

Majlis Manch

Annual Report of Activities

April 2013 - March 2014

Trust Profile

The organisation has been registered in 1991 as a Society and also as a Public Trust.

Currently the Trust functions in two independent units – Majlis Law under the directorship of Flavia Agnes and Majlis Culture under the directorship of Madhusree Dutta. The law centre functions from the registered office of Majlis and the culture centre operates from an additional property in the vicinity. The finance source and the day-to-day functioning of the two centres are autonomous from each other. The staff composition of Majlis is 90% in favour of women.

In this reporting period the Culture Centre has received the third and last instalment of the Ford Foundation grant for the project – Theatre as a Life Line of Urban Culture. This grant comes under FCRA (Foreign Contribution Regulation Act). The legal centre has received the 2nd year instalment of the grant from IDRC (International Development Research Centre) for the project – Sexual and Domestic Violence: Policy Protocols. This grant too comes under FCRA. In the category of Non-FCRA funding the legal centre has received two other grants – from R D Tata Trust for the regular litigation works under the title Defending Women’s Rights and from UNFPA (United Nations Population Fund) - Maharashtra towards helping rural women access Legal Aid by developing a Cadre of paralegal professionals for Mahila Aartik Vikas Maha Mandal (MAVIM).

The current Board of Trust is:

Dr. Mitra Mukherjee Parikh	Secretary
Dr. Neera Adarkar	Treasurer
Justice (Retd.) H. Suresh	Member
Ms. Trupti Panchal	Member
Ms. Nilima Sheikh	Member
Ms. Vidya Bal	Member
Ms. Bishakha Datta	Member
Dr. Shoba Venkatesh Ghosh	Member

The Board of Trust has met four times in this reporting period to assess the progress of the organisation and to endorse the financial schemes. The Annual General Body meeting; in the presence of the staff of both the centres, the Board of Trustees, some stake holders and representatives of associated organisations; took place on 21st September, 2013 at the Culture Centre office. Additionally, each project has their own advisory boards / expert committees and they too meet at regular intervals.

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

Culture Centre

Compared to the previous few years this was a quiet year for the culture centre. In this reporting period the centre has mainly worked towards wrapping up the works commenced under the Cinema City project and in processing, preserving and disseminating the material that have emerged out of the entire endeavour into dossiers, digital archive, online documentation, publications and public events. Since Cinema City was a mammoth project involving many people, complex procedures and multiple outcomes, it took us a whole year to wrap it up.

City Development and Neighbourhood theatres: Documentation and Campaign

This was the main thrust of the culture centre activities in this reporting period. This activity is a direct development from the larger Cinema City project. In the last six years we have been documenting, archiving and producing research, art works and documentary films around various aspects of the cinema producing city – Mumbai. In the process we have compiled dense data and narratives on the structure of labour inputs into the film industry and related issues of migration and demography; portrays of the city locations in popular cultures; history of the film industry in the context of the larger national and local histories, etc.

But by the end of the dissemination phase of the previous project it was strongly felt that the research on the endangered exhibition centres of cinema needs to be processed differently in order to campaign for certain protection towards some of these establishments. Towards this aim we have been developing a dossier on the neighbourhood theatres in Greater Bombay. The dossier comprises the history of the movie theatre establishments – the trajectory of land use, related laws that are enacted through the 20th century, its audience profile, its relationship with the locality and the neighbourhood, list of endangered livelihood practices around movie theatres, and how the cinema exhibition centres are placed within the history of urban development and public amenities.

Neighbourhood

A list of all the theatres that had been built in the city through the 20th century have already been compiled and spotted within the geographic map. The decade wise map of Mumbai, with the inception of the theatres spotted on them, indicates the pattern of the expansion of city limit and development in the city – in the first decade of the 20th century cinema exhibition essentially meant tin sheds in the Esplanade maidan; in the '20s the drama houses in Fort and Grant Road area were converted into cinema houses; in the '30s came up the Art Deco buildings in the southern tip of the city and a few in the central Bombay; '40s and '50s witnessed springing up of theatres in Dadar, Parel, Worli etc; and then in '60s and '70s theatres begun to come up only in the suburban district – Bandra to Borivali and Kurla to Mulund, constructed along the transport artery lines – near the railway station, along the highways / SV Road / Ambedkar Road / various link roads etc, or more appropriately in close vicinity of the commuters' movements in the city. Thus the theatres became geographical landmarks of the city. The suburban theatres in the '70s also stood for one of the few sites that were visited by different classes and gender and thus creating a homogenised experience for the heterogeneous urban public.

From '80s onwards no new single screen cinema was built in this city. Due to the boom of television and VHS cassettes cinema got domesticated in the '80s and the public exhibition centres fell into bad spell. Through '80s and '90s a good number of theatres closed down and then, since late '90s onwards, many single screen cinemas got converted into multiplexes and / or shopping malls, and in some cases into

residential complexes or ware houses. This is the brief history of the entertainment houses in Mumbai through the 20th century. But within this brief history are hidden various social, cultural and economic histories of the city.

Laws and Tax Structure

In the next phase we have dug out information on the land use and property ownership of the theatres. Through years of research we could compile the data for 60% of all the theatres built in Greater Bombay. There are some theatres which were either short lived or got erased without much trace and we could not collect substantial data on them. These data have then been analysed through laws related to land use and various taxes levied on entertainment sector. For example, the Entertainment Taxes (ET) levied on cinema exhibition is highest in Maharashtra in the entire country - 45% of the ticket price. The tax has been applied uniformly to tickets of all denomination and no control over the price of the ticket is exercised. Moreover, in order to encourage investment in the entertainment sector the Maharashtra government offers total tax exemption for the first three years, then a concession for next four years for multiplexes with four or more screens and total seating capacity above 1200. Hence while a single screen hall with tickets priced Rs.20 would pay Rs. 9 as ET for each ticket sold a multiplex with ticket priced at Rs. 250 would pay nothing for the first three years, Rs 66.25 for next two years, Rs. 99.38 for another two years and after that Rs.112.5 per ticket. Only in 2013 the tax slab has been amended to consider the rates of tickets. This move is initiated to curb the random and unregulated escalation of ticket prices that multiplexes introduce before the release of big films. In the new tax slab tickets priced Rs. 251-350 would pay 49.5% as ET, for tickets priced Rs. 351-500 the tax is 51.75%, and for tickets priced above Rs. 500 the tax levied is 54%. But this still does not protect the single screen halls as their ticket prices are never more than Rs. 100. This tax structure has become one of the prime reasons for single screen halls to shut down since 2000. Between 1997 and 2011 in the suburbs 21% of single screen halls have converted either into multiplexes or into a mall with a multiplex within it; 34% of halls have simply shut down and lying vacant expecting more wild speculation on its real estate; and 45% are still functioning.

In another instance, DCR (Development Control Regulation) 1991-92 has stipulated that in case of demolition of a cinema hall a smaller hall with at least 1/3rd of the capacity of its predecessor must be accommodated in the new structure. Instead of providing protection to the theatres this regulation served as a catalyst for the real estate speculators where the multiplexes got thrown into the remotest corner of the highest floor within a sprawling shopping mall.

Language Cinema

The other layer of the research was cultural and sociological. The emergence and consolidation of language and class based neighbourhoods and their reflection in the neighbourhood theatres were documented through testimonies, biographies and memoirs, and from newspapers and film magazines. In this section class, gender and linguistic profile of the audience in specific theatres and how that changed over the decades are documented in chronological order. This section not only foregrounds the demographical issues in the context of popular culture but also lay bare the pattern of shrinking spaces of public amenities in the city. For example, in '60s and '70s various theatres were known for screening films in regional languages – Plaza, Kohinoor, Deepak, Hind Mata and Bharatmata showed Marathi films. Theatres like Aurora, Milan and some others in Chembur area showed Tamil films, Chitra cinema screened Bengali films on every Sunday. Lotus and Akashwani used to regularly screen art house films. But in order to be part of the homogenised market, over the decades all theatres begun to screen only the mainstream Hindi cinema, and in effect pushed the regional language cinema either into the domestic sphere of DVD, Television viewing or in the domain of illegal video shacks / slum cinema.

Women Spectators

Sushila, a thirty two year old woman who works as a domestic worker and who has lived all her life in this city said in an interview in 2010, *Last year I went to town (colloquially means the Southern end of the city) ... saw the sea, the train lines, buildings, roads ... they are exactly like in cinema. ... I felt like I have seen them all.* In her case, the live experience of the space can only be negotiated in reference to the images seen in films. This phenomenon has made cinema an essential source for women towards accessing the non-domesticated sites and public viewing in large theatres had contributed a lot in that process. Between '40s and '70s women spectators were cultivated by the theatre owners by organising special *zenana* shows in the afternoons, providing crèche facilities in the theatres, making tickets available at a concessional rate for women etc. Many elderly women have testified that their primary interaction with the city was through watching films in various theatres. This has been stated by overarching number of women across class, geographical locations and language groups.

But one of the major effects of the demise of single screen cinema is borne by the women spectators. With the advent of video technology and television the popular tradition of *zenana show* has come to an end. Most women are now expected to derive their entertainment within the domestic space. Contrary to the popular belief, almost all women who are above 40 years old have stated that they do not consider television as a substitute to the adventure of watching a film in the theatre.

