

# REPORT ON THE ACTIVITIES OF MAJLIS

APRIL 1999 TO MARCH 2000

## LEGAL CENTRE

### Introduction

The legal intervention programme of Majlis which completed eight years in 1999 has grown into a premier legal resource centre in the city. Majlis is one of the very few organisations in the country which has pursued a comprehensive women's rights programme. The activities of the centre range from legal advocacy and litigation support to public campaigns, academic research and publications and spreading legal awareness to grass root organisations through paralegal training. While litigation forms the spine of the programme, each supporting activity is connected through it to form a comprehensive infrastructure. The lessons learnt in court rooms form the basis of para legal training and the inadequacies within statute and procedures noticed during litigation lead to public campaigns. A continuing association with academic research sharpens the day to day litigation and lays the ground for interventions in legislative policies. Through this multi dimensional approach the centre seeks to create an environment for securing women's rights.

### Organisation Structure

Majlis legal centre presently has five full time lawyers. An achievement we are proud to share, is the completion of the law course by one of our administrative staff due to the interest generated by litigation activity in Majlis. Currently she is getting oriented to court procedures. Also, two law students have joined us to assist in research projects.

An exciting development in the course of the year is the opening of a branch office in Nagpur. The office started functioning from January, 2000 with two young lawyers and a social worker, with active support and encouragement from a senior lecturer from the social work college of Nagpur. This project evolved through our long term association with activists and social workers in Nagpur. To provide guidance to this new group, we will be conducting regular training and also closely monitoring the functioning of the new office during the coming year.

As part of the regular placement programme of TISS, a final year student worked with us during the academic year and was oriented towards women's rights and court room procedures. We also had an intern from Chicago university for a period of six months.

## **Litigation and Legal Campaigns**

The work on litigation has taken a different turn this year with Majlis filing more public interest litigation cases in higher courts. The conventional litigation work of providing women with immediate relief from local courts continues to be one of the main thrust of Majlis activity. But alongside we have started campaigning, lobbying and pressing for a substantial space for women in more general terms. Presently a team of junior lawyers conduct regular case work, while the student volunteers and interns assist in the research projects. The more experienced lawyers divide their time between campaign related activity and public interest litigation's in higher courts which have wider social repercussions.

This task has become more important in view of shrinking space for women's rights. With the marked decline in feminist activism over the years, a kind of backlash is setting in within the judiciary and the body of policy makers. Often women's spaces are being curtailed in the name of equality for all. All encompassing spouse rights which theoretically place men and women on the plank of equality within the matrimonial domain and obviates the inherent inequality between them is detrimental to women's empowerment. With a communal party in power, the rhetoric of women's rights has become just a sensational strategy for attracting media attention. While useless and impractical promises (such as death penalty for rapists) are being uttered by the ruling group, in reality, women are getting increasingly alienated from crucial economic activity, control over property and social security. With the tide of globalisation and mounting problems of unemployment, the little space that the women's movement carved out in the last fifty years is facing a threat of being washed away. Hence a need has emerged to expand our area of work from a local catalyst to national interventionist. With this objective, we have launched campaigns on some important cases and have generated wide public debate.

Number of cases filed in the Family Court : 41  
Pending cases : 72

Number cases filed in the High Court : 24  
Pending cases : 20

Number of cases filed in the Supreme Court : 3  
Pending cases : 2

## **Significant Interventions During the Current Year**

### **Rape of minor in the state remand home:**

This case forms a departure from our usual cases. We initiated a public interest litigation from a newspaper report about the rape of a deaf and mute minor girl in the Government Remand Home at Dongri. The case came to light when doctors at a public hospital where she was admitted due to convulsions following the rape, noticed the brutal injuries and extreme violations and registered the case. The authorities at the rescue home had not concerned themselves with the rape nor had registered a case. Upon her recovery, the girl was to be sent back to the same home. It was at this point that we stepped in. After meetings with the concerned journalist who had reported the case, the doctors who had noticed the injuries and reported the case and the hospital authorities, we filed a public interest litigation. Our immediate concern was to shift the girl into a safer place and the long term objective was to bring the culprit to book and secure damages from the state institution.

