

Majlis Manch

Annual Report of Activities

April 2012 - March 2013

The year 2012-13 was the period of consolidation and outreach for Majlis. As reported in the previous annual report Majlis has been developing collaborations with the state agencies and large institutions since the last few years. This development has been schemed keeping in my mind the present socio-political situation in the country and also in response to the crisis in support from international development agencies. In this reporting period the new initiatives of collaborations with the state agencies matured into some kind of concrete result.

The Legal Centre has, in this reporting period, initiated two new programmes for the survivors of domestic violence, and rape and other of sexual assaults, in collaboration with state agencies. For the Cultural Centre this period has been marked for outreach of its Project Cinema City through the infrastructural help from Ministry of Culture and in collaboration with peer organisations all over the country. The state declaration of 2012-13 being the centenary year of Indian Cinema has helped the project in attaining wide public visibility.

Financial Profile

In the financial year 2012-13 the main donors of Majlis were Ford Foundation for the Cultural Centre, and International Development Research Centre (IDRC) and R D Tata Trust (RD TT) for the Legal Centre. In these the Ford Foundation and IDRC grants come under FCRA. In this reporting period the second phase of the three year grant from Ford Foundation for Project Cinema City has begun and it will continue till September 2014. The IDRC grant sanctioned for three years has begun in August 2012 and RD TT grant for two years marked its beginning on February 2013.

Additionally we have also received a smaller one-time grant for the outreach programme of Project Cinema City from HIVOS. The special grant from the Ministry of Culture for a national level seminar was received in the previous financial year but it was utilised in this reporting period.

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

Activities

Legal Resource Centre

The legal centre has continued with its activities of providing access to justice to marginalised women and trying to bring in some structural and attitudinal changes among various state stake holders such as the police and the judiciary. While this has been an underlying motif of our work over the years, in the current reporting year, this work became more focused and structured, and yielded rich dividends.

This has been a spectacular year for the Legal Centre of Majlis where we have made much headway by way of building links with important state agencies such as the Ministry of Women and child Development, Mumbai Police / Ministry of Home, Ministry of Public Health, the Legal Aid Authority and the Office of the Public Prosecutors in our concentrated efforts to implement the laws enacted for providing support and solace for survivors of violence within the state of Maharashtra. We have developed two projects which are collaborative projects with the DWCD – MOHIM and RAHAT, and have been able to sign a Memorandum of Understanding (MoU) with the concerned Ministries. This makes us integral partners in developing policies and implementing programmes.

Besides the new initiative that, hopefully, will bear a wide impact throughout the state in the coming years, we have continued with all the other activities including litigation, campaign, research and publication, as in the previous years.

Litigation Unit

At present the litigation work is carried out by two distinct and separate units – the Family Court (FC) Unit and the Domestic Violence (DV) Unit. Prior to the enactment of the Protection of women from Domestic Violence Act (PWDVA), the main location of our litigation work was the Family Court where we strived to secure women with the crucial rights arising out of the matrimonial relationship. But later we established a separate DV unit for litigating for women who needed protection from domestic violence, residence orders and maintenance but were not interested in divorce in magistrate's court under the new Act.

Lower Courts

The FC Unit has four lawyers and provides legal counseling to all women who approach the litigation centre, and then drafts and files petitions on behalf of those women who wish to file proceedings in court. Of the large number of women who approach us for help, only about 20% file petitions in the Family Court while the rest are concerned with knowing their legal rights and in settling their disputes out of court. The litigation profile of cases filed in the Family Court during the year 2012-2013 is as follows:

1 st April, 2012 - Cases carried forward from previous year	- 168
New Cases filed during the year April 2012-13	- 132
Total number of cases during the year	- 300
Cases disposed off during the year	- 126
Cases pending as on 31 st March, 2013	- 174

The remedies that were claimed were of the usual nature such as divorce, annulment, maintenance, alimony, child custody, protection order and injunction orders. Later in this section we have given a

profile of some interesting cases that we dealt with during the year where we succeeded in pushing the boundaries of law.

The DV unit too has four lawyers and functions from the new office that we had secured last year. Adv. Nausheen Yousuf heads this unit and she also represents women in appeal courts (the Sessions Court and the High Court). This unit practices in the 10 Magistrate courts spread across Mumbai and handles cases of maintenance, residence, compensation and Protection from Domestic Violence, etc. During this reporting period 76 cases were filed in various courts across the city. The cases were filed by women who were either divorced or who did not want divorce but needed to secure their rights such as maintenance and residence. We have succeeded in securing a few path breaking orders, especially in cases where the husband appealed against the favourable order which we had managed to secure for the woman in the lower courts.

The litigation profile of cases filed in Magistrate's Courts during the year 2012-2013 is as follows:

1 st April, 2012 - Cases carried forward from previous year	- 22
New Cases filed during the year April 2012-13	- 21
Total number of cases during the year	- 43
Cases disposed off during the year	- 22
Cases pending as on 31 st March, 2013	- 21

40% of the women on whose behalf we litigated were Muslim women. The reason behind it is that the magistrate's courts have a wider scope for litigating Muslim women's rights and we have found innovative legal strategies by reading together the remedies in two different acts, the Muslim Women's Act (MWA) and the Domestic Violence Act (DVA) to better protect the economic rights of Muslim women. The Family Court has relevance for women who need divorce or other matrimonial reliefs. But where Muslim women are concerned, the divorce, either the talaq or the khula, takes place before a qazi, maulana or a mufti, and so they do not need to approach the court for the same. But they are in dire need of securing their economic rights such as maintenance or post divorce settlements or custody of their children. A combination of MWA and DVA works well for this purpose. The advantage of approaching the magistrate's courts is that the procedure is summary, and dates are given expeditiously. Also the environment of a criminal court which is overshadowed by the presence of police and also has a cell for immediate arrest inspires awe and fear in the minds of the offenders, the errant husbands in this case.

Appellate Courts

Session Court: Orders of Magistrate court go on appeal to the Session Courts. There were 15 appeal cases during the year, some filed by the husbands and some by us when we felt that the orders of the magistrate's courts were adverse. In all cases filed by the husbands, the appeals were dismissed. In cases which were filed by us we got favourable orders.

High Court: The litigation in the High Court arises from two different situations, appeals from judgments and orders of the Family Court (1st appeal) and appeals in DV Cases from the judgment or order of the Sessions Courts. During the year, we litigated in 12 cases in High Court. These were cases where the Husband went on appeal against an order passed by the Family Court or the Magistrate's Court and/or the Sessions Court in favour of our clients. Most of the cases were dismissed before admission based on initial arguments advanced by us. Other than cases filed by Majlis, in a few cases related to rights of women within matrimony the High Court has appointed Advocate Flavia Agnes as amicus curiae or mediator to the court. These opportunities have further helped us in consolidating our arguments / campaign for the contemporary nature of women's rights within matrimony.

Brief of some cases handled in this reporting year:

(All names have been changed to conceal identities)

Faheen - Reverting the rights relinquished in Khulanama

This case concerned a Muslim woman in her late twenties who had obtained a khula from her husband where she had given up her right and the right of her daughter to claim maintenance. But subsequently the child became sick with rickets and needed constant medical care.

She needed around Rs.5000/- per month for her daughter's treatment and for the braces which would enable the daughter to get some mobility. We filed for maintenance for the daughter under S.125 Cr.PC. In his reply the husband pleaded that since Faheen had given up her right to claim maintenance in the khulanama she was barred from claiming any relief subsequently. He also challenged the paternity of the child and asked for a DNA test to determine paternity. Rejecting his plea, the Family Court granted her Rs.4000/- per month as maintenance for her daughter. The order brought some respite to Faheen. However, her husband appealed against this order in the High Court.

The ground for doubting paternity was that the daughter Tasneem was born within eight months of marriage. However, in the khulanama the husband had clearly mentioned that there was a child out of the marriage and at that time had not made any comment about the paternity of the child. Faheen had got khula due to the extreme cruelty meted out to her by her husband and his family members since the birth of her child. Further, Faheen had pleaded that at the time of the khula she was not aware of her daughter's illness and that she would require constant medical treatment and hence had relinquished the child's right to maintenance due to pressure from the husband as this was his precondition for agreeing for the khula.