Younger women too prefer watching a film in the theatre but they, irrespective of their class background, desire to be in the high end multiplexes and not in the single screen neighbourhood theatres. Many of them stated that a multiplex provides them a kind of anonymity from their families and neighbours that the neighbourhood theatres can never offer. Hence, though young Muslim girls often experienced social hostility when they visit multiplexes in *burqas* they do not wish to go back to the neighbourhood film viewing days.

Livelihood Practices

The next layer of the study is on the livelihood practices that flourished around the theatres. The lane outside the neighbourhood halls used to be strewn with kiosks and stalls selling cinema memorabilia (booklet of songs, audio cassette of songs and dialogue tracks, posters of matinee idols), fashion accessories, photo studios with cut outs of the stars, tea stalls and street food carts. Substantial volume of livelihood were generated through these ancillary enterprises along with the work population in the cinema halls – ushers, guards, projectionists, electricians, box office men, print shuttlers, banner painters, announcers, gardeners etc. The area would be regularly visited by the locals even when they were not going to watch a film. In the era of high end food franchises with exclusive marketing rights inside the theatres these livelihood practices have either died or in the process of getting extinct. We have documented some of the city locations where such practices still exist, albeit precariously.

Neighbourhood Youth Fellowship

Since last two years we have been generating material on neighbourhood cultures and the role of cinema exhibition centres in that through providing short term fellowships to local youths. In the first year three groups worked respectively on the informal video halls - popularly called Slum Cinema, across the suburban district; the middle end theatres in the Marathi speaking neighbourhoods of Dadar-Parel and the more affluent theatres in the cosmopolitan areas of Bandra-Juhu-Versova. In the second year three other groups worked on the still surviving old theatres in the Kalbadevi area, the single screen turned

multiplexes / residential complexes in the western suburb of Andheri-Borivali and the audience profile in the theatres of Chembur, a neighbourhood distinct for its South Indian population.

In this reporting period the second set of fellows have finished their documentation. One of the most interesting aspects that have come out of this exercise is the rapid construction of cinema houses in the western suburbs in '60s-'70s and the equally fast rate of closures of the same in the decade of 1990. One way of reading this data could be through the change of demography and the decline of the working class in the city. In Greater Bombay employment in manufacturing industry reduced from 36% in 1981 to 28.5% in 1991, and employment in trade and services industry increased from 52% to 64% in the same period (census report 1991). The expansion of service industry and financial corporations in the city increased the consumption capacity of the middle class. At the same time the death of the organized sector began to usher in unorganized migrant labour with no or uncertain financial capacity. Simply put, the upper end of the middle class turned more solvent and the lower end of the class structure turned poorer. It became highly incongruous that the two sectors can be entertained in the same place at the same time, namely in the neighbourhood single screen theatres of large capacity. Hence it was in the fast expanding and gentrified suburban district that high end multiplexes mushroomed in 2000s.

The second fellowship studied how the spectators of regional cinema have been pushed out of the mainstream and into a grey zone of Slum Cinema. The area of Sion-Chembur is still distinct for its large South Indian population. Till the '80s theatres in this area showcased regional cinema as regular fare. With the homogenization of the cinema exhibition centres the specialized screenings of regional language cinema stopped by the end of the 20th century. While the middle class viewers of regional flicks may have opted for domesticated avenues of film viewing there are a large number of migrant wage workers from other language belts who still long for public outlet of entertainment in their own languages. Most of them live in language and clan based clusters across the suburban district and near these clusters, then, pop up the cheap entertainment shops that show films in their native languages in the dark by-lanes — Tamil cinema at Dharavi, Telegu cinema at Orlem, Bhojpuri at Nalasopara, Punjabi at Sion Koliwada. Contrary to popular belief, these floating populations do not subscribe to the overarching popularity of Hindi films. Their near exile existence makes them a die-hard audience for flicks made in their native languages.

It is grey all the way – the workers are unorganized and outsiders, and thus their livelihood is not regulated; their accommodation is informal and temporary and thus they are not entitled for any residents' rights; and their mode of entertainment is unaccredited and thus remain hidden. Little shift of balance in this precarious existence may push the wage workers and their entertainment shops from unauthorized to illegal and then may even, at a point of some heightened political maneuvering, get termed as a site of criminality.

The third fellowship was on the Kalbadevi area. The history of entertainment houses in this area is a composite one with Edward Cinema (1880s-running) with ticket priced at Rs.16, art deco Metro Cinema (1938-running) with its new multiple screen facelift, Princess Theatre / Bhang Wadi (1905-1979) being a prime drama house for Gujarati natak mandalis even at the peak of cinema's invasion, and Wellington Cinema-Framji Cawasji Hall (1924-functioning) beginning as a cinema hall and then converting into a performance space. This is one of the so-called cosmopolitan urban areas which are as much marked by their own demography as by the visitors from all over the city.

The Dossier

Based on the above mentioned research and documentation, and towards the aim of creating a public cause to protect some of the neighbourhood theatres we have already made various public presentations and published a few articles in reputed journals. In the next financial year the dossier with detailed data

and some accompanying articles will be published in collaboration with UDRI (Urban Development Research Institute) and distributed among the stakeholders and the civic officials. As a follow up Majlis and UDRI will attempt to negotiate with the civic authorities for adopting certain measures to save the theatres that are still relevant to their neighbourhoods and are also capable of generating decent enough business. A little consideration in the tax structure and protection from the real estate sharks can go a long way in preserving some of these centres of affordable and popular urban culture. UDRI's rich experience of negotiating with the civic body on various issues in the development plan can hopefully be used for this campaign. BMC (Brihan Mumbai Municipal Corporation) and MMRDA (Mumbai Metropolitan Regional Development Authority) will be the target group in this campaign.

Project Cinema City: Publication

The second volume of the project book was designed, printed and released in this reporting period. The book titled **Project Cinema City**, eds **Madhusree Dutta, Kaushik Bhaumik and Rohan Shivkumar; designed by Sherna Dastur; Tulika Books, Delhi**, is a large anthology of 560 pages with contribution from thirty two people. The book contains written essays, photo essays, maps and graphics, documentation of art works and research data. Whereas the first volume *dates.sites* was designed to be a popular history book this one is conceived as a text book for cultural studies, film study and urban study, and also as a manual for replicating a project of similar scale in other metropolises. The book primarily consolidates the entire research and art and film productions that came out of the six years long project. In addition, the book opens up new vistas of reading urban culture and popular cinema in the context of livelihood pattern and production processes of cinema. The book also traces the footprint of the entire project through its long time span, and across around hundred artists and theoreticians from several disciplines and genres. Like its parent project this book too is hybrid in nature where various experiences and observations from the vantage point of art practices were narrativised and theorised. Its unique relevance lies in the use of notes from practices towards framing discourses, as against the prevalent norms of theory being imposed on the cultural production with little regards for the production processes. The book is designed very innovatively, by Sherna Dastur, in order to maintain the autonomy of each discipline – text, image, data, map, art work etc.

The book is divided into three sections. The first, Mapping Imaginations: Terrains, Locations, deals with the spatiality, materiality and habitability of the cinema city. The basic argument put forth by the essays included here is that cinema is essentially a spatial system that functions through an entanglement of forms of production and representation of/in cinema. This section addresses the spatial system of cinema as it is incorporated within the broader genres of urbanity, modernity, vocationality and desirability of the city.

The second section, Performing Labour: Bodies, Network, is about the act of producing and the labour that produces – skill, work, character, aspiration, dissent, transgression, duplication, ancillaries – and the myriad ways in which they populate the cinema city. With the death of manufacturing industries in Bombay, the service and entertainment sectors have become the mainstay of aspiration-induced migration to the city. This section deals with the organized and unorganized accumulation of labour, performing bodies, and aspirational talent at the altar of cinema.

The third section, titled Viewing Limits: Narratives, Technologies, deals with the multiple niches and varied strategies through which cinema is arranged and rearranged in the everyday life of the city and its citizens. Every alteration in genre, narrative, technology, economy, infrastructure, etc., influences the way

cinema multiplies its effect on the lived realities of the city and its citizens. While some of these effects are physically related to the cinema, others are remote and merely provisional.

Book Release Events

The first Project Cinema City book release event was in the Kerala International Film Festival in Trivandrum in the month of December, 2013. Kerala film festival is considered as the most important film event in the country and so we considered the opportunity to be the most fitting stage to draw the finishing line for the magnificent project. Eminent experimental filmmaker from Germany Harun Farocki released the book on this occasion. He spoke extensively about the international relevance of such a project and the need for replicating such initiatives across the globe. He termed it as one the most potent ways to narrativise the madness that is contemporary metropolitan life and to process it into an image archive. The other speaker of that evening was film critic CVS Venketashwaren, He helped the audience navigate through the dense volume by annotating each section of the book. The third speaker was visual artist Ayisha Abraham who talked about the collaborative aspect of the project.

The next event around Project Cinema City book was hosted by Max Mueller Bhavan in Mumbai in the month of January 2014. This was a major event since it was planned as the last cinema city public event in the city of its origin. To commemorate that we had put up a section of the cinema city exhibition in the open at the Kala Ghoda junction. This was the first time the project could truly realise its ambition of being a public culture intervention. The three day long exhibition show cased the **Bioscope** installation (a participatory game on city-cinema-modernity timeline) by Kausik Mukhopadhyay, 56 **Calendars** made by multiple artists (imaginary calendars of the 20th century made of found images) and the **Pipeline Network** (a 3D map of the cinema network in the city, made of PVC pipes) by KR VIA - Kamla Raheja Vidhyanidhi Institute of Architecture. The exhibition was enjoyed by office goers, students, tourists and also by the civic staff who were posted in the vicinity. In order to encourage better participation on this occasion we converted some of the texts inside the Bioscope into Marathi. This strategy proved to be successful as the participation from the non-English speaking people increased dramatically. Though in order to put up the exhibition in the public place we had to navigate through dense bureaucracy and frustrating red tape-ism we are happy that at the end of the project we could truly take it to the public domain.