The short term goal was achieved immediately. The High Court granted permission to shift the child into a non-governmental agency. A private trust which deals primarily with orphans and adoptions, the Bal Asha Trust volunteered to provide immediate shelter. During subsequent hearings, we partially achieved one of the long term goals and secured an interim amount of Rs. 50,000/- for medical expenses and care of the child. The area which has made the least progress is to identify the accused and prosecute him. This is because of the attitude of the rescue home authorities who had consistently denied that the rape occurred within their premises. The primary engagement has been to shift the blame elsewhere and with this in view there have been several false affidavits. The continued state apathy led the court to finally refer the matter to the CID for further investigations.

While official investigations will take their own course, our immediate concern is to find a permanent home for her as the present institution where she is placed is not equipped to handle mentally disabled children. The search is on for the past two months. To our dismay we found out that homes which admit mentally challenged persons do not admit children and children's home do not admit mentally challenged ones. Very few state homes are in remote areas and in a totally neglected state. Right now we are negotiating with a private school for mentally challenged children in the city to explore the possibilities of long term rehabilitation.

### **Jurisdictional Issue Under the Uniform Civil Code of Goa:**

This was a case involving a marriage solemnised in Goa under the uniform civil code of Goa applicable to Goan Christians. The Act states two different provisions for any petitioner filing for divorce. In one, it is said that the petitioner residing outside of Goa in a foreign country can file for divorce only in Lisbon. This was a hangover from the Portuguese rule. In another provision, under the uniform civil code of Goa, divorce can be filed by the petitioner where he or she resides. It is different to the laws in the rest of the country where the Court authorised to handle the matter would be where the marriage was solemnised or where the parties last resided together.

The first provision though archaic had never been questioned in the court of law. Women seeking divorce while residing in other parts of the country have been harassed on the basis of this provision. We questioned the validity of this provision which treats rest of India as a foreign land and recommends the court of Lisbon as the official arbitrator. We asked for the right of the concerned woman to file for her divorce in the high court of Bombay. The matter is presently pending for arguments on the said issue.

### **Sexual Abuse of Girl Child by the Grandfather:**

A three year old girl was systematically abused along with her five year old brother by their grand father. This case was initiated last year and was also mentioned in last year's report. The case is still pending. Without the determination of the mother of the children it would not have possible to follow this nerve wrecking case. In the first round the judges of the high court refused to believe the very possibility of such an incident.

Despite the mother's testimony and detailed medical report, and reports from the child psychologists and counsellors confirming serious sexual assault, the judges refused to hear the case terming it as an absurd and impossible allegation. Since the accused grand father is a well known and wealthy businessman of the city the personal class biases of individual judges also went against the case. Ignoring all international conventions of child's right and mother's right over the children's welfare, weekly access has been granted to the grand father.

We have launched a nation wide media campaign on the issue of child sexual abuse within the family and related judicial hostility centering around this case. We have also filed a case in the Supreme Court challenging the order of the High Court. We are also planning to produce a campaign film on the issue of child sexual abuse within the family. The focus will be to pierce the veil of shame and silence which

envelops this heinous crime and permits it to flourish within the dark crevices of domestic tranquillity.

### **Habeas Corpus for Child Custody:**

The Habeas Corpus Petition is a new strategy which we adopted during the year in cases where children are taken away by fathers without the knowledge of the mother. The strategy worked effectively and within a short time the child was reunited with the mother. The case concerned a famous actor who had married a woman from Manipur and had abandoned her in Delhi while he shifted his base to Bombay. When she tried to follow him to Bombay, he cohabited with her for a while and then threw her out and filed a Petition for divorce in his native village at Jabalpur, M.P. This was done with the intention of causing untold misery and harassment to her and he also hoped that he would be able to use his influence in his native village and the woman would have no support whatsoever there. To make matters worse, the wife is neither well conversant in English nor in any local language. She survives through earnings from minor roles and Kathak dance performances.

In the proceedings at Jabalpur, the wife was awarded custody of the child who was studying in a boarding school in Panchgani. During the school vacation, the father took the child away without informing the mother and sent the child to his native village where the wife would have no access to her. He was also on the verge of removing the child from the school, which as the father of the child and its natural guardian he had the legal capacity to do. If this happened, the mother would lose all contact with the child and the case would be lost. The mother approached us in utter despair. It was her despair which led us to file the Habeas Corpus Petition which yielded very good results.

The Father was directed to produce the child in the court. But he was on a shooting schedule in a small town in Rajasthan. But the stern directions from the court to the police resulted in the child being produced before the court within a matter of a week. Thereafter the child was interviewed by the judge and handed over to the mother. We are presently challenging the validity of the divorce case filed in the court of Jabalpur.