The High Court held that the father could not dispute paternity at a later stage when the wife claimed maintenance for the daughter when earlier he had accepted the child as his. The court ruled that as per S.112 of the Indian Evidence Act there was a presumption of validity of a child born during the subsistence of marriage and rejected the plea for DNA testing. Further the court commented that the parties to a marriage cannot contract themselves out of the obligation to maintain the child through a private agreement. Any contract between the spouses only binds the parties and not the minor children whose rights are relinquished through such contracts and the child is entitled to claim maintenance.

Since very often a wife is forced to sign consent terms during the negotiation which she had very little control over, this High Court judgment sets down an important rule for the lower courts to follow regarding the right of maintenance of children in cases where the wife/mother had agreed to give up the right of the child during the divorce settlement.

Sheetal – Upholding the rights of an educated wife for maintenance

Sheetal was a qualified doctor but had no experience in working as she had just graduated from medical college at the time of her marriage. But the marriage broke down within seven days and she was forced to return to her parents' home. Her husband filed for nullity on the ground of her impotency. In this proceeding, the wife filed a counterclaim for restitution of conjugal rights as she felt that the husband had falsely alleged impotency while the real reason for the separation was that the husband was involved with another woman and had married her only on insistence from his family. In the interim application for maintenance Sheetal was awarded Rs.8000/-. But the husband filed an appeal against this order on the ground that since the wife was a well qualified doctor, she was not entitled to maintenance. The husband

was a builder and was very affluent and enjoyed a high standard of living. Applying the principle that the maintenance should enable the wife to enjoy the same standard of living as her husband the High Court upheld the order of the Family Court. Rejecting the plea that the wife is a qualified doctor and was capable of earning, the court held that since the wife had no work experience, she would not be in a position to earn adequate amount to maintain a certain standard of living.

This judgment is quite extraordinary, coming in the wake of the recent trends in the High Courts and the Supreme Court, where the principle that an able bodied wife or a wife capable of earning is not entitled to maintenance, is gradually gaining currency.

Pre Litigation Counseling

During the year, we provided counseling to 1532 women. One third of these cases have been referred to us by state agencies such as women's commission, police stations, crime branch, state run help line etc. while others came through NGO referrals or referrals from friends within the legal fraternity or former clients. Pre litigation counseling involves explaining to women their legal rights, exploring the best legal strategies to address their specific concern, explaining the process of litigation, arranging joint meetings for mediations and out of court settlements, etc. Only a part of these go up to the litigation stage.

Majlis lawyers also offer legal counseling to community based organization in Mumbai. On the appointed day the women of the community gather at the local office and are given legal advice to individual cases. The community workers too are advised on relevant pre-litigation strategies. Negotiation and settlements with the husband and in-laws are attempted at this level. Only when these efforts fail and it becomes imperative to approach the formal court structure is the woman asked to visit Majlis office to initiate the legal proceedings. Legal Counseling is offered at Dilaasa – A public hospital based project offering counseling services (Bhabha Hospital), Savitribai Phule Gender Resource Centre, YWCA, YMCA, Awaaz E Niswan, AIDWA, Coro, Sneha and others.

MOHIM: Monitoring of Hinsa (PWDV) Act in Maharashtra

Women and Child Department of the State of Maharashtra and Majlis Legal Centre have entered into a collaboration to ensure effective implementation of the Protection of Women in Domestic Violence Act, 2005 (PWDVA) within the State of Maharashtra. The aim of this monitoring cell is to **train, guide, monitor and document** the work of all stake holders who are appointed or designated under the Act.

The PWDVA is structured on a convergence model between various state agencies such as the home department (the police), the public health department, legal aid authority, and the judiciary with the Department of Women and Child Development as its nodal agency. After we entered into collaboration with this Ministry, we have held several meetings with all stake holders and evolved a guide for each agency to adopt. This guide book has been approved at the high level monitoring committee which is headed by the Additional Chief Secretary, Home Ministry and has now been submitted to each individual department for their approval after which it will be tabled in the state legislative assembly. Recently Maharashtra government has also appointed independent Protection Officers under the Act. Majlis has been involved with the first round of training of these officers and now the reporting format evolved by us has been approved by the Commissioner and has recently come into operation. With these mechanisms in place, it will now be easier to monitor the work done in each district of the state. The next step in this will be to install an MIS (Management of Information system) so that accurate data is generated. This work is in progress.

Rahat: Socio-Legal Support to Survivor of Sexual Assault

The project of providing support to rape survivors started with the case of a four year old who was raped by a peon in the school that is located near Majlis office. We were shocked to read the news report that appeared following a complaint filed by the mother of the child and our first concern was to locate the woman concerned and put her in touch with any NGO which provides support to rape victims during court proceedings. Soon we realized that the only programmes that were available were either community based, police station based or hospital based but there weren't any which provided support from the earliest stage till the victim deposes in court - guiding, advising and holding her hand through this ordeal. So we decided to venture into it using our legal skills in supporting women during litigation. Earlier we had done a few cases where children were abused in shelter homes but they were few and far between, as and when someone referred a case of rape to us either for follow up or for a legal campaign. So we consistently followed up this case and finally secured a conviction and a sentence of seven years to the accused despite the stiff opposition from a well reputed criminal lawyer whose services were engaged by the school authorities at a very high price.

In the cases of sexual assault from the time a complaint is filed, the victim has to encounter formidable and daunting institutions like police, hospitals and courts. They are in serious need of medical care, guidance, shelter, school admissions, safe environment etc. They also need a nurturing process of building confidence prior to court appearances as often the cases get dismissed because of inconsistencies in depositions; lack of evidences, Public Prosecutor's callousness or inability to produce relevant case law to counter the defenses' arguments and general lack of sensitivity of the courts towards the victim. Subsequently, based on our experience of following a few cases during the last two years, we applied for a three year grant from International Development Research Centre (IDRC), Canada to consolidate the initiative and have launched RAHAT in this reporting period.

In the wake of the gruesome Delhi rape case in December 2012 and the nationwide protests that followed, we were able to respond immediately by writing articles in newspapers, magazines and academic journals based on the ground level work that was already commenced for RAHAT in the preceding months. This also helped us in formulating our recommendations to the Justice Verma Committee regarding statutory and procedural amendments in laws related to rape and sexual assault.

RAHAT is a collaboration between Women and Child Department (WCD), State of Maharashtra and Majlis Legal Centre to provide socio-legal support to survivors of sexual assault at every step to ensure that the survivor is not re-victimised. The collaboration with WCD has opened up avenues for coordination with other agencies such as the Police, Prosecution, Legal Aid and the Judiciary. The efforts in these directions are at the initial stage but are likely to yield results soon. One of the important areas that we are working on currently is to bringing about a Police-RAHAT coordination and setting up of a helpline to provide immediate support to the victim through the District WCD Office. At present we view our work in Mumbai as a pilot project which has the possibility of extending to other districts.

This programme will also evolve protocols and guidelines and document best practices and place them before state agencies to build consensus and ensure its implementation. Creating awareness in the community and among state agencies about the rights, procedures and best practices to be followed is also a critical aspect of this programme. Only through a convergence model involving the Police, Public Health, Shelter Homes, Legal Aid, NGOs and Civil Society can this be achieved. A seven member ethics

committee has been set up to guide the programme and to ensure that accountability, transparency and confidentiality of the victim is ensured throughout the process of intervention and research.

This programme is envisaged to:

- Help the survivor to access services she is entitled to like medical, trauma counseling, shelter, educational assistance and any other support she may need from time to time.
- Help the survivor negotiate the criminal justice system by providing legal assistance during investigation and trial.
- Create awareness in the community and among state agencies about the rights, procedures and best practices to be followed.
- Evolve protocols and guidelines and document best practices and place them before state agencies to build consensus and ensure its implementation.

The interventions are to take place at the following levels:

- Coordination and Evaluation: Women and Child Development
- Investigation: Police
- Judiciary: Trial Court
- Care and Protection: Shelter Homes & Child Welfare Committee
- Support Services: Community Based Organisations / NGOs

Collaboration with Women and Child Development

An MOU for a period of three years has been signed by WCD and Majlis Legal Centre in order to formalise this project. RAHAT is being implemented as a pilot project in Mumbai which can be subsequently taken to other districts of Maharashtra through WCD units in the districts. The WCD department is providing us with the required support and access that would have been impossible without a state collaboration. The collaboration also gives the programme a status that is essential to break into the hostile system and build coordination among various other stake holders.