For the release of the book we got eminent social scientist Prof. Arjun Appadurai, visual artist Nalini Malani and legendary cine archivist P K Nair to do the honour. The event turned out to be a high point in the city with around 500 people landing at the venue. Only because the exhibition, the book display and the release programme were spread out in different areas we could somewhat manage to accommodate the thronging crowd. Prof. Appadurai, who has also written the foreword for the book, called the project a magnificent intervention in the fields of cultural study and art practices. He also compared Project Cinema City with the Archive Project of Walter Benjamin. This was an honour that delighted all the artists and authors who have worked through five years against all odds for this project.

In the second half a panel discussion on both volumes of cinema city project took place. The speakers in the panel were – Meenal Baghel, editor of Mumbai Mirror; Soonni Taraporewala, eminent scriptwriter and photographer; Kaiwan Mehta, architect and urbanologist; and eds Kaushik Bhaumik and Madhusree Dutta. The panel discussion was interspersed with reading from the book by the authors and slide shows of the graphics. The event became very memorable in its spirit of collaboration and collectives.

The third event of the series was the book release programme in Delhi, hosted by Magic Lantern Foundation and Max Mueller Bhavan in February 2014. This event was to mark the inauguration of Persistent Resistance Festival of Documentary Films. The occasion turned out to be the appropriate

finale for Cinema City. In 2009 we held the first public event to announce launching of the project during the same Persistent Resistance film festival in Delhi and in 2010 with the help of a generous grant from the Goethe Institute-Max Mueller Bhavan the first Cinema City exhibition was held at Berlin International Film Festival. Goethe Institute Delhi has also extended financial support to Tulika Books towards printing of the Project Cinema City book. Besides our publisher Tulika Books too is Delhi based. Because of the good will of these partner organisations Delhi book event became a huge success with large audience and a lot of warmth and bonhomie. The chief guest of the evening was eminent visual artist and urbanist Vivan Sundaram. He specifically commented on the design of the book and how the book in its appearance itself creates an interface between cultural theory and visual practices. The guest speaker of the evening was Ravi Vasudevan, eminent film study scholar and Prof. at CSDS (Centre for Studies in Developing Societies) in Delhi. In his speech he hailed the book as the most important text book on cultural study in India since the publication of the Encyclopaedia of Indian Cinema in 1996. He predicted that the book will majorly influence the future course of teaching cinema study in the country. Prof. Vasudevan had also mentioned that CSDS will conduct a special workshop for the students based on the book.

Other Events

In June 2013 Academy of World Culture in Cologne, Germany organised an event around the first volume of ***dates.sites: Bombay / Mumbai***. This event was aimed to create a European readership for the cinema city books. The event was attended by local artists, filmmakers and sociologists. The event was moderated by Regina Wyrwoll, the cologne based curator and art administrator. On that occasion the author of the book, Madhusree Dutta read a few excerpts from the book and engaged in a dialogue with the moderator on the scope and ambition of a project to write a popular history book on contemporary public culture. Cologne is a city where artist Shilpa Gupta, the designer of the book, is well known and widely respected. That too had drawn a good number of people to the event. The book has been picked up by a well known book store chain for distribution in Germany.

To commemorate 100 years of Indian cinema Asiatic Society organised a weeklong event of public lecture, exhibition and city walks in March 2014. Coming from the traditionalist organisation this event on popular culture was very significant for the city. Project Cinema City profiled prominently in their itinerary with a public lecture on Cinema: A Public Sphere of the City.

Aga Khan Trust for Culture organised a national symposium on Culture as a Tool for Urban Development in January 2014 in Delhi. In that the theatre research of Project Cinema City was presented as an example of the relationship between popular cinema, urban culture and public space. Later the article got published in Seminar, a reputed social science journal.

Every year in the month of February a fortnight long public art event, called Kala Ghoda Festival, takes place in the art district of Mumbai. This year Majlis was invited by the festival authority to display The Calendar Project at the city museum (CSMVS). Since Kala Ghoda Festival is a hugely popular event in the city, participation in that has brought additional exposure for Cinema City project. Around the same time in the city also took place the biannual film festival MIFF (Mumbai International film festival of Documentary). In last edition of the festival cinema city film Fried Fish, Chicken Soup and a Premiere Show by Mamta Murthy won the international jury award. This year we conducted a panel discussion based on the book *Project Cinema City* and placed some of the exhibits at the festival foyer. Besides, the project books were also put up for sale. MIFF is attended by filmmakers and documentary enthusiasts from all over the country and abroad. This has given the project some international exposure.

Cinema City Archive

In this reporting period we have collated the entire research and raw material into a digital archive. The unedited video rushes of nine documentary films, a collection of vintage city films, text material on urbanity and cinema, large volume of found images, related maps-drawings-photographs, archival documents, and all the exhibits of cinema city exhibition are now archived and catalogued in digital form. The full archive is only available offline.

But a selected section of the offline archive has been made available on the website www.projectcinemacity.com Though the site was first created in 2012 only now it has developed into a flagship of the project. It is a very popular site and at an average more than 150 people hit on it daily.

Online Course

In the year 2010 Majlis, in collaboration with SNTD Women's University and Max Mueller Bhavan, conducted a 16 credit post graduate certificate course on City Narratives in Literature and Cinema. It was a composite course comprising lectures, practical classes, public film screenings and encounters with professionals. Though it was a very successful endeavour and had earned Cinema City a lot of good will we could not repeat the course in the consecutive years due to logistic constraints. But currently a possibility of converting it into an online course has come up. We consider this as a golden opportunity as this would solve most of our logistic woes. Especially in this city it is very difficult to find a space which is accessible to all and yet has adequate facilities to conduct classes on cinema. Going online will resolve this crisis of space and facility. Besides, being online also means that the course will have a much wider outreach, even to people from other cities and foreign countries.

The 10 weeks course will have some online lectures and a few interactive-synchronous classes where the students will be able to interact directly with the lecturer. There will also be some practical classes which will be conducted through assignments and home works. This online course will be a 4 credit certificate course divided into 5 modules:

- Asian City Narratives in the 20th -21st Century
- Cinema City: Bombay / Mumbai - labour, technology, materiality and language
- Sites and Locations in City Narratives / Cinema
- Representation / Template-ing: the ways of circulating rhetoric of modernity and urbanity
- Urban Development and Public Culture

The resource people for the course will be drawn from all over India as financial consideration of getting people from other cities will no more be relevant in the case of online classes. In addition to existing resource material this course will majorly draw from the material generated by cinema city project – eight video vignettes, two publications, one dossier, ten art works, the maps and the digital archive. Besides, the resources of KRVI (Kamla Raheja Vidyanidhi Institute of Architecture) will also be available for the course.

The stated objectives of the course are:

- To study the relationship between urbanisation and growth of cinema, in postcolonial countries, especially India, in the 20th century. Also to understand the impact of the contemporary digital technology on the urban lives and city narratives.

- To study the multiple conventions and production processes involved in imagining and framing the city in cinema, in the context Bombay / Mumbai.
- To study the interfaces between the lived city and as it is imagined in cinema of/in Mumbai and how that, in turn, shapes / alters the perception of the real city.

We hope that the online course will be the beginning of expanding the project to other cinema cities. We are designing the dissertations and assignments for the students such a way that they get initiated in studying and documenting their own neighbourhoods and surroundings.

Depending on the success of this endeavor we plan to launch a few more online courses related to cultural pedagogy. Dr. Mitra Mukherjee Parikh plays a crucial role in expanding this aspect of the cultural centre.

Digital City / Smart City project

In the next financial year Cultural Centre is going to initiate a new project titled DIGITAL CITY - Campaign for Internet Access as Essential Service. This project will work at various levels to build public opinion towards intervention into Mumbai Development Plan 2014-2034. In this reporting period we have conducted the ground level research on the relevance of this project and have also secured a two years grant from Ford Foundation that will be disbursed at the beginning of the next financial year.

Background

The role of Internet in democratization of information, knowledge resources and cross-geographical communication in the 21st century has already been well established worldwide. In a country like India where information, knowledge and resources have always been controlled by gated institutions, hierarchical socio-economic structures and whimsical guru-shishya (master-disciple) tradition this new tool of communication stands to make a fundamental change in the ways access and opportunities will play up in the society. At the beginning of the 20th century, urbanization partially broke the hierarchical system of social privileges that exclusively belonged to higher castes and upper class by physically mixing the caste based identities into the mass of urban public. Similarly, the virtual world of Internet in the 21st century possesses the attributes of homogenizing access and privileges for all by simply expanding the bandwidth. But for that to happen it is important to make sure that the internet infrastructure reaches each and every vicinity of the city. What needs to be secured urgently is that Internet becomes a right and not a privilege, But the private service provider will never ensure that without a direct intervention and mandate from the state.