### **Moral & Ethical Issues in Child Custody Cases :**

This was a complex case involving issues of both legal and moral ethics. The woman with poor means was married off into an affluent business family, when she was barely out of her teens. After marriage she realised that her husband, the eldest child of the family was suffering from a chronic mental disorder and he had no status in the family. The woman was subjected to taunts and humiliation both because of her poor background and due to her husband's mental state. After the birth of her daughter, the business suffered a setback and the woman was blamed

for this and was constantly told that her daughter had brought bad luck into the house.

After facing consistent humiliation for two years, she tried to commit suicide along with her two years old daughter. Though she was rescued at the last moment, the child succumbed. The Police registered a case of 498A (domestic violence) against the husband and in-laws and since she survived the attempt of suicide, a case of

murder was also registered against her. At this stage, the in-laws agreed for a reconciliation and also promised to buy a separate residence for her on condition that the criminal case against the in-laws is withdrawn.

Subsequently, cohabitation led to the birth of a second daughter. The husband's mental condition deteriorated. The wife started giving tuitions and managed the home. When the child was around 6 years, the husband became violent again and after a fight, took away the daughter and returned to his parents' home. Thereafter, the woman was denied all access to the daughter. All her efforts for mediation and counselling were throttled by the husband's family on the basis of the case of murder pending against her. Even social workers and legal aid programmes were convinced of the logic put forward by the husband's advocate that the woman had already killed one child and was on the verge of killing the other.

When she approached through referral services from the special cell, we had to first resolve the moral issue, would the child be indeed safe with her if custody was awarded to her. We spent long hours trying to find out for ourselves the truth of the matter. In the custody petition filed by us, the husband was asked to produce the child before the court. But in the meantime two months had elapsed and the six year old was duly brain-washed into believing that her mother is a murderer and her life was in danger if she returns to her mother. Due to change of residence the child's schooling had been stopped. The child had become withdrawn and was under tremendous mental stress.

The woman withstood the humiliation from the husband, his family members and lawyers as they announced to all and sundry in the court premises that the woman is a child murderer.

The case needed a lot of strategising and counselling at every stage both to the mother and the child. After the child was interviewed by a sensitive judge, despite the child's fears, limited access was granted to the mother under the supervision of the child counsellor within the court rooms. We cautioned the woman to trade softly and regain the confidence of the child during the hours of access. We advised

her not to be judgmental towards the child for negating her role as a mother and for betraying her in the presence of the judge by stating that the mother had threatened to kill her. After a few meetings, the interim custody of the child was granted to the mother.

But we had to spend long hours with the child and create a world of security around her. Presently the child is residing with her mother but the trauma of the two months has left a deep scar on her. Since the husband and in-laws had repeatedly narrated the incident of suicide and murder to the child in graphic details, the child would keep asking questions about the incident. She also developed an aversion to her father's relatives. At school she dropped in her grades. On our advice the child is undergoing counselling.

Notwithstanding our effort in the matter, the judgment in this case remains one of the major breakthrough in matrimonial cases. We believe the accessibility and informality of the family court had contributed in an important way in deciding this case.

#### **Women's Right to Life versus AIDS Patients' Right to Marry:**

The genesis of this case is located in a decision of the Supreme Court which restricted the right of an AIDS patient to marry. The judgment came out of a case where a doctor afflicted with AIDS filed a case for compensation against a hospital for violating his right of confidentiality by disclosing his illness. According to the concerned doctor this caused social ostracisation and also broke up his marriage alliance. The petitioner raised the question of the right to privacy. The Supreme Court while deciding the case juxtaposed the right to confidentiality of the afflicted person to the right of information and subsequently the right to life of the prospective bride. From this perspective, the Supreme Court ruled that while a person is afflicted with AIDS his right to marry remains suspended.

Subsequently, a reputed law group, aided to fight for the rights of AIDS patients, filed a case in the Bombay High Court seeking permission to marry with consent and after disclosure. We intervened in this case and submitted arguments grounding women's social reality on various grounds - a) on the issue of consent of women which, within our social reality, is a vexed and illusory concept, b) since insanity, epilepsy, sexually transmitted diseases, impotency etc. are all grounds for nullifying marriages there is no justification for making an exception to AIDS patients and c) that the whole AIDS campaign is male-oriented and has not taken gender into consideration. Even though there is a presumed gender neutrality, the duties, rights and obligations of the spouses within marriage vary and within this social reality only men can take advantage of such situation. The chances of a woman with AIDS contracting marriage are practically nil in our society. The case was dismissed in our favour.