Investigation: Police

One of the first and most important tasks that all team members undertook was to map all the 92 police stations in Mumbai based on their jurisdiction and zones. After the base work, we were able to get into a formal collaboration between the RAHAT Team and the Mumbai Police for effective intervention. The Police will contact the RAHAT helpline when a case of rape or sexual assault is reported and provide relevant details. This will ensure that all cases of rape and sexual assault are brought to the team's notice within 48 hours and RAHAT can offer timely intervention and support to the victim.

Recently, in a particular case when we noticed a minor girl had to wait in the police station for over 12 hours and was shunted from one police station to another on the issue of jurisdiction, we approached the Police Commissioner to issue a circular with clear guidelines as to the procedural guidelines under the new Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and the Criminal Law Amendment Act, 2013 (CLA Act) and the same has been circulated to all police stations. Now as a follow up, there will be 12 zone wise consultations on the extensive resource material prepared by RAHAT to explain the procedures that are to be followed and to work out the formalities of the collaboration.

Individual Case Intervention

The individual case intervention begins at the police station soon after the FIR is filed. This helps us to provide support to the victim at the early stage of the case and also helps us to ensure that all necessary procedures are duly followed. The follow up of a rape case involves several levels of interventions, with

the family, community, the police, shelter home, Child Welfare Committee, the public prosecutor and the trial judge. The process may go on for a period of one or two years. Initially our involvement used to be very deep and intense. But with the emerging of a structure, now we are working more with the system both at the level of the police station and the court and less in the community.

The second level of intervention is when the trial is about to start. Then we follow up the case on every date and also contact the victim and explain to her the court procedures and arrange a court familiarisation visit as and when the need arises. We are able to sit in the court when the victim is facing cross examination in court as a support person so that she does not get intimidated and is able to depose without fear and anxiety.

Trial Courts:

In order to understand trends with regards to sentencing, prejudices, age, consent, etc we are in the process of studying 100 trial court judgments of rape over the past three years. An analysis of these judgments on various aspects is being conducted.

The entire trial in the Sessions Court is conducted by the Public Prosecutor (PP). Very often the PP is unable to present the cause of the prosecution in the effective manner especially against an astute criminal defence advocate. Moreover, PP's have limited infrastructure and other facilities at their disposal. Due to their own limitations they may not perform in the most effective and sensitive manner. Hence, RAHAT advocates assist the Public Prosecutors throughout the trial. Moreover, throughout the trial we ensure that all the special provisions for the victim in the specific statutes are followed and other Best Practices are also adopted.

The RAHAT team has evolved a comprehensive document containing Guidelines, Protocols and Best Practices to be followed by the Judiciary in cases relating to rape and sexual assault. This document has been drafted after taking into consideration relevant statutes, leading case law, best practices adopted in various countries and from our own experiences of following such cases in Court. After meeting several Judges and receiving their inputs, we are hopeful that this document will be approved by the Chief Justice of the Bombay High Court soon and all Courts within the State of Maharashtra will adopt and follow these guidelines.

Shelter Homes and Child Welfare Committee:

When a child who is a victim of sexual assault is in need of care and protection, then such child is produced before Child Welfare Committee, who ascertains the need of the child. The child is then sent to a children's home/shelter home and her stay there is periodically reviewed until the Committee is satisfied that it is safe for her to return home and/or to a relative's home. RAHAT members periodically visit these Children's home to meet victims of sexual assault. We assist them in preparing for Court and offer them other support services as per their requirement.

Collaboration with Community Based Support Services:

RAHAT has recently collaborated with **Childline**. This organisation has an all India helpline number **1098** which receives distress calls on cases relating to child sexual abuse. RAHAT provides legal support to the Childline social workers such as assistance while recording the FIR, following protocols while recording the statement of the victim, opposing bail applications, following up the case in Court, etc. Our collaboration with Childline enables us to be involved with the process and procedure before the FIR is lodged so that we are able to understand the trajectory of a case of sexual assault in a holistic manner. Moreover, since Childline is based in the community it helps to provide referrals to other support services to the victim in the community.

There are several community based organisations who started referring cases of child sexual abuse to us, but many of them were referred when the trial was about to start. However, after the enactment of POCSO and CLA Acts we will be involving community based organisations in our awareness programmes.

Profile of Three Rape Cases

Each rape case brings to the fore a wide range of socio-legal complexities. These profiles help us to understand the situation of young girls who come from extremely poor and marginalized backgrounds. Following up these cases has helped us to gain some realistic understanding of how the criminal legal system functions and why it often fails. When we read the general statistics put out by the national crime record bureau we are seldom able to grasp the reality of the victims whose shattered lives lay beneath the official statistics. Here are some of the cases where we have intervened. The names of the victims have been changed to protect their identity. Where necessary even the name of the accused has been changed.

60 year old watchman convicted for sexually assaulting a four year old child in school

Its been two long years of trials and tribulations as we journeyed the difficult path with a very young rape survivor. As was reported earlier Majlis 'Socio-Legal Support to Survivors of Sexual Assault' Programme started with this case.

The incident had taken place within the premises of Kalina Education Society in Kalina in February, 2011. When the mother noticed the injury on the four year old girl she rushed to the police station But instead of registering a case, recording her complaint and sending the child for medical examination, the police preferred to call the school principal to the police station. The Principal, in the presence of the lady police sub-inspector threatened the mother that if she files a complaint, her child will be thrown out of the school. This led to valuable medical evidence being lost. The next day the mother was asked to bring the child to school by the lady sub-inspector for "investigations". While the mother was asked to wait outside the school compound, the child was interrogated alone by the principal and teachers in the presence of the police and was threatened. The case was recorded only when the mother, on the third day, at her own initiative took the child to a private doctor, who after noticing the injury referred the child to the Sion Hospital (Government Hospital). The doctors who examined the child called the Vakola Police Station and directed them to record a complaint of rape. The media reports which appeared after the case was filed, made extremely derogatory statements against the mother of the young girl, insinuating that it is a false complaint which has been filed to blackmail the school authorities into paying her a huge settlement.

We contacted the family when we read the news reports as the school is located literally in our backyard. Hesitantly the mother came to us. When we met her the first time she was crying for "Justice". She wanted someone to take up her case as she did not trust the criminal justice system after her experience with the police. We are a team of lawyers representing women in cases of domestic violence. While courts are not alien to us the criminal trials would be a whole new experience compared to matrimonial litigation. The school watchman was represented by none other than the reputed senior criminal lawyer Mr. Majeed Memon, while the girl was represented by a special public prosecutor, who did not have much experience in dealing with rape cases.

After over 50 court dates and individual sessions, at every step our role was to support the child and her mother through this ordeal, by providing socio-legal counseling, helping the illiterate mother to understand the legal processes and to familiarize her with court structures and legal documents. Our simultaneous

role was to ensure protocols and guidelines for investigating a child witness were adhered to. Despite resistance we persisted. When we pointed out the Sakshi guidelines, and insisted there be a screen between the accused and witness, the judge who was entrusted with the matter at that time as well as the PP had never heard of them and the judge commented, "all this can be followed only in the Hon'ble Supreme Court and not in our trial courts".

Finally towards the end of the case when it was time for the child to depose in court, we were fortunate that the matter came before a sensitive judge, P.G. Ganediwala, who ensured that the questions for cross examinations are given to her in writing and are put to the child survivor only by her. At this point the defense lawyer submitted a list of 100 questions which were disallowed and only the relevant ones were presented to the witness. Our advocates were allowed to be present during the in-camera proceedings so that the child is not unnerved or intimidated.

The child identified the accused in court during her examination and was able to answer questions in cross examination cogently and logically and the evidence of the child could not be shaken in cross examination. We were worried because the police investigations were shoddy and there were contradictions even in the medical reports. Initially the OPD had written on the case papers that there were no injuries, but later after a detailed investigation the gynecologist reported injuries to the hymen. During cross examination, the private doctor turned hostile while the doctor at the public hospital stood firm even regarding the contradictory medical reports.

The response of the public prosecutor was extremely demoralising as he felt that this case had no hope. We submitted written arguments and case law and prevailed upon him to submit oral arguments which he did for a mere 20-30 minutes. The accused lawyer Mr. Majeed Memon argued for over three days, while we waited patiently, biting our nails. On Monday, 25th February, 2013 the hon'ble Session Court delivered its verdict. It convicted the watchman for sexually assaulting the minor child within the school premises, under section 377 of IPC and sentenced him to seven years of imprisonment and a fine of Rs.25, 000. The State will also provide Rs. 25,000 as compensation.

