posses incredible archival value. In order to address this issue we have evolved a computer programme that can be called an interactive digital archive.

It will be a consolidation of various maps of the city of entertainment Bombay / Mumbai across the century. The maps not only trace the geographical spaces (production units, neighbourhood cinemas, studios and other institutions etc.) but also represent the cinematic imaginations concerning the specific geographical locations through film clips, written text, art works, old calendars or other printed material, photographs etc. Thus in this programme when a user clicks on a particular location s/he is given an index of all the cinema spaces that exist and existed in that location as well as all the narratives that are created based on that location. Formally the material will be a combination video,

audio, cartography, photographs, maps, architectural drawings, visual arts and written texts.

The programme is designed by the software company Thatzit who have earlier designed the hugely popular children's computer game **Spice Adventures** for us. A pilot of this project was displayed in Berlinale international film festival.

**Workshop and productions with undergraduate media students:** This segment has been worked out with 5 city colleges spread around the expanse of the city. In terms of class and community affiliation too the institutions are different and distinct. The Burhani college caters mainly to the Muslim community in the Bhandi Bazaar and Nagpada area. The SIES (Sion) is situated in the pre-dominantly South Indian neighbourhood. Wilson college is the oldest college in the city that precedes even the University of Bombay and is a Christian minority institution. SIES (Nerul) is situated in the newly developed industrial area of New Bombay, a satellite city.

Through short term workshops with the first and second year about 5 students per college were selected for advance training in film making and archival documentation. Once the students were trained with the basic skills they were asked to trace the presence of cinema in their own neighbourhoods. Their findings of cinema in their own neighbourhoods have become kind of primary resources for the project. In the next stage the material were processed by each group of students under the tutelage of a mentor and short video clips were made to put up in the archive.

## **Previous Projects**

### **Godaam: the offline archive**

In the year 2009-10 Majlis has annotated and uploaded 17 new files in Padma and has prepared 30 files on Kashmir for offline references. The Godaam collection which is basically an eclectic collection of images collected from multiple sources over the decade was in dire need of a navigating system till the last year. The architecture and the methodology that was evolved for Padma also helped us in streamlining and cataloguing the entire offline Godaam collection. Since all of Godaam collection, especially the files that deal with politically sensitive issues, are not to be put in public

domain, it was important to make the offline archive of Majlis accessible and navigable. This important task has been accomplished this year.

### **Padma: the online public archive**

Padma was launched in 2007-08 as a public service digital media archive. It was initiated by Majlis in order to facilitate found footage / found image art / film / research making. It was launched in collaboration with four other groups with the understanding that OIL21, a net activist group in Berlin would work on the architecture of the site, Alternative Law Forum on the licensing and legal aspect, Majlis would provide the main volume of the annotated video material, Point of View for the gender aspect and project administration and Chitrakarkhana/Camp would function as the interface between the contributors, facilitate the outreach and maintain the back end of the project. Till end 2009 Majlis has uploaded 170 video files on diverse themes such as identity politics and Bombay riots, videos from Fire Brigade, campaigns for the rights of bar dancers, Dharavi livelihood documentation, communities, migrants and settlers in Bombay, Cemeteries, Bazaars, public festivals, public cultures, road side shrines, neighbourhood documentation by the communities and Kashmiri craftsmen and artisans.

Though the project initially took off well soon it started suffering from incompatibility between the groups. When the incompatibility grew to be severe Majlis decided to withdraw from the administration of Padma. The 170 files that are uploaded by Majlis in Padma remain there as a marker of our basic belief in the process of resource sharing. Such a technology intensive project always gets dominated by the partner who possesses the back end of the site. So we have decided to give up our claims and let the other partners run it. Accordingly in the month of January 2010 we have made a public announcement informing Majlis' withdrawal from administration of Padma.

Though the collaboration has collapsed we do not consider it as a failure. Our commitment is to create newer practices and prototypes for media archiving. Godaam, Padma, Cinema City are part of that commitment and stem from the previous experiences. To archive Cinema City we needed a programme that is much more playful and agile. The new programme is designed like a game that opens to the labyrinths of the city in layers and thus becomes a text on the geo politics of the city and also creates a sense of simultaneity.