The law group then took the matter to the Supreme Court on appeal and has sought further clarifications from the Supreme Court. We have intervened once again and have submitted our arguments. Presently the case is pending for arguments.

While following this case to the Supreme Court, we contacted women's organisations, NGOs and health groups all over the country with an appeal for critical support. Many organisations replied with heart rending stories of AIDS patients deliberately marrying unsuspecting young girls with the hope of getting cured by having sex with virgins. There were also several cases where women were married off to AIDS patients despite the parents having the knowledge of the disease. Many health activists have also expressed the concern, that, with a sanction to marry from the Court, the situation may turn into a worst possible epidemic.

With this case we have realised the need to question any rhetoric of social reform. Reform is an alive and ongoing exercise and the agenda for it needs to be restructured and reformulated from time to time depending upon the challenges posed by current social and political realities. A mindless persuasion of any established convention of social reform, a malaise setting deep in our country, can end up being homicidal. But the overwhelming support from various fora has also given us the confidence to stand up against the dead water of rhetorical social reform and a belief that if somebody dares to question them, there are others who will pick up the cue and rally around for support.

### **PARALEGAL WORKSHOPS**

Majlis conducted a number of Paralegal Workshops during the year in smaller cities of Gujarat and Maharashtra and two one day workshops for students of SNTD college and Tata Institute of Social Sciences. Among them the workshops for Dalit women in Rajkot and for social workers in Nagpur are particularly significant.

#### **Workshops at Nagpur:**

Two workshops were conducted in Nagpur. The significance of the workshops lies in the fact that they laid the ground for starting the Nagpur branch office. These workshops were attended by social workers and activists and were held at the Matru Seva Sangh, College of Social Work, Nagpur. Two lawyers and one law student of Majlis conducted the workshops. The first was a tentative exploration into the realm of women's rights the legal domain, the second was a more advanced course, and covered topics like feminist jurisprudence and strategising for women's rights and court procedures.

The second workshop was structured to include their practical experiences and the process of transforming this experience into a legal case. The participants found the sessions on elementary drafting and drawing up settlement deeds extremely empowering. Documentary films and legal spots prepared by Majlis as well as video clippings of some television programmes which had highlighted our work were shown to the participants to demonstrate the crucial role of evolving feminist



strategies. It is through a gradual awareness for quality legal interventions that the concept of starting a branch at Nagpur emerged and got concretised in the following months. Today Majlis has an office where full time lawyers provide constant support and legal advocacy to the special cells situated at the various police stations in Nagpur.

Reflecting the felt need, the branch office soon got flooded with litigation requests and over a period acquired an office space on rental basis within close proximity of the family court. By the year end, the office had already filed around 10 cases, mostly related to maintenance and child custody.

### **Workshops on Child Sexual Abuse:**

Most workshops organised by Majlis in the past have concentrated primarily on litigation strategies in cases of matrimonial disputes. But this year, Majlis made a conscious and deliberate intervention with groups dealing with child sexual abuse which is a new terrain. The groups wanted us to share the experience of handling specific cases of child sexual abuse during the year and provide them with certain basic guidelines in dealing with the issue in the course of their work in children's homes and child guidance clinics. Forum Against Child Sexual Exploitation (FACSE), a broad forum of child rights activists co-ordinated these workshops and brought together several agencies on a common platform.

Child sexual abuse has been a much neglected issue and has gained recognition only in recent years. Most parents are reluctant to talk about it or even recognise the signs of abuse in their children. The workshops organised by us helped to place the issue of Child sexual abuse within a broader context of fundamental rights and more particularly the right to life and liberty. The three successive workshops provided a legal perspective to the social workers. Broad principles of human rights, fundamental rights and role and functioning of civil and criminal courts were explained.

The workshops were interactive and provided us with insights about child behaviour and psychological effects of abuse in later life which will aid and strengthen our own work in the realm of child sexual abuse. The workshops have helped in articulating the closeted subject of child sexual abuse and has generated much debate on the issue.

### **Conferences on Womens Rights & Human Rights:**

Apart from conducting our own workshops for activists, lawyers from Majlis participated and collaborated in several governmental and non-governmental seminars and conferences on women's rights as speakers, consultants and panelists.

We consider this an important element of our work for spreading legal awareness and networking among like-minded groups and organisations.