We consider this a great victory for our survivor support programme as it gives us confidence that we are progressing on the right track.

State of Maharashtra v. Tillam Singh Sessions Case No. 452 of 2011

Article <http://www.indianexpress.com/news/court-raps-police-for-shoddy-investigation/1079745/0>

Despite all the Socio-Legal Support... a Case Lost!

As fourteen year old Priya had not been getting her periods for some months, her mother took her to Shatabdi, a public Hospital in the nearby area, for a checkup. During examination it came to light that the child was five months pregnant! No case was filed, but Priya and her mother were referred to the hospital's counseling centre where two social work students were placed. The students knew about Majlis' programme and send them over.

So, it was by sheer luck that Priya and her mother Anju reached our office. The girl looked extremely vulnerable and in a state of shock. She revealed that she and her friends would often go to a Pramukh's (term for the neighbourhood leader of Shivsena party) house to help his wife with house work. About six months ago, when his wife was not at home, a 50 year old man raped her. He threatened her that if she ever spoke to anyone about it, he would kill her. She had no idea about the consequences which might befall on her, and hence kept silent, and did not even confide in her mother. It was poignant to watch the child, who had just realised that she was pregnant, trying to cover her stomach with her dupatta.

Anju is an illiterate single mother trying desperately to manage her family by earning a meager amount as a domestic maid. She had never stepped out of her local area. For the last two generations they have been living in the same slum. When faced with the news, Anju's only concern was how to quietly get an abortion and end the story. She was extremely afraid that if her son found out all hell would break loose. The pramukh was influential and so she did not want to contact the police. We tried our best to assure her that if she wanted to complain we would support her in her pursuit of justice... but these words did not make any sense to her.

We asked her to think about what she wanted to do and promised to meet her the next day at the hospital (she did not want us to come home). But the next day Anju did not turn up. We were very worried at what she would have done with her daughter in order to cover up the incident. Priya's pregnancy was well past the statutory limit permitting an abortion and we were scared about the danger to her life. There was no way of contacting Anju as she had not left us with any number or address.

Then three days later Anju contacted us. All hell had broken loose as her son found out. The police was informed and an FIR was lodged. The accused was taken into custody, required medical tests were done and statements were recorded. Priya was produced before the Child Welfare Committee and was taken to a shelter home. Our first challenge was to ensure that the girl's health and well being were being taken care of in the shelter home. Priya was not comfortable at the government shelter home, so we requested the CWC to move her to a home for unwed mothers run by Christian Missionary Sisters in the Western suburbs. The request was granted. We also counseled Anju and her son to help them cope with the situation. When Priya delivered her baby we were there. Anju could not reach the hospital as she could not travel alone late in the night. Given Priya's tender age and Anju's financial condition, there was no question of keeping the baby. We had to repeatedly remind the police to collect the blood samples of the baby, so that the child could be put up for adoption.

Priya returned home and Anju was keen to care for her daughter. But she soon realised that due to sniggering and humiliation from the neighbours it was impossible to keep her daughter there. So Priya was forced to live in the village where poverty was worse and she was not even given basic nutrition. Anju was desperately trying to collect money to move to another slum and start fresh. Multiple vulnerabilities were at play here. Since we do not have a financial assistance project and the State Victim Compensation Scheme was not in place, we could not offer any financial support to the family.

But the case in the court was progressing smoothly. We followed up with the police to ensure that the investigation was on track and the charge sheet filed in time. Within two and a half months of the incident the charge sheet was filed and the matter was admitted to the Sessions Court. This was an open and shut case, we were confident of a conviction. This was one of the few cases we have come across where the statements were recorded by the police without any loopholes, DNA proof was there and the family of the survivor was committed. But the DNA report came negative.

The blood samples of the accused did not match that of the child. The police called Anju to the police station and abused her for maligning a respectable citizen. We rushed to the police station and impressed upon the officer that his duty was only to submit the DNA report to the court and not pass any value judgment. We met Priya and tried to probe if there was any other person. But Priya, all of fourteen and having gone through the ordeal, with utmost conviction reassured us, that he alone was the culprit. We believed her.

The Public Prosecutor (PP), the woman who was to represent the victim, accused Priya of having a boyfriend and declared that it is a false case even before it came up in the court. Her entire approach towards the case changed dramatically after the DNA report. But if Priya had a boyfriend, the news would have spread as she lived in a thickly populated slum with huts adjacent to each other. Nothing misses the keenly watchful eyes of the neighbours in these settlements.

However, we watched the PP like hawks on every date to ensure she was doing her job. Priya was brilliant in her examination and cross. We were there by her side to support her. The PP of course did not even bother to meet her before the trial and prepare her. The defense lawyer used all kinds of underhand tactics during Anju's cross. He accused her of being a woman of loose character and being greedy and wanting to extract money from the accused. But before he could ask any more embarrassing questions, the presiding officer, a sensitive lady judge, stopped him. This judge is known to follow Sakshi Guidelines, not allow unnecessary questions and most of all; she makes the witness comfortable in court. All this helps bring the best evidence before the Court. The final arguments were a disaster. The PP argued with absolute lack of interest (She may not have even argued if we were not there). She submitted the case laws and the written arguments that we had prepared, because we insisted. The Defence Counsel argued at length about how the DNA Report was negative and therefore it was clear that the accused had been framed to take revenge because the victim's mother was not allocated a tenement under the slum rehabilitation scheme.

Judgment: "Not guilty, the prosecution has failed to prove the case beyond reasonable doubt". The judge also commented that the plea of the defense about revenge appears to be probable! Immediately after passing the judgment, in an informal tone, the Judge asked our lawyer whether we take up all cases or only 'genuine' cases. Before we could recover from the absurdity of this question, the PP replied "Oh, they take up any case that comes to them". But we desisted from getting into an argument as we have many other rape cases which were pending trial in that court.

Anju took the news calmly and in her stride. She told us that she was not interested in filing an appeal. She had changed her residence, Priya was back at school and they were making every attempt to get over this trauma. Ideally, this narrative must end here, but it has a postscript. A few days later, a visibly shattered Anju came to our office. There was a story in the newspaper accusing Anju of filing a false case to frame the accused for material gain. It is this incident that broke Anju. She wanted to file a case against the lawyer and the newspaper. But since no names were mentioned there was nothing we could do. Anju told us that Priya had threatened to commit suicide after seeing the newspaper article. The society finally had its revenge.

State of Maharashtra v. Ramesh Dawle Sessions Case No. 349 of 2012

When Rape is Not Just Rape

Sometime around August, 2012 newspapers reported that a 14 year old girl was raped. The girl was 8 months pregnant and had been admitted to hospital. The rapist, a Muslim youth, was arrested. We decided to follow up the case and so approached the concerned hospital but were informed that the girl had been discharged. We then contacted the local police station who directed us to the girl's home.

Our first image of Monica is of a very pregnant, chirpy and vivacious teenager. She was at home chatting with some friends around her own age. Her mother was away at work. Monica lives in the attic of a hutment in the fisherman's colony, in South Mumbai. When we enquired about the incident she told us that Iqbal was her boyfriend and that they were to marry soon. According to her, there was some

misunderstanding and Iqbal would be released soon. She seemed quite relaxed and oblivious of the gravity of the situation. Her only request for us was to help her meet Iqbal in the Arthur Road jail.

Monica's father had abandoned her mother and was living with another woman in a slum nearby. Her mother worked on 12 hour shifts as a private helper-nurse. Her father continued to visit their place in a drunken state. He would beat up her mother and demand money and sex from her. In her growing up years, Monica had been traumatized by these recurring incidents of violence. Initially Monica attended a local municipal school but after school hours she had to fend for herself till her mother returned from work. Eventually she dropped out of school. She would then spend the entire day with her friends who were also school drop outs.

Soon Monica got into a relationship with 20 year old Iqbal. He lived in a nearby slum and worked as a driver earning Rs.15,000 per month. Iqbal would visit Monica at home when her mother was away at work. It was only when Monica visited a public hospital with stomach pains that she realized she was pregnant. She had crossed the permissible period for abortion and hence had no choice but to continue with the pregnancy. Monica's mother was very upset. She approached Iqbal's family and proposed marriage. However Iqbal's family rejected the proposal of marriage of their son to a lowly Christian girl. But Monica was confident of her relationship and convinced her mother that in due course of time Iqbal would surely marry her. Her mother had no choice but to bide time.