## **Centre For Rights Discourse**

In this financial year the Litigation Unit has been able to rejuvenate the centre. The year was marked by hectic activities of training new lawyers in court procedures and feminist jurisprudence and expanding the outreach programme and women's rights discourse in the fora of corporate sectors and community based organizations. The initiative of reaching out to corporate sector and community based organizations stem from the realization that with the increasing visibility of women in the public space and within the communities, the rights discourse needs to be made part of the daily routine and not only as a solution to disputes. In order to establish rights it needs to be practiced in day-to-day basis. Generally law is summoned only when there is a dispute. And more often than not under the stress of dispute it becomes a battle of wit than discussion on rights. In order to address this we have taken special initiative to conduct consultancy and training programme with students, women professionals and community organizations on Domestic Violence act, on rights of maintenance and on provisions against sexual harassment in work place.

## **Litigation Unit**

### **Pre-Litigation Consultancy**

Consultancy was provided to 691 women in this period. The majority of these women were either in conflict marriages or were victims of domestic violence. The pre-litigation counseling work involves providing a basic exposure to legal rights, devising and fine tuning legal strategies as per the needs and strengths of a particular client, demystifying the process of litigation and court procedures, pre-litigation and post-litigation mediations and settlements terms, following up contested cases to their logical end, including conducting the trial, and appeals in the Sessions Courts/ High Court.

There was great diversity in terms of the age, religion and class backgrounds of the women. However, our endeavour has been to reach out to more women from the poorer sections who are normally denied access to legal rights. A bulk of these consultations were done through referrals from our community outreach programme. We currently offer legal advice on a regular basis to 10 community based organisations. Majlis lawyers visit the communities periodically. On the appointed day the women of the community gather at the local office and are provided legal advice. Negotiation and

settlements with the husband and in-laws too are attempted at this level. Only when these efforts fail and it becomes imperative to approach the formal court structure is the woman asked to visit the Majlis office to initiate the legal proceedings.

The Referral Organisations that Majlis works with are:

1. Awaz-e-Niswan (Kurla) (Support Network for Muslim Women)
1. Daya Sadan (Dharavi)
2. DILAASA (Bhabha Hospital, Bandra)
3. DILAASA (Kurla-Bhabha Hospital, Kurla)
4. Maharashtra State Women's Commission
5. Protection Officers for Domestic Violence Act
6. Social Service Crime Branch, Counselling Cell
7. Special Cells (located at three police stations in the city)
8. Unity Corp (Dharavi)
9. Y.W.C.A. (the community outreach programmes)

In addition to this, a large number of women approach us through word of mouth publicity by our old clients, from other NGOs, Crime Branch Counselling cell, State Legal Aid and DV Protection officers. Another important source of outreach is the media. The Know Your Rights column in Femina (a national magazine), newspaper and television programmes and Majlis website too become important avenues of outreach. It is important to mention here that in this project period around 50,000 people have visited Majlis website.

Of the 691 pre litigation counseling we provided to women, 65% required strategic intervention and mediation. The others were simple one time legal advice.

### **Trial Court Litigation**

The lawyers at the Litigation Unit constantly strive to test legal principles and newer enactments against the ground realities of women. They push the limits of the statutory law beyond the established boundaries and thereby expand the horizon of women's rights. The work revolves round issues of maintenance, child custody, protection against dispossession from the matrimonial home and protection against domestic violence.

During the year we filed 166 new cases in Court. The present team of lawyers are handling these cases in addition to 116 cases that were pending in various courts at the beginning of this financial year. Of these 36 cases were filed in the Magistrates' Courts

under the Domestic Violence Act (DVA), appeals to the Session Court, cases filed under the Muslim Women's Act as well as those filed in the High Court. The rest were litigated in the Family Court at Mumbai which is a cluster of 7 courts. Under the Domestic Violence Act, we have managed to get some very good orders which will set the precedence for women seeking relief. Most important aspect of our work with DVA has been to ensure its application to complex issues concerning Muslim women. Another area of intervention has been in the area of protecting the rights of women who live in a marriage like arrangement but whose marriages suffer from legal defect and hence are deemed as 'invalid' under the law. Since the Domestic Violence Act provides relief to such cases, we have succeeded in securing the rights of many such women both in the magistrates' courts as well in the family court.

Securing the rights of women in each and every case is our mission. But this is not an easy task and is fraught with tension and anxiety. While at one level it appears to be routine work, but at another, each case is unique and poses newer challenges. At time the expectations are too high and cannot be met within the prevailing legal order. At other times, bogged down by procedures and delays, women loose interest in their cases or are ready to give up their claims.