August, 1999 - At a Public Hearing on cases of unnatural deaths in the city of Bangalore organised by a women's organisation, Vimochana, in association with the National Law School, Bangalore, we were invited to form the jury along with judges, members of Law Commission and Legal Academicians.

September, 1999 - Majlis organised a joint meeting with the Committee for the Protection of Democratic Rights (CPDR) to express concern over the incident of extreme cruelty and sexual abuse of the maid servant by an Indian diplomat. Through our interventions, various Christian agencies working with the domestic workers in the city attended the meeting and shared their experience of handling similar cases within the country.

November, 1999 - Three lawyers from Majlis were invited to conduct sessions at a workshop organized by Tata Institute of Social Sciences (TISS), Mumbai in association with the Mathru Seva Sangh, Nagpur. The workshops were held at Pune and were attended by social workers from various districts in Maharashtra who are associated with the State Social Welfare Board.

Majlis members contributed in the workshop organised by the Law commission in association with ILS Pune. The main object of this workshop was to recommend the changes in the Hindu succession act. The main participants of this workshop were lawyers and academicians who charted out that the Hindu succession act is not as gender neutral as it purports to be by the vested interest. The main issues discussed were:-

- a) Testamentary Succession
- b) Limited coparcenary rights of women

The concept of Matrimonial home was discussed at length and the participants endorsed the Goan model of Matrimonial home and property and suggested the inclusion of this concept into the Hindu succession law.

### **Support Group Meetings:**

During the year Majlis organised three client meetings to provide interaction between the women who are in distress situation and are ready to fight it out. The clients find these meetings extremely empowering as they can link up their individual struggles with others in a similar situation. This helps them to view personal problems in a wider social perspective. During these meetings the clients are also able to build areawise support networks and referrals. An important agenda during these meetings is to provide a forum for women to trace their personal growth and reflect upon the journey made from the helpless victim to an assertive individual. The meetings also provide the new clients freshly venturing into the legal battles, with a realistic view of court functioning.

## **RESEARCH, SEMINAR AND PUBLICATIONS**

### ***Seminar - Personal Law as a Site for Identity Politics***

In 1999 Oxford University Press published *Law and Gender Inequality: Politics of Women's Rights in India* by Flavia Agnes. The book maps the issue of gender and law reform upon a broad canvas of history and politics, and explores strategies which could safeguard women's rights within India's sphere of complex social and political boundaries. The study stemmed directly from Flavia's work and involvement with the legal history located within the women's movement, in general and within the Majlis, in specific. We organised a seminar in March 2000 to generate greater debate and awareness among women's groups regarding the issues raised in the book.

In the first session Flavia Agnes presented a position paper on behalf of Majlis. The paper traced the construction of community along religious line through legal cases. She elaborated the confusion and alienation that such artificial construction of community along religious lines created among ordinary people. She also put the study in the context of the present discourse of Uniform Civil Code and cautioned against such bulldozing over local customs and community safeguards.

The main speaker in the second session was the eminent literary scholar and noted activists Susie Tharu. Susie, while seconding Flavia's concern over legal construction of communities presented a parallel from the government policy of constructing special category of scheduled caste and scheduled tribe. Susie argues that this kind of categorisation unfailingly valorises a mainstream culture as the uniformly desirable one and marginalises all other culture by naming them backward, scheduled in this case.

In the last session titled trade union movements and questions of identity, the speaker was Babu Mathew, the registrar of the National Law School and veteran trade unionist. While presenting a brief history of the trade union movements in India he emphasised that the trade union movement and workers had withstood the onslaught of identity politics remarkably better than any other social/political formation. His presentation evoked heated discussion among the audience. The seminar was attended by around sixty activists and women's studies scholars.

### **Research on Rape and Domestic Violence :**

Currently Majlis is engaged in an in-depth research on two of the important issues addressed by the women's movement during the last two decades - Rape and Domestic Violence. The study involves a statistical analysis of reported cases over two decades. The study on rape judgments is titled, 'From Mathura to the Millennium' is nearing completion and will be published in the following year. The aim of this research is to provide a ready reference and comprehensive analysis of

judicial trends. In 1980, the women's movement took up the issue of rape, and conducted a nation wide campaign which led to legislative reforms. The effect of these changes will be gauged through this study. The study will explore the level of judicial sensitivity, sentencing patterns and whether the increased punishment has acted as a deterrent in the intervening years. The study will also provide a sociological profile of victims, the situation in which rape occurs, the proximity or relationship to the rapists, the prevalence of child rapes and cases of incest as reported in law journals. The sociological data will provide the much needed base for bringing in further reforms in the rape law particularly in cases of incest and child sexual abuse.