Since independence the government of India has been promoting a pro-active public sector that deals with communication issues at the widest level. The state initiated telecommunication facilities in 1970s; the outreach of govt. ran radio in the '50s and '60s and the television network of Doordarshan since early '80s have been phenomenal in terms of its geographical outreach and affordability. In all these cases the presence of the state run agencies as the initiator of the sector and as the primary infrastructure provider have helped in reigning the private sector players, who came in later as the commercial scope of the sectors expanded, in their profit drive. Today none of these sectors are strictly public sector but the public-private model that evolved through time and negotiations make for a good case in governance and sustainability. Based on these previous instances we plan to develop a campaign for the state to install the primary infrastructure for the Internet outreach to all.

Universal access does not only imply an expansion of possibilities in the ways individuals live and function, but are also largely influential in the ways the system of governance is organized. Integration, connectivity and efficiency in functioning for various government facilities and systems can be intensified manifold via the Internet. All municipal and government run facilities such as municipal schools, municipal libraries, municipal medical and health facilities, municipal markets, fire stations, police stations, public parks, sewage treatment and water installations, transportation facilities and network, ward offices etc. can function at optimum efficiency and in sync with each other via connection to 24x7 broadband infrastructure. Live update of accidents, information about traffic hold ups, video streaming of public spaces from security cameras, swift communication in times of excessive rainfall, flooding or other natural disasters can be efficiently controlled, managed and disseminated through the use of the Internet.

The Maharashtra Region and Town Planning Act specify that every municipal corporation must prepare a Development Plan to be implemented over 20 years. The last time the Development Plan was prepared for Mumbai was in 1981 and it was adopted only thirteen years later, in 1994. The new plan, which is valid for 20 years, will need to be prepared and ratified by 2014-15 and will be in force till 2034. The city has grown and still growing at a rapid pace and it is essential for the Development Plan for Mumbai (2014-34) to incorporate a Digital Vision for the city of Mumbai for the future of its information and communication infrastructure.

Collaborators

The Campaign for Digital City is being planned as part of a consortium involving some key organizations in the city of Mumbai, who have been working in the scope of urban development, advocacy, policy making, urban knowledge production, community participation and also possess the best technical expertise in the related fields. The Urban Design Research Institute (UDRI) is a forum that enhances interaction among architects, urban designers and professionals from fields like urban economics, sociology, planning, conservation and history. In this project they are handling the policy writing, advocacy and negotiations with Municipal Corporation of Greater Mumbai (MCGM). Partner for Urban Knowledge, Action and Research (PUKAR) is an independent research collective that provides a platform for community based research for issues related to urbanization and globalization. In this project PUKAR is involved in conducting a city wide research amongst the formal as well as informal neighbourhoods and scope out the urgency and desire for Internet access. Indian Institute of Technology, Bombay (IIT-B) is a widely acclaimed educational and research institute in the field of engineering. The electrical engineering department has partnered with the consortium by being the technical advisor on the project. Based on the research data, urban planning model and technological prototype developed by the other collaborating groups Majlis will develop a sustained public campaign spanning two years for the consortium.

Format of the Campaign

The main challenge for this project will be its ambiguous social status. In the current social milieu it has every danger to be relegated as some fancy idea that is not in tune with the social reality of the country. The first task will be to establish a credential for such an aspiration on behalf of the ordinary citizens. We need to remember that the same was also said in the context of literacy movement or about initiatives to reclaim women's access to public space, at one point. We also need to communicate the facilities that public internet can bring into the lives of ordinary women, most of whom are home bound. Internet, if installed in their life, could become a vital source to connect with the outside world and also to achieve a different kind of literacy.

The campaign for Digital City will work at three platforms: the first is to establish the issue of 'universal access to internet for all' as a citizens' right and create an ambience in its favour in the public domain. Towards this aim we plan to generate print and audio-visual campaign material and disseminate them through public vehicle advertising, radio talk shows and jingles, and video spots on youtube and Vimeo. In this part the key points of the campaign will be disseminated on the principle of advertising.

Once the theme is familiarised through the above strategy a public debate on it will be facilitated through virtual space of website-blogs-podcast-social media network and creative art shows. In this platform the issue will be further explained and explored by inviting others, even from the opposing camp, to participate. In this phase we shall quantify the demand through devices such as opinion poll, pledge, signature campaign etc. The Creative Art section will be developed in consultation with artists who are associated with Majlis.

On the third level we will need to negotiate with the municipal authority and other contributors to the DP (Development Plan) 2014-34. This section will be mainly handled by our partner UDRI, Majlis will only assist them by creating devices to reach the public opinion to the state authority.

Reflection

Majlis culture Centre began its journey with producing films and others material for the existing social movements, namely, women's rights and citizens' rights. In its next phase it expanded its field into cultural literacy and art pedagogy through conducting courses and fellowships. But over the last decade it has also become a platform for artists engaged with critical practices, and inter-disciplinary dialogues and actions. Through the widely acclaimed work during World Social Forum 2004 the centre transformed from a small resource centre to a broad platform. Today the centre itself opens up new issues and discourses, and initiate newer practices through large scale collaborations with individuals and institutions. From the experience of WSF it went into opening up new vistas about archiving and disseminating – offline Godaam and online PADMA. Out of that experience was developed the innovative and collaborative project of Cinema City. As the space for non-hegemonic and non-marketable cultural productions shrink by the day it has become even more important to nurture and expand a space like this one. It is evident that we need to remain ever alert, agile, inclusive and innovative in order to sustain at this time.

The culture centre functions through a skeleton staff and large number of associates. This structure often brings in administrative crisis as even departure of one person can bring the office to a standstill. But at the same time working with large number of free lance associates help the organisation in its goal of outreach as well as enable it to spread its philosophy into other pockets. Besides, this structure helps the organisation in maintaining the quality of works as practically all like minded artists in the country become a potential collaborator of Majlis.

Legal Centre

It has been a year of progress and some successes for the Legal Centre, as we further consolidated the foundation which was laid last year. Our collaborations with the Department of Women and Child Development (WCD), Government of Maharashtra was further strengthened, and through this, we were able to bring about some effective changes, both in monitoring the implementation of various Acts as well as introducing some new schemes to help victims of violence. While continuing with our grassroots level work of demystifying laws, spreading legal awareness and representing women during litigation, we have now been able to extend our work to providing support to survivors of sexual assault and have also been successful in making policy level interventions.

Structure and Functioning: We have introduced some structural changes for well coordinated functioning within the Legal Centre. We now have five units – a unit for Family Court litigation (**FC Unit**), a unit for litigating in Magistrates' Courts (there are nine courts spread across the city) for cases under the Domestic Violence Act (DV Act) (**DV Unit**), Support to Survivors of Sexual Violence (which combines legal skills with support work) (**SV Unit or RAHAT**), the **Mohim Cell** (for monitoring the implementation of the DV Act in Maharashtra) based in Pune, the **Campaign and Research Unit** (for research, campaigns, publications, policy level interventions, and organizing conferences) and the **Admin Unit**, (for administration and accounts). Each unit has a project head and the different units are held together and function under the guidance of the Project Director. The Director, Legal Centre, is responsible for overall strategy and motivating the team. Apart from regular staff, we also have interns who contribute to research and other activities of the Legal Centre.

In addition to the routine meetings that take place within each unit, quarterly reviews of each are held for planning, strategizing and identifying the gaps. The regular Thursday meetings help the staff across units to stay in touch with the various activities of the Legal Centre and also provides a forum for discussing contemporary concerns. The unit heads, the project director and the director meet once a month to discuss policy level issues and the general direction of the Legal Centre. The all women team comprising of lawyers, social activists, and interns has grown to around 25 in number.

Ethics Committee: An ethics committee comprising of scholars and subject experts across disciplines has been set up which meets twice a year to discuss ethical issues concerning the project as well as other concerns of research.

A Change in Reporting Format: Our core work of litigating on behalf of women which was started in 1991, has continued, but today we have become multi-dimensional in our activities as well as in our outreach. Hence the format for the annual report which was routinely followed over the years has also undergone a change. While the earlier format focused more on the work of the litigation unit, and contained statistical profiles and detailed narratives of some cases, in this report, we have chosen to project the multi-dimensional nature of our activities and the changes we have been able to bring about within the system.

State Level Interventions

MOHIM Cell - Implementation of the Domestic Violence Act

The Protection of Women from Domestic Violence Act (PWDVA) which came about through a sustained campaign of women's organisations for over two decade had raised the aspirations of the women's

groups that it would provide effective and speedy remedy to victims of domestic violence. The Act is structured on a convergence model between various state agencies such as the police, the public health department, legal aid authority, and the judiciary, with WCD Department as its nodal agency. However, after eight years, there is a general scepticism about its futility among many activists and groups.

At the other end, since 2008, we have been able to use this Act effectively to bring quick relief to women. So in 2012, we were invited to set up the MOHIM Cell as a collaboration between WCD Department and Majlis Legal Centre with a mandate to train, guide and monitor stake holders to ensure effective implementation of the Act. The Cell conducted a study of roles of each agency, as prescribed under the Act, and scrutinized various monitoring and evaluation reports produced over the last six years. We travelled to various districts across Maharashtra to examine ground level reality against these reports, conducted interviews and recorded observations of stakeholder interactions with women. At the end of this tedious exercise we produced a Handbook as a guide to all stakeholders, which includes:

- Clear guidelines regarding the role and functioning of each stakeholder
- Best practices have been added to bridge the gaps within existing provisions
- Reporting Formats to be maintained by each agency.
- Creating a three tier bottom up system to monitor the implementation of the Act from Taluka/ward level (under the chairmanship of Tehsildar) upwards to the District level (under the chairmanship of the District Collector) and the State (under the chairmanship of Secretary, Home Dept).
- Convergence meeting of all stakeholders
- Formats for conducting awareness programmes and trainings

It has taken us over a year to complete this work, as we went through the laborious route of getting the approval of the topmost authority within each stakeholder. For instance, the High Court set up a special committee comprising of three women judges to go through our recommendations for the judiciary and after approving the same, have circulated them to all magistrates' courts in Maharashtra. Now the final draft of the Handbook is formally approved and will soon be translated, printed and circulated to all concerned stakeholders.