### **Litigation at a Glance**

Total No. of Cased pending from 08-09	116
Add Total No. of New Cases Filed in 09-10:	166
<b>Total Cases Litigated in 09-10</b>	<b>282</b>
<b>Total No. of Cases disposed off in 09-10:</b>	<b>98</b>

Out of the 98 cases disposed off during the year around 45% were out of court or pre-trial settlements.

<b>Total No. of Cases will be carried forward to 10-11</b>	<b>184</b>
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### **Evaluation**

There are mandatory weekly meetings which are used as skill development meetings for junior and mid level lawyers. Every week one lawyer is asked to make a formal presentation on a theme that she considers as most relevant in her community outreach programme. The presentations are devised to improve the communication skill and

theoretical grasp of the lawyers as well as to assess their performances. This has helped a great deal in strengthening the community outreach programme. Once a month a resource person is invited to interact with the junior lawyers and expose them to the current debates around rights discourse.

We have also initiated the team to develop appraisal systems for self review and peer review of performances in terms of services to the clients. In addition there is a built-in mechanism to evaluate lawyer-client interaction and for getting feedback about the court performances and client satisfaction. There are also general meetings, scheduled twice a year with the women litigants where women share their court experiences with other women and a general evaluation of Majlis' role in their lives take place. These meetings are public events and the evaluation process takes place in the presence of the beneficiaries and with their active participation.

### **Profile of a Few Cases**

**We have selected three cases from the vast number of complex legal issues that we handled during the year to highlight the diverse range of issues that come to us and the diverse strategies that are adopted to provide relief to women.**

#### **Haseena Mandal**

Haseena has been in an extremely abusive marriage for the past 11 years. She has a 10 year old daughter. While she was pregnant she came to know that her husband is HIV positive. Despite this she continued living in the marriage because of the unborn child and her own affection towards him. But he became more abusive towards her and his sexual demands also increased. As per the doctor's advice, when she requested him to use condoms he would refuse, with the result she constantly lived under the fear of contracting the dreaded disease. With the passage of time, he became more insecure as he had problems in his sexual performance. He started suspecting her of having extra-marital affair when she refused to cooperate with him and give in to his sexual demands. He also lost his job and his frustrations increased which in turn made him even more violent towards Haseena. Since it was impossible to continue to cohabit with him, Haseena was compelled to seek refuge at her parental place. A few months later, in May 2009, when her husband came to visit the child, he resorted to a dastardly act of

throwing acid on her face due to sexual jealousy. Haseena was rushed to the hospital and a police complaint was filed against the husband but since then the husband has been absconding. His family claimed that they do not know his whereabouts. But she continued to receive threatening calls from him from public telephone booths that he would take away the daughter. Haseena approached us for a divorce and for the custody of her daughter.

She had already approached a kazi for *khula* but since the husband could not be served notice, the kazi could not grant her the same. Hence she approached us for a formal judicial decree (*fasq* under the Muslim Law) under the Dissolution of Muslim Marriages Act, 1939 and also sought an injunction restraining the husband from taking away the child from her custody. We filed an urgent application for her and were able to secure an order of status quo to protect her custody right. Usually the courts are reluctant to pass any orders before the opposing party is served. But in this case we were successful in convincing the judge about the grave threat under which Haseena and her daughter were living.

After securing the initial order Haseena has become quite content and secured. But we have cautioned her to be alert about her child as the order is not yet served on the husband and hence he may plead that it is not binding on him. Meanwhile we have also forwarded the copy of the order to the local police station and have alerted them about the situation. The next technicality is to complete service either through his parents or through an advertisement in a newspaper or through 'pasting orders' – that is by pasting the summons on the front door of his parental home. Thereafter, we will be able to obtain an ex-parte divorce for Haseena along with permanent custody of her daughter. Though the case is still in the court Haseena is already feeling confident of her rights and social status. Sometimes the formality of the court procedures and the act of talking about her plight to the strangers itself help women gaining back confidence.

### **Farida Khan**

This case represents the woes of an elderly widow of 60 years, at the hands of her stepsons who treated her as a maidservant. Upon marriage to a widower, she had accepted the minor stepsons as her own and had restrained from having her own children.