In her eighth month of pregnancy Monica was again taken to another public hospital. At the registration counter, Monica was asked routine questions about her age and marital status. On realizing that she was just 14 and unmarried, the hospital, without her knowledge, contacted the local police and all hell broke loose! When the police arrived Monica's mother tried desperately to convince them that the act was consensual and they were to be married soon. But the doctors insisted that it was a case of statutory rape (as she was below the age of consent). The police and doctors compelled her to file a criminal complaint. Iqbal was immediately arrested. The news was splashed in English and local language newspapers and the local cable networks. Iqbal was immediately sacked from his job. He was the sole earning member of his family. So the family was furious with Monica and her mother and blamed them for his misfortune.

Monica pleaded with us to help her meet Iqbal in jail. We asked her to come to our office with her mother so we can talk to her at length and explore the options for her. We suggested that we could help her to get admitted in a good shelter home run by Christian nuns and she would stay there away from the immediate surroundings and have time to reflect and explore other options. After the baby was born she could give up the child for adoption and pursue her studies as many other girls in a similar situation were doing. Her mother liked the idea, but Monica was not interested. Every time there was a pause in the conversation, she kept asking whether we will help her meet Iqbal in jail. She had even come with cooked food to give Iqbal. She was totally in love and that was the only reality for her. However the jail authorities informed us that only blood relatives were allowed to meet under trials. The fact that she was carrying his blood in her stomach, did not matter at this juncture!

Then began the legal procedure. Iqbal's family hired an expensive lawyer. Under his advice Monica personally appeared before the judge to plead for the release of Iqbal. They promised to arrange her marriage as soon as he was released. But this strategy did not work and even bail was not granted. Monica would be in touch with us regularly, attended the court on each date to have a brief interaction with Iqbal despite her advanced pregnancy and health issues, but every time the bail application was rejected, his family grew more antagonistic towards Monica. After several bail applications were rejected, the lawyer advised Monica to stop contacting us as they feared that being a women's rights organisation our only interest would be to secure a conviction. But Monica's mother kept in touch.

As the charge sheet was getting filed, Monica delivered a baby girl. The trial started four months later. Monica came to court carrying her four month old daughter in her arms, both fully covered in a Hijab! Perhaps she thought this would give her a semblance of respectability within the court environment or that by accepting the cultural norms of Iqbal's family she would gain acceptability from them. The trial concluded within two hearings. There was nothing much to decide. Monica turned hostile and deposed on oath that she does not know Iqbal, that it was a case of mistaken identity by the police. Everyone cooperated – the Investigating Officer, the woman public prosecutor, the court staff, and even the judge herself! Iqbal was acquitted. We have not been able to contact Monica or her mother thereafter. We do not know whether Iqbal actually married her.

This is a case where a young girl with multiple levels of marginalization tries to find a meaningful resolution on her own terms. She is then caught in a web of state laws and its moral codes. More recently, the situation of girls like Monica has been rendered even more precarious. The recently enacted *Protection of Children from Sexual Offences Act, 2012* prohibits ALL sexual activity for children below 18 including touching, kissing, fondling, necking, etc. It also introduced the provision of mandatory reporting. Hence non-reporting of sexual intercourse of children below the age of 18 has been now rendered an offence. Young girls in consensual relationships, who accidentally get caught in this legal web will have no other option but to turn hostile in court. The law was changed at the behest of certain child rights activists and NGOs who most conservatively labeled all sexual activity, including consensual, between children under 18, as rape and trafficking, the underlying premise being that a young girl under 18 is incapable of giving her valid consent and hence the consent she gives is vitiated.

When will the state and civil society begin to take responsibility and address the multiple levels of marginalities of poor young girls rather than sitting on a high pedestal and criminalizing its consequences? What is the future that awaits these young children?

Training & Legal Awareness Programmes

In this reporting period through our short term initiatives in colleges, communities and also through legal rights training for members of judiciary, police, public prosecutors, protection officers etc. we have come in contact with around 16,000 people. Though most of these encounters are fleeting and happened during the one-time training courses it does provide a basic exposure to statutory rights.

The training and awareness programme includes:

- 'Domestic Violence Act' Legal and practical application of the law
- 'Sexual Abuse of Minors' legal and practical understanding for follow up of rape cases
- 'Dealing with Sexual Harassment at Workplace' guidelines and procedures to be followed
- 'Gender sensitization' to Police, Judges and Government officials

Recently, we have evolved a more structured course that can be delivered to a small group of social workers where the training is continuous and the impact of the training can be monitored. In this regard we have evolved "Para Legal Understanding for Social Workers", a certificate course on negotiation and mediation on behalf of women.

Campaigns

Exemption of Women from payment of Jail Bhatta charges in Execution Proceedings: Majlis initiated this campaign in 2006 to bring respite to women who filed for Maintenance under Civil Laws. On getting an order of Maintenance, when a husband does not pay, the woman files proceedings for arrest of the husband. On passing an arrest order, the court first asks her to pay Jail Bhatta Charges (sustenance allowance paid to the State for the upkeep of the arrested person). After five long years of campaigning, we have been able to get women exempted from paying Jail Bhatta charges in cases of maintenance.

Matrimonial Property Rights for Women: We were invited in 2011 to draft a bill on Division of Matrimonial Property, which was accepted by the Ministry of Women and Child Development. But when it reached the Ministry of Law and Judiciary it received a setback. Due to the objections received from some quarters of the Muslim religious leaders the Bill was referred back to the WCD for further deliberations. We held meetings with senior members of Muslim Personal Law Board and Ulemas to clarify the issue of women's property rights. Now we have constituted a committee of representatives of different religious denominations for further discussions on the Bill.

Surname Issue: The law on names - the question of choice.

- Right of women to use their maiden surnames after marriage
- At the time of Filing for divorce in the Family Courts – Mandatory Use of Husband's First name as the wife's Second (middle) name and his surname as the wife's surname

In the Bandra Family Court, the staff would not accept petitions/applications from women unless they added the first name of their husband as their middle name, and his surname as their own. This, even though the woman had never used her husband's name or surname after marriage. Orders that came from such litigation would thus have a name that the woman would not otherwise use and this would have adverse impact while submitting documents before authorities. Majlis took up this issue with the Bombay High Court and after a prolonged procedure of many meetings and providing ample research on the extent of the problem to the guardian judges in the HC, the Hon'ble judges were convinced.

The Registrar High Court (Legal & Research) informed us that the relevant clause, Rule 5 of the Family Court Rules, 1988, which deals with "Institution of Suits" had been duly amended. **After Marriage:** * A wife may continue to use her maiden name if she has not changed it officially after marriage * A wife can file for divorce in her maiden surname; married surname; any other name she may have adopted and recorded in an official gazette. **After Divorce:** * A woman can continue using her former married surname, except if her intention is to defraud the former husband.

Maharashtra State Women's Policy: Majlis has worked very closely with the Department of Women and Child Development to work towards a comprehensive women's policy in the state. The Law section in the policy was drafted by Majlis. The policy has gone through a series of modifications and was finally released for public response on 8th March, 2013. After eliciting response from the stake holders further meetings were held to draft the final version of the policy, which would be effected in this calendar year.

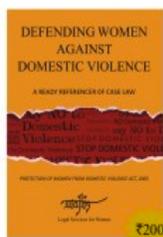
Rape Victim Compensation: This has been a pressing campaign issue for the last three years and we have been working closely with the Ministry of Women and Child Development to evolve a scheme for relief and rehabilitation of rape survivors. Through vigorous persistence currently we have achieved some results and a new scheme has been drafted and submitted to the cabinet for final approval.

Conferences

Negotiating Spaces: Interrogating Patriarchy and the role of natal family in violence against women. 11th and 12th August 2012, in Mumbai. This was the third edition of the series of national conferences planned on various aspects of the issue. The two day workshop had seven panels comprising of distinguished scholars, and senior and young activists who shared their insights into various aspects of natal family patriarchy - preference for male child and sex determination tests to discrimination in child rearing, access to health care, sexual control faced by adolescent girls and the issues around 'elopement marriages' and the violence perpetrated on girls with same sex sexual preferences. There were also discussions on the pressing issue of dowry death and the culpability of the natal family which had hitherto been ignored by the women's movement.