A similar study has also been undertaken regarding cases of domestic violence. This study is at a tentative stage of data entry. The primary aim of this study is to examine the ratio of wife murders to general murders in reported cases to bring out the stark reality of a gruesome crime which is being committed in the seemingly protected domestic terrain. The study will also include a section on 'passion killings' - sex related violence and murders. The two studies together will provide an extensive overview and a ready reference for academicians, students, activists and policy makers in the country.

Another research project which is ongoing is a study of cases filed in the Family Courts in Maharashtra. This is an extensive project. We have already compiled the data from the records of the Family Courts in Mumbai. We plan to do a comparative study of the Family Courts in Nagpur and Pune over the next year and bring out a publication on the functioning of the family courts in Maharashtra.

## **CULTURAL CENTRE**

### **Project 1.**

#### **Fellowship Programme:**

As mentioned in last year's report the fellowship programme received tremendous response in the first year. Three hundred announcement letters had been posted to film societies, music and dance centres, theatre groups, public libraries, literary groups and magazines, Universities and colleges and some NGOs. The letter had been published in many magazines and journals like EPW, Seagull Theatre Quarterly, Cinemaya and also in many regional language magazines. We deliberately avoided publishing in main stream newspapers. One of the main achievements of the project was reaching to people outside metropolises and even far flung areas. We received 75 proposals including those from people of Manipur, Kashmir and Punjab. Through an exhaustive procedure the selection committee selected five awardees. During the selection we tried to maintain a balance between experienced people and debutantes, between academic and non-academic and between metropolis and smaller places.

We have also tried to evolve creative ways of reporting and assessing. For example, the actress Sabitri Heisnam is not comfortable with writing in general and particularly in English. She was encouraged to submit her report through documentation of her work: photographs, audio cassettes, etc. Besides, two of the

selection committee members witnessed her work commenced under the fellowship when she performed in Delhi and Calcutta. The committee members have submitted a brief report on her work. For the similar reason Narendra Srimali, the collector of old theatre and film songs, was requested to submit photocopies of some of his collections. Sai Heradia and Shaina Anand, the two young writers, submitted a rough draft of their book. It is decided that in the month of June 2000 there will be an informal session with the fellows and the selection committee where the awardees will personally present their work in the format of their choice. Depending on these presentations the committee will make a general evaluation of the fellowship programme and recommend modification for the next year's programme.

The fellows have already submitted their final reports to Majlis. Sabitri Hiesnam, as mentioned earlier, developed a piece of theatre through a theatre laboratory on technique of expression through technique of breathing. The laboratory experimentation took place within her theatre group Kalakshetra, Manipur. The play which evolved throughout the year is titled *Death of Two Women*. It is based on the lives of two characters: Sita and Marilyn Monroe. Initially she proposed to prepare the piece on the character on Nora in the Ibsen play *Doll's House*. But later she felt the need to invest her quest and expression on characters who resemble her more closely. 'A religious icon who had to sink through the crevice in order to prove her sense of honour as a woman and a media icon whose sexuality kept her down perpetually as a victim' - the range she depicts through her uniquely developed body language and a complex piece of music.

Narendra Srimali, the young collector of old theatre and film music has completed a massive documentation and compilation job during the fellowship period. At the beginning of the fellowship he already had a collection of 7000 old music records in his possession. Other than increasing the collection of records, he gathered a lot of related literature in the form of scripts, opera books, music books, directories, press cuttings, publicity material etc. His documentation has also included old record covers, labels, photographs of theatre performances and publicity stills. Besides, he has transferred the old records into audio cassettes and thus made them accessible.

The other part of his fellowship programme included classifying documents, developing safer infrastructure to store the material, preparing a detailed introduction to the collection and tracing the historical development of this genre of popular music. But the project transcended its own boundaries when he discovered a cylinder playing machine (one of the oldest play back machines) of 1903 model with lots of cylinder discs and a disc cutting machine while working on his project. He is presently involved in activating the hundred years old machine and retrieving the discs which have recorded voices of the likes of Pandit Paluskar and Ravindranath Tagore. The projects commenced by Sabitri Heisnam and Narendra Srimali under the fellowship programme have brought a lot of prestige to Majlis.