Farida approached us when she was forced to leave her matrimonial home due to the abusive behaviour of her two step-sons and had to take shelter with her elder sister who was unmarried. But she did not have the financial resources to provide for her sister. Farida wanted to settle the matter amicably, but the sons did not cooperate and she had to approach the courts for relief. Though this case would come within the purview of the DVA, we realised that Farida would not be comfortable in the environment of a criminal court where there is no facility of counselling. So instead we decided to file a petition for maintenance in family court. As per the family court procedure, the parties were sent for counselling with the marriage counsellor in the court. The sons agreed to pay her meagre amount which was not acceptable to her. When negotiations failed, the matter was referred back to the judge for orders. But at our request the judge intervened and prevailed upon the step sons to settle the matter by providing a lump sum settlement to Farida. Finally they agreed to pay Rs.4,00,000/- as a lump sum settlement but refused to return her personal jewellery. Farida was emotionally attached to her personal jewellery but we prevailed upon her to accept a further sum of Rs.25,000 in lieu of the jewellery and the matter was amicably settled. Farida was content that at least now she had some financial backing and could live in peace with her sister.

### **Bharti Ghatad**

Bharti had filed a petition for divorce on the ground of cruelty in 2007. Since she was desperate for a divorce she did not ask for maintenance nor streedhan from her husband although he had a Government job. Her husband however refused to divorce her and insisted that she returns back to the matrimonial home. During trial both her mother's statement as well as her own admissions went against her. Since the husband insisted on taking her back the court sent the parties for counselling. However Bharati was firm in her stand not to return to her husband. Generally in these cases the court would not grant divorce and try and settle the matter. However during the arguments, our lawyer stressed that when a husband forces physical relations upon the wife when she has clearly refused, it would tantamount to marital rape and hence she is entitled to a decree of divorce. The husband alleged that due to the subsequent reconciliation organized by the local panchayats, the ground of marital rape cannot be raised at this has been condoned. Throughout the litigation the husband used delaying tactics and on two or three occasions he was asked to pay costs.

Thereafter the husband filed appeal against the order of the family court which is pending in the High Court. Our endeavour is to have the case dismissed at the admission stage. However the process of standing firm on her decision of not returning to the matrimonial home inspite of the insistence of the court and finally succeeding in convincing the judge has made Bharti a confident person who is capable of monitoring the logistic of her own case and negotiating her rights.

### **Lok Adaalats**

Majlis is empanelled and our lawyers are regularly invited to be part of the legal panel for Lok Adaalats in Family Courts. This is a mechanism for dispute resolution of cases which are pending in court for a long period. The Lok Adaalats are constituted every three months. Cases pending in court are referred to Lok Adaalats for arriving at out of court settlements through mediation of an expert panel. The consent terms arrived at during the negotiations are signed by the parties and receive the official seal and orders are passed on these consent terms and they become part of the official proceedings. The Lok Adaalats are held under the authority of State Legal Aid Authority and the Family Court Bar Association. These are important mechanisms of dispute settlements and proved beneficial to women as they find it difficult to follow the long term litigation process.

### **Outreach Programme**

Majlis Legal Centre works on women's rights and functions in multiple levels – litigation, support to women lawyers, awareness programme within the civil society, policy level intervention and academic discourse on rights. These different levels are complimentary and overlapping. While women's rights cannot be achieved in isolation from the broader social realities, the social change can neither be initiated without active, and sometime aggressive engagement with the state machinery and the judiciary. In last couple of years Majlis has been moving towards collaboration with the state agencies (help line set up by the Mayor to help women, the state legal aid board, the state women's commission as well as the protection officers), community organisations (even the ones not specifically engaged with women's issues), corporate houses, academic institutions etc. rather than being limited in the sphere of women's organisations and small NGOs. We are also developing working relationship with the Maharashtra Judicial Academy so that the resource material brought out by us becomes a part of judicial training.

In addition to our own Outreach Programme Majlis lawyers are regularly requested to disseminate knowledge and information on various aspects of Women and Law by other NGOs, Colleges and Corporate forums. The issues that we generally cover in these sessions are Domestic Violence Act, Divorce and Matrimonial Rights, Sexual Abuse, Child Rights and sexual harassment at the workplace.

### **Sexual Harassment at Workplace – Complaint Committees**

We continue to be part of the complaint committees in following government bodies, public sector undertakings and Corporate Companies.