We have now been invited to conduct the training based on the Handbook. The trainings for the Magistrates are held at the Maharashtra Judicial Academy, Uthan, which have been extremely interactive. However, deep seated gender bias among even women judges is a cause for concern.

Our next challenge is to bring about a convergence between Magistrates and Protection Officers attached to their courts so that both understand the specific role and functioning of each other and are able to function in a coordinated manner within the framework of the Act. .

Launching of the *MANODHAIRYA* Scheme in Maharashtra, Oct, 2013

The Maharashtra Government launched a scheme for financial assistance to survivors of sexual violence and acid attacks. This was a moment of pride for us as we had consistently campaigned for it since 2009. In 2011 we held a national consultation in collaboration with the National Commission for Women (NCW) and invited experts from various states to gain a perspective on the prevailing situation. Later, we were able to persuade the government to implement the scheme. Due to our collaboration, we were able to participate in the process of drafting and fine tuning the scheme so that it meets the needs of the beneficiaries.

The Maharashtra scheme is unique as it provides financial support to victims as soon as the FIR is filed. It does not place any burden on the victim to approach a government functionary. The responsibility is upon the investigating officer (IO) to submit a copy of the FIR to the Member Secretary who is the District WCD Officer, within three days of the FIR being filed. The District WCD officer has to convene a meeting within a week thereof, of the District Criminal Injuries Board (DCIB) which has been constituted under the District Collector. Other members include senior officials from key stake holders such as the police, prosecution, and public health. It also has an NGO representative.

The scheme differs from those introduced in other states which function under the Home Dept and the Legal Aid Authority, where funds are disbursed after the trial or after the victim deposes in court. In some states only acid victims are eligible and in some other states, when the trial ends in acquittal compensation is not paid. In some cases where the accused could not be detected or the case could not be charge sheeted the victim is not eligible. The Maharashtra scheme has tried to overcome these obstacles. It is based on the guidelines of the Supreme Court in a path breaking judgement, *Delhi Domestic Workers Union vs. State* (1994). If an FIR is filed and there is a medical report in support, the Board does not have the authority to reject the claim.

After the scheme came into effect, Majlis has been involved in framing Standard Operating Procedures to ensure its smooth functioning. The scheme is being closely monitored by us. Till May, 2014, 1200 victims were awarded compensation across Maharashtra. This scheme has brought a great respite to victims, majority of whom belong to economically backward sections. We consider it as one of the biggest gains of our collaboration, as it will help victims of sexual abuse to become “survivors” and to move on in life and to get reintegrated into the system with dignity and confidence.

Stake Holder Consultation to address issues of sexual violence, Sept 2013

A convergence between stakeholders who are mandated to provide support to a victim of sexual abuse – the police, prosecutors, health care providers, etc., had never taken place. Hence we took the initiative and organised a first of its kind meeting, which was held at the Sahyadri Government Guest House. Senior officials from each department attended the meeting which was presided over by the Minister, WCD. The meeting helped to understand the challenges faced by each stakeholder, and provided a way forward for a better coordinated response to victims of sexual violence in future. A report of the meeting brought out by us on behalf of the Department was circulated to all participants.

RAHAT - Survivor Support Programme

At the initial stage, this project met with a great deal of hostility. It was a challenging task to negotiate our way within government offices, court registries, police headquarters and judges chambers. But gradually, with patience and persistence we moved ahead, inch by inch. Then there was a major breakthrough. A woman had to die a gruesome death and world attention had to be drawn to the issue of women’s safety in India. Overnight, attitude of government officials changed and our interventions received greater acceptability and we were able to make considerable progress.

The two major enactments, i.e. Protection of Children from Sexual Offences (POCSO) Act, 2012 and the amendment to rape laws, following the Verma Committee recommendations, widened the definition of rape and included some measures of victim support. This also provided a boost to our work.

To gain acceptance within the criminal legal system, we formed RAHAT as a collaborative project between the WCD Dept. and Majlis, to provide support to victims of sexual offences. Advancing further,

we also forged another alliance between RAHAT and the Mumbai Police. This made it easier to reach out to victims and provide them immediate support and also to be present in court during in-camera trials. While providing support to individual victims, the aim is also to bring about systemic changes in the way the criminal justice system responds to the needs of victims. Apart from helping to ease the fear and anxiety of the victim, it has also helped in evolving a new model for victim support.

The Judiciary - The Sessions Courts

The trials for rape, sexual assault and for cases under the newly enacted Protection of Children from Sexual Offences (POCSO) Act, 2012 are conducted in the sessions court and hence most of our work is located in this court.

• Individual Case Interventions

We started our intervention by following up cases reported in newspapers and referrals from community based organisations. Over the past three years we have established many different mediums to reach out to a victim of sexual assault

- NGO / CBO referrals,
- Newspaper reports,
- Referral from local police stations / Police Commissioner's Office
- Referrals from Shelter Homes, Child Welfare Committee,
- Information from Court when a case is listed for trial
- Request from Public Prosecutors to train a victim prior to her deposition

The first visit, either at the residence or in a shelter home, is to build confidence and to assure the victim that while she travels the long and daunting journey through the criminal justice system, we would be providing her support and will respond to her queries and help her to overcome her anxieties. During this meeting we ascertain whether all the necessary procedures have been complied with and whether the immediate needs have been met - shelter, treatment, pregnancy test, abortion, test for HIV, etc. The long term needs include health issues which may have subsequently cropped up, counseling, admission to a new school, long term shelter, etc. While many have compelling financial needs, we avoid venturing into this area. In recent cases, this need is met through the *Manodhairya* scheme.

The thought of coming to court to depose in the presence of the accused causes great anxiety to most victims. However, it becomes acute for a child from an economically disadvantaged section, who suffers multiple levels of marginalisation. We study the charge sheet filed in court to understand the contradictions, inconsistencies etc. and help the victim to refresh her memory. We also arrange a court familiarization visit and explain the court process. We also forewarn her as to what to expect during cross examination and how she must respond to questions by the defense lawyer. It is important for a child to understand the role of the judge, that she/he is there to protect her and also the role of the prosecutor and the defense lawyer so that she is not confused, scared or unnerved. We remain present in court during her deposition to ensure that all the special provisions under the law are followed and that she is not intimidated by the defense lawyer. We can state with some measure of certainty that through our intervention, the trauma and anxiety faced by victims is reduced and they are able to depose confidentially and coherently, which has resulted in securing conviction in most cases followed by us. Our presence in court has also helped the public prosecutors to fulfill their role better, as we have taken on the burden of preparing the witness for her evidence, providing her the court exposure, identifying issues where relevant case law needs to be submitted, and preparing written arguments.

Investigating Agency - The Mumbai Police

- **The Police Circular on Sexual Offences**

When the new enactments came into force the police were at a loss as to the stipulations under these new Acts and wanted our help to explain in simple terms these procedures. To give clear and simple guidelines about the stipulations under the new enactments and the procedure to be followed while recording an FIR and conducting the investigations, we drafted a simple two page circular which was translated into Marathi and sent out under the seal of the Commissioner of Police, to all 92 Police Stations. A copy of the circular is available on our website.

- **Background of the Circular**

It is necessary to share the background in which the circular came to be issued. In the course of our work, we came across a case in which an 11 year old was raped by her father, in Turbe, in the outskirts of Mumbai. The mother had left the home and the girl and her siblings were living with their father and paternal grandmother. When the child confided in her grandmother, the grandmother sent her to a relative's house to ensure her safety. The relative, out of concern for the child, informed a social worker from Child Line Foundation, our partner organization, and hence we were present when the child was brought to the Vakola Police Station. The saga which started at 10.00 a.m., ended past midnight where the child was shunted from Vakola to Turbe and then to the Mankhurd shelter home and was on the verge of being taken back to Turbe again.

Since the sexual assault had occurred at the residence in Turbe, the Vakola police refused to lodge the FIR and packed off the entire team to Turbhe along with a woman police constable (WPC) who was disgusted with her assignment and so left half way. At Turbhe, instead of filing the FIR, the police called the accused and allowed the father to chastise the child for disclosing such a "private" matter to strangers. The child was told by the police that if she presses charges against her father he would be locked up for 10 years. The child, and the entire team, was without food and water through this ordeal. Only because we and our partner NGO were firm, the FIR was finally lodged at 10.00 pm and thereafter the child had to be sent to the children's home in Mankhurd.

By the time the team reached the shelter home, the home refused to admit the child as it was late at night. So the lady police suggested that she would take the child back with her to Turbhe (which is about an hour away from Mankhurd) and retain the child in the police station. We vehemently opposed this suggestion as it is against the law to retain a girl child in the police station at night. We prevailed upon the shelter home to admit the child for the night and assured them that we would complete the formalities the next day and produce the child before the Child Welfare Committee (CWC) for further action.