The film study scholar Rashmi Doraiswamy's project was a research study on *Hindi Commercial Cinema's Changing Narrative Strategies*. Instead of the regular practice of classifying the genre of popular cinema chronologically she adopted the tool of narrative for classification. Hence she concludes the classification as the decoit film, the petty criminal film, the gangster film, the new social's vigilante, the revenge film under the broad category of the outlaw. While the category of the right side of the law has classifications as the thriller, the murder mystery, the spy film, the road film and in the category of the homegrown genres has the horror film, the rebirth film, the musical social, the family film etc. Similarly she deals with the genre of women and music and dance. The manuscript also explores the contribution and impact of some of the doyens of the film industry. Though an exhaustive work of empirical study, the conclusion chapter needs more critical work, the committee felt.

The fourth project was a research-documentation on the *Mirasans and the Wedding Songs of Malwa, Punjab* by Sikhs Jingan. While documenting the dying culture of community singing at weddings under the pressure of increasing consumerism, Shikha also probed into the expression of women's sexuality in oral culture. The Mirasi community, a people of traditional performing artists, mainly reside around the Malwa region of Punjab (broadly the area covering Patiala, Ludhiana, Barnala etc.) The women of the community, Mirasans, are traditionally engaged in singing and performing through the life cycle of their patrons. But as the feudal patronage is breaking down not only are the women facing economic hardship, but also a vast repertoire of women's songs are getting erased. Shikha collects some of the songs and placed them in the context of women's expression, their sexuality and the socio-economical reality of the region. She plans to make a documentary film on the same subject in near future.

The only project which falls short of our expectation is the Travelogue of the Film Unit by Sai Heredia and Shaina Anand. Though the outcome of the project, a first draft for publication, technically fulfills all the promises made in the proposal the quality and the ethics involved in the work has left much to desire. The writing itself ranges from immature and erroneous theorising to romantic self glory. Besides, a project of publishing a travel diary by two of the youngest and hence most inexperienced members of a film crew is likely to be ridden by problems borne out of conflicts in work ethics. Many a times their inadequacies as workers are attempted to be covered under half-baked theories on documentary film making or their upper class biases are camouflaged citing feminism. This project has again brought forward the need for a detailed interview with the applicants before awarding the fellowships.

However, we may say that in its first year the project has achieved seventy percent of its objectives. We are already receiving hoards of requests for information's regarding the next term of the fellowship programme.

The other benefits of the project are creation of a data base of cultural organisations in the country and evolving opportunities for collaborative works between Majlis, awardees and committee members who are all eminent artists themselves. Narendra Srimali had provided original music of Jayshankar Sundari for our production *Sundari: An Actor Prepares* and Sabitri Heisnam had acted in our film *Scribbles On Akka*. We do consider that all these activities and interactions together make a forum which can be called *Majlis*, people's association.

## **Project 2:**

### **Film on Women's Voices**

#### ***Scribbles on Akka***

Making a film on the ascetic poet of the 12<sup>th</sup> century Mahadevi Akka has been one of the most difficult tasks undertaken by Majlis. The first challenge was to make a film in contemporary terms on a person who is nine hundred years old and recognised as an icon by diverse sets of people. As we are not interested in a museum piece like biopic and neither in populist rhetoric of neo-feminism, the form of the film had become a major concern. Mahadevi Akka, like any other icon, survived through many narratives and representations. After much deliberation we came to the conclusion that the plurality of the representation of Mahadevi Akka can be captured only by an approach of plurality in form. This decision remains a breakthrough in the film and also a major turn in the genre of biographical work.

#### **The form and approach**

The film that eventually evolved is a mosaic of forms ranging from pure cinema varite documentary to stylized fiction to filmic song picturisation to computer graphics. In terms of content too the film ranges from ordinary villagers to contemporary poets to radical painters to calendar art to small entrepreneurs selling pickles in Akka's name. Appropriately then, the film is titled *Scribbles on Akka*. In terms of language too the film runs in multi layers. It has three languages: Kannada, Hindi and English. Mahadevi Akka wrote in Kannada and hailed from Karnataka. But as she became one of the first icons for feminist expression, her spell and influence had transcended the language and geographical borders. Mahadevi Akka has become a pan-Indian notion for assertion of women. In order to capture that spirit we tried to let the film flow from one language to the other and from village

landscape to cityscape. Physically the shooting has taken place in remote villages and small towns of Karnataka, in and around Bombay, Baroda and Delhi.