- The Maharashtra State Women's Commission (Complaints Committee)
- Central Railway
- Western Railway
- HSBC Bank
- PVR Cinemas
- ICFAI College

### **District Lawyer Training and Fellowship Programme**

After a gap of about one and a half years, we restarted our District Lawyer Training and Fellowships Programme. This programme was initially started in 2003 with the aim to empower women lawyers in districts by providing them with a perspective of feminist lawyering. The orientation programme was held from 30<sup>th</sup> September to 3<sup>rd</sup> October 2009 at St. Pius College in Goregoan, Mumbai and was attended by 90 women lawyers from across Maharashtra. Judicial officers and social activists in the field of human rights and women's rights addressed the participants. Women lawyers were exposed to the recent developments in the realm of women's rights and also were sensitised about issues of gender justice, issues of public morality and state interventions through lectures, panel discussions, group exercises and quiz programme.

At the end of the orientation programme, 14 lawyers were selected as Majlis fellows. The selection was made based on their sensitivity to women's issues, leadership skills, grasp over other social issues and additional factors such as caste, tribe and religious background of the applicant and the economic and social condition of the area where they practice.

**The List Of Fellows, Topics And The Districts**

<b>Name</b>	<b>Topic</b>	<b>District</b>
Adv. Manisha Tulpule	Legal Awareness on Domestic Violence and PCPNDT	Panvel
Adv. Monika Thanekar	Legal Awareness to Muslim Women and Legal Aid to Women Prisoners	Pune
Adv. Ujwala Pawar	Legal Awareness and HIV and Rights of Women	Sangli
Adv. Usha Barge	Legal Awareness and Child Marriage Prohibition Act	Satara
Adv. Sangeeta Deshpande	Legal Awareness among Sex Workers	Solapur
Adv. Pradnya Chandane	Legal Awareness – Sex Workers and Domestic Workers	Ahmednagar
Adv. Meena Jadhav	Legal Awareness about Law for Women	Osmanabad
Adv. Swati Todkari	Legal Awareness on Domestic Violence and Rights to Matrimonial Home	Latur
Adv. Ujjwala Pethkar	Legal Awareness in Domestic Violence and Prevention of Wife murder	Dhule
Adv. Godavari Dhanve	498A, Domestic Violence and Rights to Matrimonial Home	Nanded
Adv. Reena Jaiswal	Legal Awareness among Tribal Women & Sexual Offences on Minor Girls	Amravati
Adv. Archana Wankhede	Legal Awareness on Violence Against Women through street plays	Wardha
Adv. Smita Singalkar	Legal Awareness and Women and Matrimonial Property Rights	Nagpur
Adv. Seema Telange	Legal Awareness among Kumari Mata and Sex Workers	Yavatmal

This programme continues to be vibrant and dynamic and has great potential for strengthening and replicating in other regions. This project works at two levels: facilitate the women lawyers from villages and small towns to become skilled and confident practitioners of law and create precedence of women's rights lawyering. This project can have a snowball effect and quickly multiply its gains in villages and smaller towns. After training and supporting more than 60 women lawyers from 22 districts the project had to be discontinued for almost two years due to lack of fund. It has hampered the flow and the momentum of the project. Now we have re-initiated the project with the internal resources of Majlis which is very limited. Hence funding remains a crucial issue for this project. The challenge ahead of us currently is to create precise modules which can be duplicated in other states and also evolve more resource material that can be shared by all such initiatives.

### **National Conferences**

During the year the legal centre organized two national level conferences.

The first was titled, ***Negotiating Spaces: Legal Domains, Gender Concerns and Community Constructs*** and was held in Mumbai on 9<sup>th</sup> and 10<sup>th</sup> January 2010. The aim of the conference was to contextualize and document the various negotiations which women carry out between the formal legal domains and the informal community structures, between family, community and state agencies. The exploration was around the theme, 'role of law in social transformation' in order to understand why certain laws work better for women and certain laws fail to have the desired impact. Around 100 students, academicians and junior lawyers attended the workshop. Several renowned national and international scholars and practicing lawyers presented papers. More prominent among them were Sara Hossain, a Human Rights Advocate from Dhaka, Bangladesh; Justice Sikhri and Justice Roshan Dalvi from Delhi and Mumbai High Courts; Samita Sen, director, School of women's studies, Jadavpur University, Kolkata and Seetharam Kakrala from Centre for studies in culture and society (CSCS). Dr. Maitreyi Krishnaraj, Director of Research Centre for Women's Studies, SNTD (Retd.) chaired the inaugural session.