This was not the first incident of this type. On several earlier occasions the police had refused to lodge the FIR and children were called to the police station and humiliated. Since we could not intervene in each case, we needed to bring in some systemic changes. We brought this incident to the notice of the Joint Commissioner of Police (Jt. CP), Mumbai, and insisted that a circular be issued to all police stations about the basic ingredients of the new POCSO Act, as well as the provisions of the amended rape law. The Jt CP was supportive and asked us to draft the circular as per the provisions of law.

The circular clearly states that a victim should not be shunted around and a 'zero' FIR must be lodged at the first point of contact. Other important ingredients are that the victim herself need not approach the police station for lodging the FIR, the police cannot 'investigate' or interrogate the victim prior to lodging the FIR, and wherever possible, the statement of a child should be recorded at her own home or at a

place where she is comfortable. A woman officer in civilian clothes must be sent for recording the statement. This has helped to bring a major shift in the investigation procedures. In some cases, the statements are recorded in our office as the victim is hesitant for the police to meet her at her residence.

- **Skill Development Workshop for Police Personnel**

As a follow up, the Jt. CP, also asked us to conduct zone wise trainings to familiarize the police on the content of the circular. The two districts of Mumbai - City and Suburbs, are divided into 12 police zones. The trainings were conducted to police personnel across the cadre from senior inspectors and investigating officers (IO) to women sub-inspectors who are usually assigned the task of recording the statement of the victim and providing her support throughout the investigations.

The purpose of this day long training was to provide the officers knowledge of the provisions of the new statutes which deal with sexual offences and were aimed at creating a victim friendly environment within the Police Station and for ensuring that the dignity of the victim is maintained at all times during the investigating process. Around 700 police personnel were trained through this focused training. The manual prepared by us has been translated into Marathi by the Police themselves for easy accessibility to their officers and will soon be printed as a training manual for the Mumbai Police.

Using Comments in Sessions Court Judgements for Police Training as a Methodological Tool: In the course of our research work we had come across several judgements, in which the judges had passed strictures against the police for shoddy investigations. However, these comments do not reach the superior officers, let alone the concerned officers. As an innovative tool, we used these judgements as a resource during the training, which made the police officials realize that their shoddy investigations invoke negative comments from judges. This proved to be a highly successful method as the police officers had never read court judgements before. For ongoing support, we provided the police with a phone number where they could contact us in case of doubt or confusion.

Monitoring: Since we are involved with direct case intervention on the ground, we interview each victim to find out the problems faced by her while interacting with the Police to assess the impact of our training. If it is brought to our notice that an officer trained by us has not followed the prescribed procedure, we immediately alert the zonal officer for remedial action. Enquiry regarding lapses is being conducted in some of the cases that we have highlighted.

- **Mumbai Police - Women's Day Celebrations**

When the then newly appointed Police Commissioner invited us to conduct Women's Day programmes in all police stations, we hit upon a novel idea. We conducted a further training to women police who had participated in the first level training and trained them as trainers to conduct a one hour programme in their own police stations as part of the Women's Day celebrations. The program aimed at educating the Police on the rights of women when they approach the Police. The programme was conducted through audio-visuals, power point presentations and pamphlets. It was successfully carried out in most Police Stations and was an empowering exercise for the young women inspectors. We also prepared "A Pledge by the Mumbai Police to Women" which was printed and prominently displayed at the entrance of all 92 Police Stations. It is reader friendly and clearly spells out the duties of the Police.

All this is not to say that the Mumbai police has been radically transformed through this intervention. The police force is too huge and too entrenched in patriarchal values and authoritarian style of functioning to change through these small interventions by an NGO. We are conscious of it. All that we can claim today

is that a small beginning has been made. Lapses will continue to occur and we need to take them up as and when they do. But we have received feedback from our partner organizations that they have noticed some changes in the attitude of police towards victims of sexual abuse. This is reassuring.

Other Key Stake Holders

- **Judiciary and Prosecutors**

Our publication titled, *Defending Women and Children Against Sexual Violence*, which is a compilation of land mark judgements to be used as resource material while conducting trainings for judges and prosecutors is ready. This is a much felt need and we have been planning to hold these workshops at the Judicial Academy, Uthan. This has been delayed as we are waiting for final approval for the guidelines that we have drafted for sessions judges. We have already approached the Department of Law and Judiciary for holding workshops for prosecutors, but due to various constrains these could not be held. However, we are planning to hold these within the coming year.

- **Medical and Forensic - One Stop Crisis Centres in Public Hospitals**

At the consultation meeting organised by the WCD to evolve a convergent model, the Director, Teaching Hospitals (MCGM) promised to set up Help Centres in five public hospitals to help survivors of sexual violence. As a follow up, Majlis has been part of the process of drafting Standard Operating Guidelines for these centres. The centres were set up in January, 2014.

During our trainings we advised the police to refer victims to the MCGM hospitals instead of the ill equipped Nagpada Police Hospital. Our research shows that from Jan to Jun 2014 the number of cases referred to MCGM hospitals has increased by 50%. We are now planning to conduct a study on the functioning of these centres. The study will include - visits to the selected hospitals, interviews with doctors and hospital staff and interviews with investigating officers and with victims/survivors about their experience. The findings of this study will help in improving the functioning of the centres.

- **Child Welfare Committees (CWC) and Child Care Institutes (CCI)**

In course of our work we have been interacting with two key services which are availed by child victims of sexual abuse – the Child Welfare Committee (CWC) and Child Care Institutes (CCI). The CWC is a quasi judicial body, constituted under the *Juvenile Justice Act* (JJA). When a sexually abused or neglected child is in need of care and protection, the child is produced before CWC by the police or an NGO, who ascertains the need of the child and places the child in a CCI (shelter home). The situation is periodically reviewed until the Committee is satisfied regarding the safety of the home environment. Hence CWC plays a pivotal role in providing safety to an abused child.

However, members of the CWC do not have the requisite legal expertise to deal with complicated cases. We have noticed that their understanding of the law as well as their own role is limited. The training provided for them is not sufficient and does not equip them to perform their role efficiently. They regularly seek our interventions to guide them. Our team members visit CWC once a week to receive information about new cases and provide legal assistance to victims. However, this is only a band aid measure. What is needed is a comprehensive training and monitoring of all CWCs in the state. We have brought this to the notice of the Dept of WCD and are planning to evolve a training module for all CWC members, and administer the same through region-wise workshops.

The second and even more critical aspect of providing care is the state of Child Care Institutes (CCI). These are of three types – government managed, government-NGO collaborations and private homes which function without government aid. The manner in which these homes function is a matter of concern. It is indeed tragic that a child who has already been abused has to be placed in these homes to ensure safety. Some of the most brutal sexual violations which have occurred are within these homes. Accidentally a case comes to light, while the routine violence remains hidden. This is a serious concern and we have plans to collaborate with the Dept of WCD and international agencies such as the United Nations Children's Fund (UNICEF) to conduct studies and flag issues for consideration of the State.

However, in the midst of these negative trends, we need to make a special mention of the Home for pregnant girls, managed by an old institution, AIWC (All India Women's Conference), **Asha Sadan** in Dongri. It is heartening to see that such institutions do exist where the child feels safe and secure. We have been collaborating with this Home and every time a child receives summons to appear in court, the superintendent calls us so we can prepare the child for deposition.

We express our sincere appreciation to Justice Suresh, Ms. Bishaka Dutta and Dr. Shoba Ghosh for their involvement in this project, for attending all important meetings and for giving constant feedback and directions towards shaping this innovative project.

Litigation Work of Family Court (FC) and Domestic Violence (DV) Units

The litigation work on behalf of women who approach us has continued. During the year we handled 274 cases and were able to get a number of favourable orders for women. However, apart from this, here too we are trying to introduce certain innovative processes to bring in more lasting changes within the system, so that the poor women can follow up their cases without the need to depend upon lawyers.

Training for Self-Follow up of Execution Proceedings

Though the Family Courts Act was enacted to make the litigation simple so that the women themselves are able to approach the courts and claim relief, over the years, this concept has been abandoned and litigation in the Family Court in Mumbai (also elsewhere) has become extremely exploitative. The dependency on lawyers has increased and the judges are not ready to accept applications made by women themselves.

A significant number of our cases are those where the orders for maintenance have been secured but the husband has failed to comply with it. At this stage, another round of litigation has to be initiated which is called either ER or RD process depending upon whether the maintenance was granted under the civil or criminal provision. The procedure under the two categories varies, which complicates matters further. Every time a husband lapses in making payments, the process has to start all over again. Due to this, the cases go on for several years.

The **FC Unit** has developed a training module for litigants to follow up their own cases which was conducted as a pilot project, on 17th August, 2013. It comprises of an interactive skit, a flow chart to make the procedures user friendly (for those who cannot read) and a manual which the woman while following up her case. After the training we have encouraged women to follow up their own cases, and approach us if they encounter any difficulty. Initially women were hesitant and nervous but over the last few months, they have found this new development extremely empowering and now they are able to effectively keep a tab on their cases and their dependency on lawyers is greatly reduced.

We have now approached the Maharashtra State Women's Commission to make the training a collaborative project between the Commission and Majlis on a continuing basis for all women. The module will also help social workers and those working for women's rights in their respective areas to understand legal processes, and help whoever approaches them. This will also help us to realize the goal of Section 13 of the Family Court Act, which stipulates that lawyers shall be allowed to appear only in complicated cases. It will greatly help women to reduce their litigation expenses. Over the years, we also hope to develop modules for filing cases of divorce by mutual consent as well as other simple applications in court.