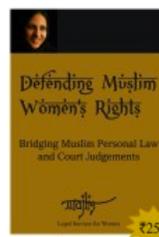
Research & Publications

In this reporting period Majlis Legal Resource Centre has brought out following informal publications as campaign and training material.



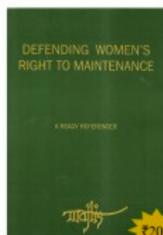
Defending Women Against Domestic Violence: Procedures and Case Law

This book is a step-by-step guide to help stakeholders access the law. Details of procedures to be followed and model drafts are provided. The compilation of positive case law acts as a handy guide for judges, legal practitioners and other stakeholders to support arguments in favour of women.



Defending Muslim Women's Rights: Bridging Muslim Personal Law and Court Judgements

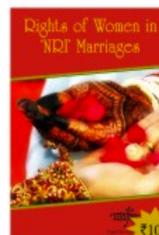
This book examines the manner in which Muslim women's rights have evolved over the last two centuries within the Muslim Personal Law, through court interventions. The court verdicts have strengthened and expanded the horizon of Muslim women's rights and highlighted the principles enshrined in the Quran.



Defending Women's Right to Maintenance

This ready referencer helps women access maintenance under section 125 Cr.PC. Pre litigation advice, drafting (including model drafts), filing, arguments and also the procedure for enforcing court orders is covered herein. You will also find ways to overcome strategies and tactics adopted by errant husbands in defeating a woman's claim to sustenance. The pro-women rulings of superior courts will help strengthen the claim of women and also clear common misconceptions about the law.

(Also available in Marathi)



Rights of Women in 'NRI' Marriages

This book attempts to prepare women who are entering into 'NRI' marriages or for those who are exploring legal options to protect their rights. It provides advice on how to deal with situations, and precautions and legal strategies to be adopted when confronted with an eventuality. It also has a compilation of leading cases on issues concerning such marriages, from the perspective of women's rights.

Besides, the formal publication of **Negotiating Spaces: Legal Domains, Gender Concerns and Community Constructs**; Editors Flavia Agnes and Shoba Venkatesh Ghosh has been published by Oxford University Press during this reporting period. The publication is a compilation of the proceedings of a seminar held in 2010.

Reflection

Although the outreach and effectiveness of the collaborations with the state agencies that we have forged in this reporting period are invaluable and help us to scale up our work, it also has its own difficulties and challenges. The work progresses at a snail speed through elaborate procedure of attending numerous meetings and obtaining endless approvals which requires great patience and perseverance. The periodic transfers of the officials who have been crucial in developing the project are causing major hindrance towards progress. Often we need to reinvent the wheel multiple times before the project could reach the level of implementation. Only a deep conviction towards the end goal can help the team in enduring such frustrating experiences. Through this process of working closely with the government for the last two

years, we have been able to understand the mechanics of government functioning and are now able to work within the system to a certain extent. This period for Majlis Legal Centre is significant as it moves from being a pressure group and a small scale service centre for the victims of violence to be a policy level partner with the state in all its implementation programmes concerning violence against women.

Activities

Cultural Centre

The work of the Cultural Centre was commenced mainly around various outreach programmes of Project Cinema City. The five year old project is an inter-disciplinary research, production, archiving and public access project on the city of Bombay / Mumbai and its public cultures. The project involved more than hundred individual artists from different disciplines and registers, and several academic and cultural institutions. In this reporting period the main thrust of the project was to evolve innovative programmes for large scale dissemination and devices for public participation.

The tangible output of the project has been nine documentary films, thirteen interactive public art installations, several merchandises for popular consumption, two publications, a large compilation of resource material for pedagogical courses and documentation of archival material. The outputs were designed to cover the wide range of recipients from general public to artists' community to academic sector. It was also an exercise to bring the popular and the discursive forms on the same platform. The works were produced following a complex model of collaboration between individuals and institutions, and meant for large scale public disseminations. The works are simultaneously pedagogical, entertaining, interactive, discursive, archival and political. In order to disseminate the project to the widest public a multi-layered scheme has been evolved – educational programme with academic institutions, broadcasting of films through television channels, screenings through film clubs and film festivals, exhibitions through state institutions, book events through universities and cultural institutions, and discursive events with peer institutions around the country.

Public Exhibitions

The public exhibition titled Project Cinema City: Research Art and Documentary Practices was the central activity for the Culture Centre in this reporting period and it ran through May-December 2012. The large scale exhibitions were supported by the Ministry of Culture, Govt. of India and housed at the National Gallery of Modern Art (NGMA) premises in Bombay, Delhi and Bangalore. The ministry's support in terms of bearing the expenses of insurance, transport, equipments and infrastructural cost has been crucial for reaching the project to the public domain. The exhibitions ran in each city for 6 weeks and the fact that NGMA galleries are visited by a large number of ordinary people beyond the circuit of artists, intellectuals and elites has brought in a new dimension to the project. Without the help of state infrastructure the exhibitions could neither run for so long nor reach to the public at this scale.

When the show opened in Bombay it was the month of May, at the peak of summer and we feared that the adverse weather would affect the audience participation. But that proved to be a boon as large number of people enjoying the summer vacation in the city started dropping by. The daily footfall in the Bombay show was around 250 with an escalation to more than 500 during the weekends. The day of the inauguration itself brought 650 people to NGMA, surpassing all its previous record. Though the number of spectators reduced gradually during the Delhi and Bangalore shows, mainly because of the lack of familiarity with the theme, they still have recorded a much higher attendance than an average NGMA programme. By the NGMA's own record Cinema City shows were attended by around 15,000 people.

The exhibition showcased thirteen large scale art works, some were produced by the project insiders as collaborative arts and few were made as individual works by invited artists such as Atul Dodiya, Pushpamala N. etc. The collaborative works were produced through a process of adopting the textual and visual research into tactile objects and the individual works were developed as a response of the concerned artists to the agenda of the project.

The works that were exhibited at NGMA:

- i. **The Calendar Project:** 60 date calendars designed by several artists, filmmakers and design students.
- ii. **Table of Miscellany:** Compilation and sculptural installation of photographs, texts, maps, publication on a library-cum-laboratory look-alike structure.
- iii. **Imaginary / Tactile:** Installation and video projection on material aspects of cine studios and movie theatres.
- iv. **The western Suburb:** Video installation on the sweatshops of cinema production.
- v. **The Pipeline Network:** The sites of cinema productions and exhibitions laid on the map of the city – made by PVC pipes.
- vi. **Censorship:** Interactive text installation on the 1920 guidelines to cinema censorship
- vii. **Bioscope:** A game of roulette with snippets from the history of cinema and the city.
- viii. **D-Cycling:** Video animation and interactive installation on image production in the digital era.
- ix. **Telephone Installation:** An interactive game of sound with archival tracks related to what is popularly known as the heady city life.
- x. **Fourteen Stations:** Painting of popular Bollywood film villains on the station signboards along the suburban railway line.
- xi. **Phantom Lady and Sinful City:** A photo performance impersonating the action heroine of yesteryears in the backdrop of real estate menace in contemporary Bombay.
- xii. **Toy Settlement:** A cinematic cityscape made of colourful wooden toys that whirl and turn when activated by the presence of people.
- xiii. **Museum Shop of Fetish Objects:** A speculative museum of cinema at the forthcoming time of post-cinema.

Other than the art works nine documentary films made under the project too were screened in two slots in the adjacent auditorium at NGMA venues. The eight video vignettes made on the cinema city Bombay compiled one programme of two hours and the other slot was the 90 minutes long documentary on Manipuri cinema – *Fried Fish, Chicken Soup and a Premiere Show*. Each screening was attended by one of the filmmakers who engaged with the audience in a QnA, post the screening. The film series have also been screened independently of the show in Delhi, Madras, Madurai, Trivandrum, Pune and also abroad.

During the shows special gallery walks were conducted by the curators, participating artists and occasionally by invited guests. The walks turned out to be very popular and the number of spectators increased dramatically on the scheduled days. Besides, many academic institutions – architecture colleges, design schools, media studies centres etc. – contacted us for special guided tours of the show for their students. Especially in Delhi the student participation was quite overwhelming. This could be because of the high number of institutions on art and cultural education in the city. Whereas the Bombay show was special in terms of responses from the ordinary citizens and the Bangalore show marked a high level of engagement from the local artists' community. It is interesting to note three different registers of audience participation in the three metropolises as they are quite related to the social compositions of the cities.