Papers were presented on the following themes

- Negotiations over Inheritance and Matrimonial Property
- Avenues for Dispute Resolutions within the Community
- Regulating Marriages: Community and State Interventions
- Violence Against Women, Criminal Courts and Negotiation of Rights
- Negotiating 'Vice' and 'Immorality' through State and Civil Society Structures
- Diversity and Pluralism within Formal Court Structures
- Reconciling Legal Pluralism and Citizenship Claims within Academic Discourses

The conference was highly participatory and evoked a great deal of response from students and lawyers. The papers presented at the conference are being compiled into a publication.

The second conference was a **National Review of Protection of Women against Domestic Violence Act, 2005** held in Mumbai on 20<sup>th</sup> and 21<sup>st</sup> February 2010. The conference was organised jointly with Human Rights Law Network and other NGOs working on domestic violence. It was designed to cater primarily for the lawyers who practice in lower courts and lawyers and activists from 15 states participated in it. The highlight of the conference was the large participation of around 120 women lawyers from our District Lawyers Network in Maharashtra who were able to share their experiences with lawyers from other states and were able to draw up a common agenda to be followed in every district. The consultation reviewed the two protection laws for women under domestic violence namely the criminal law of *Sec 498A IPC* enacted in 1983 and newer civil law, *Protection of Women against Domestic Violence Act, 2005* (PWDVA). It has been decided that the best practices and precedences followed by courts and lawyers in various states will be compiled for other lawyers to refer to. Certain issues have also been flagged for further action. It is also resolved to draw a list of relevant issues in each district and file Public Interest Litigation wherever required.

## **Research and Publications**

### **Informal Publications**

***Protection of Women from Domestic Violence Act, 2005 (PWDVA)- A ready referencer***

The idea of compiling a ready referencer came up during the course of our litigation under PWDVA. Magistrates' often asked Majlis lawyers to provide them with case laws under PWDVA to aid them in deciding various technical and substantive issues under

the Act. This compilation of positive case laws is meant to be a handy guide to magistrates, judges, legal practitioners and other stakeholders to support arguments in favour of women.

The PWDVA was enacted to provide speedy remedies to women who are subjected to violence. It is a gender specific enactment and hence the remedies provided under this Act can be availed of only by women. The law recognizes a woman's right to reside in a violence free environment, both in her parental home as well as in her matrimonial home and provides remedial measures in the event that the rights are violated. Though still in its infancy, various provisions of the Act have come up for scrutiny at the higher judiciary and the rulings have been reported in law journals and various legal sites.

This booklet is a compilation of these rulings and provides insights into the manner in which the provisions of the Act have been interpreted by the higher judiciary in favour of women. The booklet was distributed at the National Review on Domestic Violence Act to all the participants so that the lawyers can make use of the positive judgements in the course of their litigation. Copies of the booklet were also distributed to Magistrates undergoing training at the Maharashtra State Judicial Academy. Efforts are on to translate this book into Marathi for use of Magistrates and lawyers in trial courts all over Maharashtra where the main language is Marathi.

***Andharatoon Prakashakade (From Darkness to Light) - Revised and updated edition of, My Story ... Our Story ... Of Rebuilding Broken Lives in Marathi.***

This Marathi edition will be used as a handy resource material by our network of lawyers who provide legal aid to women in violent marriages in smaller cities and far flung rural and tribal areas of Maharashtra. Since the book was first written in 1984 it has been used widely by women's groups working on domestic violence. The Marathi version was first brought out in 1985, but since then had not been revised or updated while the English edition was updated several times. We felt the need for bringing out an updated version of the Marathi book as a resource in campaigns and training programme for the wide network of women lawyers in Maharashtra that we have developed in last few years. The strength of the book lies in showing battered women that there is a ray of hope even when confronted with the most daunting situation. The book was written a quarter of a century ago but is relevant even today. It has been translated into more than

eight languages and has been widely circulated by women's organizations, used by councilors and campaigners and taught in Universities and women's studies centres all over the world.

Through the works of last two decades we have developed substantial skills, innovative strategies, complex public discourse and considerable visibility for matrimonial rights of women. But with the advent of globalisation, intensification of poverty and increased migration rate the issues concerning women are changing. In addition to conventional issues, such as right to matrimonial home, child custody, maintainance, domestic violence etc. there are newer issues like – domicile, sexual harrasment at work place, honour killing, sexuality related violence, police atrocity, caste violence, women workers in informal sector and in contractual jobs, safety in public places etc. As the presence of women in public life, to some extend, has increased in the era of globalisation so have their woes and concerns. We need to evolve specific programme and activities to address these issues in order to remain relevant and contemporary.

Submitted by

**Madhusree Dutta**

(Executive Director)