Empowering Women to follow up their cases

We have also started helping women to follow up their own matters and even drafting their own petitions or replies in Marathi, so that they can appear in court without a lawyer. In such cases, we help the woman to write down facts in a chronological order in their own language and submit the same to court. Since the woman is familiar with what has been submitted in court, and the judge who is also fluent in Marathi is able to engage with the woman directly without lawyers as intermediaries, it helps to make the litigation less contentious and reliefs are granted expeditiously, cutting out the legal rigmarole. We have tried this process in about 10 – 12 cases. Over time we wish to create a module for this type of training to help litigants have a better control over their litigation. .

This innovative idea is helping the woman to be more confident and handle her matter without depending on lawyers. Apart from reducing litigation cost, it will, over time, bring about a change in the functioning of the Family Court itself. We have made a small beginning in this direction.

Assisting Protection Officers (PO) to Access Courts

The **DV Unit** is actively helping the Protection Officers (PO) to fulfill their role in court. Under the DV Act, the PO is supposed to help women to approach the court. The Act stipulates simple procedures, provides a format which the PO must help the woman to fill up and submit in court to obtain interim orders. However, the POs who are generally trained in social work, are not well versed with the provision of the Act as well as with court procedures. On the other hand the magistrates are not comfortable with non-lawyers and do not understand the role of PO and often ask women to appear in court with their lawyers. Litigation under the DV has also become expensive and the very purpose of the statute is getting defeated. The PO, in turn, asks the woman either to approach a private lawyer or a legal aid lawyer. The legal aid lawyers also does not understand the provisions of the new Act and are extremely ineffective and hence the woman is left with no other choice but to approach the private lawyer to continue the litigation under exploitative conditions.

Faced with this situation, our DV Unit has now started working very closely with the PO - visiting the PO's office every week, answering all their doubts and also accompanying them to court, so that their fear of the court is reduced. At the other level, we have also been meeting Magistrates and explaining to them the provisions of the Act and the role of the PO and also organizing meetings between the magistrate and the PO assigned to their courts. We hope that through these measures, we will be able to make the Act effective, not just in Mumbai but entire Maharashtra through the MOHIM Cell.

Research and Campaigns

The purpose of research is to build evidence for campaigns for change. Our survivor support programme has helped us to evolve a well coordinated model of research and campaign.

- **Role of a Court Observer**

As a rule, court proceedings are open to public view so that norms of fair trial are not only followed, but also are seen to be followed. However, in order to protect the privacy and dignity of the victim of sexual crimes and to shield her from the intrusive media gaze, rape trials are conducted *in-camera*, hidden from the public view. Apart from the victim, the judge, court staff, public prosecutor and defence lawyers, no one else is allowed to remain present so that the victim is able to depose in a free and frank manner. But this creates a problem as it is difficult to ascertain if the procedural guidelines stipulated by various statutory provisions are followed. We are fortunate to be in a vantage position of being privy to these proceedings. Hence we have taken on the role of being watchdogs and have started recording detail case histories of some important cases. .

Writing sexual harrasment narratives is challenging as the research has to be authentic but at the same time, the identity of the victim cannot be revealed and her confidentiality and dignity has to be maintained. We have taken on the task and devised techniques to address this challenge. The purpose of writing these detailed narratives is not only to record our own role and points of intervention, but also to highlight the lapses in the system and place them in public view.

The first draft of 20 cases of assorted types is ready. The publication of around 150 pages is titled, ***A Ringside View of Rape Trials.***

- **Study of the Functioning of the Special Court (POCSO Court) in Mumbai City**

On the occasion of completion of one year of the POCSO Act, we conducted a study on behalf of the Maharashtra Commission for Protection of Child Rights (MCPCR) which clearly highlighted the lacuna while implementing the Act and the difficulties faced by victims in spite of the new legislation. The report was submitted by the Principal Secretary, WCD and Acting Chairperson, MCPCR, as a confidential document, to the Chief Justice of the Bombay High Court with a request to bring in corrective measures.

- **Guidelines for the Functioning of Special Courts in Maharashtra**

The Bombay High Court constituted a committee to look into issues relating to children. On the request of this committee, we submitted guidelines for the functioning of Special Courts for Women and Children in cases of sexual violence. We worked extensively to ensure that the document covered the roles and responsibilities of every stakeholder while taking into consideration the ground realities. The guidelines also cover the rights of the victim throughout the trial. On 3rd February, 2014, we organised a meeting of all NGOs working on this issue, which was attended by over 30 organisations / independent researchers. The final document was presented to the committee appointed by the High Court and has been subsequently approved. We are now waiting for the final intimation. These processes are slow but once they come into force, they will be binding on all courts in Maharashtra. We shall then have teams to monitor the effective implementation of these guidelines and submit reports to the High Court.

- **Research to understand socio-legal trends in sexual violence over the years.**

This has proved to be a very challenging task. We started this project by collecting data from court registry of cases that had been listed for trial in the sessions court since 2008. From there we tried to track the judgements of cases which had been concluded to understand how the case has progressed. It has been a Herculean task as the registers are not maintained properly, the required columns are not

filled and the final outcome is not updated. Getting hard copies of the judgements is also problematic though we did have permission to obtain the same.

Meanwhile, we also started collecting data from police stations to find out the number of cases in different categories filed each year. Later, we also were able to access the official police data for the entire city. But here too we encountered problems as the data collected for one year, at an earlier point in time, did not match with data obtained for the same year, subsequently. This makes us wonder on what basis are the national level statistics for convictions and acquittals are made public as this information is not available either with the courts or with the police.

We had to change the manner in which we were analyzing the data several times. Now finally we are tracking the cases from the police station right up to the court and trying to not only compile the relevant data for analysis but also evolving a format which can be used to create an MIS (management of information system) for the police and the courts through the Dept of WCD. If we succeed in this endeavour, in the coming years tracking cases both at police station as well as in court and getting accurate data will become much easier for any researcher.

The research focuses not only on routine issues such as rate of conviction and acquittal and sentencing patterns, but provides accurate indicators of the situation in which women and children are raped; age, socio-economic background and multiple levels of vulnerabilities of the victim; the age of the accused and relationships with the victim; role of medical and forensic reports in deciding the case; the arguments which the defense advances; the role of the prosecutor; why victims turn hostile; attitude of judges, etc.

- **Campaign to Change the Procedure for Test Identification Parade (TIP)**

In cases of stranger rapes, in order to identify the person, a test identification parade (TIP) is conducted by the Special Executive Magistrate (SEM). Usually the accused is made to stand along with seven other persons of similar gender, age and built, who are called “dummies”. The procedure for identification which is followed is archaic where the victim has to not only point a finger but also physically touch the accused. In addition, for each accused, the victim has to narrate the exact offence committed by him. This is extremely traumatic in cases of gang rape and also humiliating to graphically describe the perverse sexual act in the presence of seven other men. This issue was brought to our notice in the course of our survivor support programme. We have now taken this up and written to concerned authorities to change the procedure. We have been assured cooperation and we are keeping a close tab on how and when the procedure will be changed.

- **Examination of Rape Victims before a Regular Court and the Juvenile Justice Board**

Another connected issue is in cases of gang rape which involves adult as well as minor offenders. Here the trial is conducted in two different courts – the regular sessions court for adult accused and the Juvenile Justice Board (JJB) for the minor. While special attention is paid to safeguard the interests of the minor offender, concern for the victim who is subjected to further trauma by having to depose twice in two different courts is lacking. When the victim herself is a minor child it becomes even more traumatic. We have noticed that the JJB does not even follow the POCSO guidelines regarding providing a safe environment for the child to depose in and maintaining her confidentiality. We have taken up this issue before the concerned authorities. A circular has been issued to all JJBs in the state to follow the POCSO guidelines. The issue of recording evidence twice is more complex but it has been placed before the concerned judges for suggesting remedial procedure.

- **Evolving Child friendly and Women friendly Child Access Guidelines**

We have been actively involved in opposing the anti women and anti child guidelines for child access formulated by Child Rights Foundation, which comprises mainly of non-custodial fathers. This document was being circulated to judges of the Family Court as “approved by High Court”. We had come across this during the trainings for judges at the Judicial Academy, Uthan. Under the pretext of being child friendly, they dealt only with the rights of the fathers and failed to take account of the “best interest of the child” which is the governing principle while deciding issues of child custody and access. We have brought this to the notice of the High Court Committee, constituted for examining all issues concerning children.

When this issue came up for discussion, the presiding judge, Justice Kanade took objection to the document, and asked us to give our opinion. We convened a meeting on 10th January, 2014 to discuss this issue among concerned women’s groups and child rights groups, which was attended by over 20 NGOs, activists and practitioners working in this area and prepared an alternate draft. This draft has now been placed before the High Court Committee, and we are awaiting their final approval.

- **Abolition of Court Fee Stamp and Process Fee for Women**

In 1994 through a GR, women were exempted from payment of court fee stamp. But since the PWDVA was enacted in 2005, some judges held that the GR in 1994 does not apply to proceedings under the DV Act. In addition, when women are made to pay process fees there is no uniformity in the procedures that are followed. We took up this issue and wrote to the WCD Department as well as the Department of Law and Judiciary. While both the departments are in agreement with our suggestions regarding exempting women from payment of Court Fee and Process Fee, we are asked to draft the circular and send it to the WCD Commissionerate at Pune, after which the GR for clarification will be issued.