The shows were widely written about in the press as well as in numerous blogs and e-zines. Various aspects of the show and the publications were covered and reviewed by journals like DOMUS, Economic and Political Weekly and Marg. NGMA occupies some of the best and most accessible venues in the country, but its deep association with classical art has never endeared it to the general public. It is widely believed by the artists and curators circle that Project Cinema City shows have broken that jinx for NGMA. On the other hand, the response of Maharashtra State Govt. was shameful. After contacting the state cultural ministry innumerable times we were granted an audience with the minister in the month of June when the show was actually running in Bombay. The minister benevolently proposed that the Govt. would like to support us for a touring exhibition on 100 years of cinema to travel to the hinterland. We proposed that we would develop a mobile version of the current show and convert the works into Marathi. But the proposal never got to see the light of day, and neither did the minister or his team ever bother to drop in to see the show at NGMA which is within a kilometre from his office at Mantralaya. Later we came to know that the grant to commemorate the centenary of Indian cinema had been spent in assorted star studded Bollywood events. Hence we entirely missed out on taking the project to smaller towns and rural areas though we were absolutely convinced that conceptually it was possible. Though the main show has got a dream run in the three metropolises followed by smaller scale presentations in other cities it could have achieved an even wider impact had the state Govt. acted upon it.

Publications

The first volume of the project publication titled *dates.sites: Project Cinema City Bombay / Mumbai* has been published by Tulika Books, New Delhi in August 2012. The book was released at the Osian Festival of Asian and Arab Films in Delhi by the eminent filmmaker Dibakar Bannerji and by Swapan Kumar Chakravorty, the Director General of the National Library of India in Calcutta. The book is schemed as a popular rendition of the history of public culture and urbanity in the 20th century and towards this aim it has been designed like a scrap book with found texts and graphics. A multi-layered text line comprising policies, events, dissents, movements, memoirs, rumors, beliefs and fictions were grafted together around dates. The text was then designed in a contrived non-linear pattern to keep open the scope of multiple and participatory readings of history. It is written by Madhusree Dutta and designed by Shilpa Gupta. The book also contains sixty calendars based on various landmarks in the 20th century that are designed for the project by eminent artists, filmmakers and design students. Other than the calendars the book also contains a large volume of assorted found images broadly dealing with the urban public culture. This endeavour has been much appreciated for its innovative way of engaging with history and disseminating it.

The second publication - an edited volume by Kaushik Bhaumik, Madhusree Dutta and Rohan Shivkumar - with analytical essays, maps, research data, visual essays, graphic stories, and representations of the films and the art works commenced under the project - is still being worked on. This book is being envisaged as an anthology of the entire project and targeted for the academic institutions and cultural practitioners. The book is divided into three sections – Space-location, Labour –production and Viewing-consumption.

Since the scope of the project is immensely vast and requires dealing with material of varied genres and from disparate sources it is taking a long time to design the second volume. We hope to release this book by the end of the current year. This book too is being published by Tulika Books, New Delhi.

Prints, Merchandise and DVDs

The Ministry of Culture, Govt. of India and NGMA has published three folders containing eighteen calendars from Project Cinema City exhibition at subsidised rates. These calendars are simultaneously contemporary art works by eminent artists, a documentation of the public culture in the 20th century and popular culture objects. This segment is also planned as an exercise to make art accessible to ordinary people. These prints are now being sold from all outlets of the ministry of culture all over the country. Without the state intervention Majlis could have never been able to put the works in the public domain so effectively. Other than the calendars Majlis also produced various merchandise – 54 calendars from the Calendar Project printed as picture postcards, a 10 foot long folding measuring scale that one side maps, decade by decade, the significant films of the era; and on the other side gives snippets of the timeline of Bombay city; and a set of six coasters that replicate advertisements of six incongruous films – as a device for popular dissemination of the research. These objects were sold at the exhibition venues and during other events at cost price. These proved to be very popular with the younger generation in the audience.

In this reporting period Majlis has also released a set of DVDs containing nine documentary films produced under Project Cinema City. These DVDs are procured by several libraries, university depts. and film archives. The DVDs are also being distributed by Under Construction, the sale outlet of Magic Lantern Foundation.

Conference, Seminars and Book Events

i. The first exhibition in the series at NGMA, Mumbai in May 2012 was opened with an International Conference on Archiving the Contemporary. The conference was planned as a dialogue between artists, filmmakers, urban scholars, cultural historians and archive project heads around the methodologies and techniques of documenting and archiving at the time of vanishing materiality and increasing transiency. Project Cinema City research and productions framed the immediate context for the conference and similar initiatives were invited to share their views on the project.

The keynote speakers of the conference were Stefanie Schulte Strathaus, director of Arsenal – Institute of Film and Video Art, Berlin and Dr. Tapati Guha-Thakurta, director of Centre for Social Sciences, Calcutta. Arsenal is a premier institution in Europe that has been archiving the radical practices in film and video for last fifty years. This institution took the main initiative to present Project Cinema City at Berlinale (Berlin International Film Festival) in 2012. In her presentation Ms. Strathaus presented the ideological and technological challenges in building and preserving an archive and simultaneously inducing contemporaneity into that. In the second keynote address Dr. Guha-Thakurta presented a case study of public culture as archiving the contemporary through the popular *puja pandals* in Kolkata.

The other speakers in the conference were legal scholar Lawrence Liang, film historian Ashish Rajadhyaksha, art historian Jyotindra Jain, architect Rohan Shivkumar, artist Gulammohammed Sheikh, filmmaker Paromita Vohra, film teacher Arghya Basu, film scholar Kaushik Bhaumik and filmmaker Madhusree Dutta. The conference was attended by around a hundred practising artists, filmmakers, curators, architects and students.

ii. The inaugural conference was followed by a public screening event of rare films from the Arsenal archive in the next few days. These screenings were organised in collaboration with Enlighten Films, a film club in the city. This collaboration has given the project yet another exposure to a different set of audience. After the inaugural conference the director of Arsenal toured Bangalore, Calcutta and Pune under Majlis' aegis and with the support from the Max Mueller Bhavan, and addressed public events in

each city. The tour has resulted in a proposed collaboration between the film institute in Pune and Arsenal on resource sharing.

iii. Other than the international conference on occasion of the inauguration of the public exhibition there have also been seminars and public events in other cities. To commemorate the exhibition in Delhi there was an evening of panel discussion on **Materiality, Performance and Location in Cinema City** at the Max Mueller Bhavan and the panellists were Anuradha Kapur, director of National School of Drama; film historian Kaushik Bhaumik and Shohini Ghosh, and architect Rohan Shivkumar. The second event in Delhi was a seminar on **Documenting the Transient, Archiving the Contemporary** at Ambedkar University Delhi with a panel comprising artists Pushpamala N. And Vivan Sundaram and film historian Ranjini Mazumdar and Kaushik Bhaumik. This session was attended by the students of School of Culture and Creative Expressions, and School of Liberal Studies.

iv. School of Women's Studies, Jadavpur University in Calcutta organised a national level seminar on **Archiving, History Writing and Contemporary Challenges**. On that occasion Prof. Swapan Chakravarty, director general of National Library released the book *dates.sites*. The eminent panel comprised of historian Samita Sen, director of School of Women's Study, JU; filmmaker and novelist Ruchir Joshi; graphic artist Sarnath Bannerjee; film study scholar Madhujha Mukherjee and art critic Sadanand Menon. Rohan Shivkumar, Madhusree Dutta and Indira Chandrashekhar represented Project Cinema City for the occasion.

v. The response from the peer groups to the exhibition was most encouraging in Bangalore. Following the current trend of artist run initiatives in Bangalore, a lot of local artists and filmmakers got involved with Project Cinema City during its show at NGMA. The opening of the show was followed by a daylong seminar on the next day. The seminar was schemed as a dialogue between artists run collaborative initiatives in the city of Bombay and Bangalore. The topic of the seminar was **On Ways of Mapping the City** - the speakers were eminent filmmaker Deepa Dhanraj, legal activist Arvind Narain, dalit activist Nam Ismail, curator Madhusree Dutta in the first panel and in the second panel Bangalore based artists Pushpamala N and Shantamani, Bangalore based curator Suresh Jayaram, and Bombay based artists Atul Dodiya and Archana Hande. The seminar turned out to be very successful with large number of local artists participating actively.

vi. This event was followed by a set of commemorating programmes organised by the local institutions – a panel discussion on the book *dates.sites* at gallery 1 Shanti Road, a film festival related to Cinema City at gallery Bar 1, a workshop for college students on print making at NGMA, elective paper on Cinema City at Srishti School of Art, Design and Technology, and a panel discussion on *dates.sites* at the Max Mueller Bhavan. What is heartening about these set of programmes was that they were organised and mobilised by the local organisations and not by Majlis. As Bangalore was the last in the schedule of public exhibitions these energetic participations from the local art community have brought the right kind of finale to the public exhibition programme.

vii. The Project Cinema City had also participated in the **International Experimental Cinema Congress – Think:Film** in Berlin in October 2012. These large gathering of cinema thinkers from 20 countries had fifteen panels. Project Cinema City was presented along with initiatives from Los Angeles and Cairo under the theme **Urban Cultures**. Another important platform where the project was presented in detail was a workshop on **Practice of Curating in Cinema** at Film and Television Institute of India (FTII), Pune. There have also been dialogues of expanding the project to Shanghai and Seoul though they have not yet reached to the level of a concrete proposal.

Thus, the project could manage to enter into wider discursive spaces beyond its own territory around curating, archiving, urban culture, cultural mapping and so on.

Website

In this reporting period we have also launched www.projectcinemacity.com – the site is exclusively dedicated to this project and linked with the parent site www.majlisbombay.org. The site has proved very popular and even after one year of its launch it receives around 150 visitors each day. The site comprises of pages dedicated to various aspects addressed in the project – Research – Labour, Studios, Theatres, Neighbourhood, Timeline; Art Works – Individual Artists, Collaborative Works, the Calendar Project; Documentary Films – On Bombay, On Non-metropolitan Regions; Pedagogy; Atlas; Exhibition; Dialogue; Publication; Merchandise and Archive. All the resources in the site are downloadable and copyright free. The site provides a working model for any such future endeavour by tracing the footprints of Project Cinema City.

Our earlier initiative of uploading an interactive digital archive had failed due to myriad logistic and conceptual inadequacies. One of the reasons behind is that the bandwidth in India does not yet allow a heavy and complicated site to operate smoothly and hence such a site though called free access often becomes not accessible for large section of people. By designing a simple website on Wordpress we tried to resolve that issue of access.

Neighbourhood and Youth Fellowship

An important aspect of cinema in the city is the exhibition outlets and its status as public space. Since the late '90s the public spaces in the city are shrinking in favour of high end commercial and gated establishments. Movie halls are part of this demolition. In an earlier phase of the project we had documented the graph of construction and demolition of movie halls in the city. The graph shows a clear pattern of land use and development policies in the city. Simply put, at the turn of the century cinema first began near the bazaars in the island city in temporary tents, then some of the drama houses near Grant Road and Fort area started showing films. In the next phase in the 1930s art deco movie halls were constructed in the southern part and around the newly built Sandhurst Road and Princess Street. In the '40s the northern suburbs of Parel-Dadar-Bandra got some new theatres but after independence theatre construction was banned due to shortage of cement till the end of '60s. After the lifting of the ban in the '70s a number of theatres with large seating capacity got built in greater Bombay. With the expansion of television and video the movie halls deteriorated in mid '80s to mid '90s. Since late '90s but mainly in the next decade single screen theatres in the suburb and the central area began to get demolished one by one. In the same sites sometimes shopping malls with a multiplex got constructed and in other times either residential towers or commercial outlets have come up. The demolition of the old theatres not only destroys a certain neighbourhood culture but also affects many livelihood practices and an average women's as well as poor people's access to public amenities.

Since the last reporting period we have been documenting this phenomenon through a programme of youth fellowship. Under this programme youths of the neighbourhoods are trained in documentation process and technology, and then a selected group is employed to document the role of single screen cinema in the community life and the effect of its destruction on the livelihood of people. In the previous year we had documented three neighbourhoods – western suburb of Versova-Juhu-Bandra, slum area of Dharavi, and working class precinct of Parel-Ghatkopar. This year we have covered the bazaar area of Grant Road-Kalbadevi and the western suburb of Borivali-Goregaon. The documentation includes

recording the details of the existing theatres (date of inception, ownership, legal status, seating capacity, architectural design, audience profile, number of workers and their wages, price of tickets etc.) as well as testimonies of the hawkers, watchmen and other people in the vicinity. A special effort has been made to document women's relationship with these neighbourhood theatres and the effect of vanishing of these theatres on women's lives. In the case of demolished theatres we attempt to assess the loss of livelihood and the effect of gentrification (single cinema to multiplexes is only symptomatic of that) in the community. The documentation is done in assorted forms, depending on the circumstances – video, audio, photography, drawings and text.

It is an ongoing process and the documentation process will continue in the next financial year too.

We have also compiled laws related to land use for entertainment sectors since the arrival of cinema, various regulations regarding the ownership and management of theatres, reported cases of dispute between the workers and management of the theatres, the pattern of taxation in the cinema exhibition sectors and so on. A special survey has been conducted on the changing pattern of the land use related to two suburban film studios – Filmistan in Goregaon West and Bombay Talkies in Malad West. This study has been converted into an essay by architect and town planner Prasad Shetty and the same is included in the forthcoming publication.

Campaign for Preservation of Public Spaces

In the next financial year we plan to launch a public campaign for preservation of the neighbourhood theatres. Towards that end we plan to publish a dossier containing the research findings and transcriptions of people's testimonies.

The draft contents of the dossier:

- List of theatres constructed in Greater Bombay since the beginning of the 20th century
- Detail profile of some theatres across different administrative zones in the city
- Laws and regulations related to cinema exhibition under both the state and the central Govt.
- Specific cases where laws have been violated for greater profit, mainly violation of land use
- Single screen cinema and livelihood practices
- Viewing cinema and women's access to public places
- List of recommendations

The draft will help in building public awareness against the market onslaught on public culture and build a campaign for protecting some theatres. Bharatmata, is a theatre in the working class neighbourhood of Parel constructed in 1932. The theatre was built by the textile mills owners in order to control periodical escape of the workers to their native places. The rural work force could not be reined in the factory working structure and would often escape from the gruelling work and the poor living quarters to their *gaon*. The mill owners thought that cinema will make them addictive to urban entertainment and make them commit to the city. Bharatmata theatre has so far survived the real estate mayhem and still running three shows a day with tickets priced at 1/10th of that of the multiplexes. It is one of the very few theatres in Bombay that still primarily screen Marathi films.

The second hall is Edward Talkies in Kalbadevi Road. This hall was constructed as a drama house sometime in 1880s. It possibly commemorated the visit of Edward VII as Prince of Wales in 1875. Later it turned into a silent cinema hall and then into a Talkies. Edward Talkies has the distinction of hosting

many public lectures by the nationalist leaders during the independence movement. The theatre still runs in its old structure and caters to the working class people of the area. In the year 2010, in collaboration with the Max Mueller Bhavan, we hired this theatre to run weekly screenings of international films on City. This initiative has revived the theatre in the context of the wider public and has been followed by many festivals of films organised by city groups. These events have also witness an interface between the traditional patrons of the Talkies and the artist and intellectual class of the city.

Edward Talkies and Bharatmata Cinema are examples that prove that it is even commercially viable to run single screen theatres and cater to a non- gentry population. These establishments are stand alone and their owners are not any big corporate house who has deep business interest in the entertainment market. These are mainly family run modest affairs with no killer business ambition and they do not want to close down the theatres for larger profit as long as they can. Little Govt. subsidies or even relaxation in taxes can really make such establishments sustainable. We plan to make Bharatmata Cinema and Edward Talkies the case study for the campaign.

Conclusion

By the end of the next financial year the current project of the Cultural Centre will come to a logical end. By then Project Cinema City will cover the entire gamut of documentation-research-art production-new discourse material-archiving-dissemination-campaign-policy intervention in the area of cinema and urban development. By expanding the cinema to the issues of urban development and by putting urbanology in the context of cinema and public cultures we have successfully opened up practices within urban studies and cultural studies. On the other hand we have also successfully created interfaces between discursive works, art productions and public campaign around issues of public culture.

This model can be used in other cities or even in other configurations within this city. The open ended format and an engagement with the immediate have helped the project to be a process that can be mirrored in order to explore other compositions such as cinema and city. We hope, other than its outputs, this project will also survive as a template. Currently we are contemplating how we can expand the work in future into another level.

Submitted by

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