Training and Legal Awareness Programmes

In this reporting period through our short term initiatives in colleges, communities and also through legal rights trainings, we have come in contact with around 20,000 people which includes students, community women, rural women activists, judges, public prosecutors, police officials, protection officers, etc.

College and Community based Programmes

We have continued with our programmes in colleges and in the community. Here the training and awareness programme includes:

- Domestic Violence Act: legal and practical application of the law
- Sexual Assault and Child Sexual Abuse: legal and practical understanding for follow up of rape cases
- Dealing with Sexual Harassment at Workplace: guidelines and procedures to be followed

We have conducted an interesting and engaging programme in colleges around specific themes inviting students to participate in various competitions, giving certificates of participation and also awards to the best performance. This has helped to improve student participation. Since this is the third year we are conducting this programme, even colleges have become far more receptive to us. In the process we have also managed to make the teachers sensitive and aware of these issues. This has helped a great deal in widening our support base in colleges across the city.

Our community based work has continued with the older organizations, but adding some new ones to our list such as SHARE (Santacruz East), LEARN (Dharavi), SAHASI (Thane), SPGRC (Parel). We regularly visit these organizations and also provide legal advocacy to the women who approach them.

Training of Trainers for MAVIM (Supported by UNFPA)

This year we conducted another programme which had the potential to reach out to grass root women in rural areas. Maharashtra Arthik Vikas Maha Mandal (MAVIM), a government undertaking, invited us to conduct training of trainers for their functionaries at the district level, who would then be able to take this training down to the taluka and village level.

The first requirement was to prepare resource material and train our own trainers who would be able to deliver this training in seven districts of Maharashtra. The resource material had to be translated in Marathi and given to all the participants. The challenge was to expose our own trainers to the newer development in law as well as teach them the methodology of conducting the training so that the information is accurate and the methodology is engaging to a semi literate group. In the month of October, we prepared the resource material in English and also had it translated in Marathi.

For conducting the five day orientation to our own trainers, we obtained a small grant from UNFPA (United National Population Fund). Both lawyers as well as activists and social workers were invited for the training because though the training was in legal literacy the aim was not to prepare the participant to court based litigation, but to spread legal awareness among the women in talukas and villages who may not need to go to court, but who need to be aware of their rights and need to know the different ways in which they could enforce their rights.

The workshop was highly successful and we were able to get an adequate number of trainers from each region in Maharashtra to conduct the training along with our own lawyers. The district level trainings of three day duration were conducted during the months of December-January 2013. Thane, Pune, Nasik, Amravati, Aurangabad, Nagpur and Sholapur were the centres from where training in legal knowledge and advocacy was imparted to 400 MAVIM functionaries from 35 Districts. Each training programme had approximately 50 – 75 participants.

The expenses of venue, travel, food etc. were borne by MAVIM as part of their *Tejaswini* programme. The curriculum prepared by us included all the recent changes in Rape laws and child sexual abuse, as well as provisions of the Domestic Violence Act. The methodology involved formal presentations by subject experts, an innovative session on poster making where the participants were asked to prepare a poster around the subject which generated a great deal of enthusiasm as the participants were able to express not only their grasp of the subject but also their creativity. There were also other devices such as a quiz as an ice breaker, screening of our campaign spots, *kya aapko patha hai?* etc. The challenge was to make the content relevant to the situation of the participants and also to help them to carry this information forward to the talukas and from there to the villages.

These participants who would then be trainers were expected to train around 4,000 women of the next rung. The figure at the end of the full cycle is expected to reach 4,00,000 women in villages. This was our first experiment of conducting such a training and we found the entire exercise rewarding. We also found the participants from MAVIM to be well exposed and extremely committed. Many had to travel for over a day to attend the workshop from far off talukas, some brought their children along. Despite these odds, there was great enthusiasm and participation and only through this active intervention, we could make the training truly relevant for their own situation.

Conference

Negotiating Spaces - Fine Tuning our Demand for Rape Law Reform.

In keeping with the thrust of our work as well as the current engagement with sexual violence and law reform, we chose this theme for our annual seminar, Negotiating Spaces. The aim was to examine the changes brought about through the recent enactments and its impact. This was the fourth annual conference of *Negotiating Spaces* series and was held on 10th and 11th August, 2013.

The sessions at the conference ranged from the patriarchal notion of rape to whether death sentence serves as deterrent and emerging judicial trends. There were challenging debates on whether marital rape should be made a criminal offence, whether 18 should be the age for statutory consent and the concept of gender neutral rape laws. Around 120 participants comprising of lawyers, activists, students, academicians and concerned individuals attended the conference.

The inaugural session chaired by Justice Suresh, eminent human rights activist, had presentations by Dr. Mary John, Director, CWDS and Mr. Harsh Mander, a former member of NAC, which helped to broaden the debate beyond the immediacy of rape law reform as they touched upon wider concerns of communalism, adverse impacts of globalisation, increasing poverty and destitution of children and their link to increasing crime rates in our society.

While Ms. Nirmala Samant Prabhavalkar, member, NCW, presented the official view that rape being the most heinous crime against women needs stringent punishments, Ms. Audrey D'mello of Majlis put forth a challenging counter view on whether sexual assault within shared households to be viewed within the prism of domestic violence (65% of reported cases fall in this category) and to provide civil relief to the victims. She also contended that in cases of young girls from poor and marginalised communities, rape is only one of the factors which contribute to her victimization. The paper was based on the insights gained from our work of supporting the survivors.

Adv. Madhu Mehra of PLD argued against Mr. Amod Kant and listed out the adverse effects of increasing the permissible age for sexual intercourse from 16 to 18 which criminalises consensual sex between adolescents if either one of them is under 18. She was critical of the campaign by child rights activists which resulted in increasing the age for consent. Adv. Arvind Narain and Dr. Chayanika Shah, both gay rights activists, stressed the need to widen the definition of "victim" to include other marginalised sections, particularly transgenders and men from vulnerable communities who are sexually violated.

The 2nd day started with a keynote address by Justice Prabha Sridevan, former Judge of the Madras High Court who delivered an insightful lecture on the concept of the "ordinary man" and the "ordinary woman" within the legal discourse from the perspective of a woman judge. While an ordinary man is viewed sympathetically, an ordinary woman is viewed with suspicion. She also referred to the gender bias within the judiciary. Responding to her presentation, Ms. Naina Kapur, traced her personal journey into the campaign for law reform and how she has been able to bring about changes through the medium of PILs. The landmark Supreme Court rulings, the Sakshi Guidelines and the Vishaka Guidelines are the outcome of her relentless campaign.

The session on marital rape evoked a great deal of controversy. While Ranjana Kumari, Director, Centre for Social Research argued in favour, Flavia Agnes, Majlis argued against it and stated that sexual violence within marriage, is broader and more complex and reducing it to just forcible penetrative sexual acts would flatten the complexity and place penetrative sexual violence on a higher pedestal. As a

strategy, she argued that it would be far more advantageous to women to use other existing remedies, both civil and criminal, which would yield better results and provide greater protection.

The concluding session addressed the human rights concerns of accused persons. Prof Nilima Mehta, the child rights activist argued that the definition of "juvenile" should not be reduced to 16 so that the child offender is protected and given an opportunity to reform. Adv. Yug Choudhury argued strongly against death penalty as a deterrent. Prof Mrinal Satish, of National Law University Delhi, in his well researched presentation stated that the sentencing policy in rape cases in India depends upon the whim and fancies of individual judges instead of legal principles. His conclusion was based on a comparative study of about 850 judgments of High Courts and the Supreme Court post 1983 rape law amendment.

Reflections

It has been a year where many issues concerning violence against women hit the headlines – amendments to rape laws and their efficacy, death penalty in the Delhi gang rape and murder case, the Tarun Tejpal rape case, the Shakti Mills rape cases and death penalty awarded at its conclusion, matrimonial property rights of women, the non implementation of the child sexual abuse provisions, etc. We have actively participated in public debates around these concerns on television and print media and have tried to provide a context and direction to these debates based on our ground level experiences.

While we are happy with our progress we are also conscious of the many challenges that face us.

- While we have been able to bring about some changes in the functioning of important stakeholders, we question ourselves whether these changes are only cosmetic or whether they have been well integrated into the system. Will these state functionaries lapse back into their familiar mould, if we are not vigilant? Since most of the work is initiated by building personal rapport, will the entire work collapse if key functionaries are transferred?
- As the cases keep increasing, we find that it is difficult to cope. Rather than expanding our own team, we need to build alliances with other community based organisations or state functionaries. While we are exploring options, we need to create a sound and workable module for effective networking with governmental or non-governmental partners. How will these partnerships function?
- The challenge is to create a viable model to transform the NGO initiative into a state based support mechanism and to transform ourselves from active interventionists to a monitoring agency which will ensure its effective implementation. This calls for a major shift in our functioning, from the familiar trajectory in which the programme has so far evolved.
- The scope and space for maneuvering within governmental agencies is restricted. It is also tedious and time consuming. The scope for collaborating with the state in the coming years, under a different political regime, remains uncertain.
- Funding remains a constant constraint for Majlis, even while we are trying various ways to meet this challenge.

Ms. Flavia Agnes,
Director, Legal Centre