*Scribbles on Akka* has eventually grown into a film as much on ourselves as on her. The songs in the film, which are Akka's poems composed by eminent music director Ilyaraja, are picturised on the images of contemporary women. They are working women in metropolis, working class women (fisher women) in their independent business, house wives seeking a place of her own beyond the daily chores and ascetics growing out of the mundane of the everyday. The final film emerges as a celebration of spaces that women have been curving for themselves in

the face of all oppressions. We had come to the understanding that the spirit of Mahadevi Akka could survive through nine hundred years because of all these ordinary women periodically turned extra-ordinary and carried the ethos of Akka through their lives. In our film Akka becomes the image of silent rebellion, symbol of hidden space and song of spirit.

An interest in the relation between people's culture and religion which started with our work during the riots in Bombay in 1992-93 has taken a logical shape in *Scribbles on Akka*.

### **The outreach**

At the end of this financial year the film has just got completed. Screenings are scheduled in Bombay, Pune, Calcutta, Delhi and London in next couple of months. We plan to write to literature and history depts. of colleges and Universities for special screenings. We hope the film will evoke passionate debate on filming of literary work, dynamics of historical narratives and on religion and religiosity. Though a little long for television slots we are also hoping to get some private channel to telecast the film.

### **Project 3**

#### **Research on City and Development**

This project was undertaken with the intention of focusing public attention on the plight of textile mill workers of Bombay who are being systematically displaced, dishoused, dispossessed and marginalised in the forward march of progress and development. The co-ordinators of this project have been part of a campaign to question the desirability of such development.

The history of central Bombay's textile areas is one of the most important, if also least known, stories of modern India. Covering a dense network of textile mills, public housing estates, markets and cultural centres, this area covers about a thousand acres in the heart of India's commercial and financial capital. Its residents offer narratives of the growth of colonial capital and industry, the emergence of working class politics and popular participation in the movement for

Independence and linguistic statehood, and attest to the unique cultural milieu of Bombay City. With the advent of globalisation, the cultural and political survival of these over 1.3 million people has been up for grabs. In a city where space has always been precious, the new economic policies of the Indian Government have sought to style this moribund industrial metropolis into a centre for global business and finance. In the past several years, six hundred acres of prime real estate on which stand the decaying textile mills and their workers, have become the object of a new kind of class struggle. The middle classes and business elite are anxious to turn this space into offices and entertainment centres, and develop its land into high-rises and boutiques, integrating it with the business district in the



south of the city, and the suburbs to the north and west. The working-class residents face displacement after more than a century of constant habitation, and the social rhythms and cultural economy of this area face an impending destruction.

The people of this area are demanding their legal and human right to live and work in the city, to preserve and maintain their livelihood, which is inseparable from this space. Hence the need to document the history and remember the struggles of these people, whose narratives speak to the heart of India's modernity.

The project, though an ongoing process, has completed one definite phase. The outcome of the project can be divided into three components:

### **A. Voices Over Hundred Years: Testimonies from Mumbai's Textile Industry**

This is a manuscript on the testimony of the workers in an attempt to chronicle the decline of the textile industry. Their history is traced through the memories of workers, local artists, small trade union activists, members of communal parties like Shiv Sena and women who run small eating joints for the workers. The manuscript contains over a hundred testimonies by the inhabitants of Bombay's textile mill districts, and are a window into the history, culture and political economy of a former colonial port city now recasting itself as a global metropolis. It traces events fifty years before and after independence. While following the major threads of national and international events, the effort is to render the history of central Bombay not through the lives and philosophies of leaders, but through the narratives and perceptions of the people. This will hopefully cast a new light on the processes of history as they were experienced by the working classes- the contesting ideas of what independent India would be; the growth of industry and labour movements; the World Wars and their impact; the complex politics of regional and linguistic identities in Bombay and Maharashtra; the eclipse of the organised Left and the rise of extremist communal politics. The testimonies are interspersed with a commentary based on the research done, and on secondary data.

Besides the Introduction and Conclusion, the book comprises of five chapters. It includes 3-4 maps and about 20 photographs. The first chapter, The Heart of the City, traces the evolution of the textile industry in Bombay, along with that of the identity of the workers. The chapter, Red Star over the Smokestacks, follows the

birth of the trade union movement, which was taken over by the Communist party, and its subsequent decline; and the independence movement via-a-vis the textile industry. The third chapter, The War for Bombay, talks of the creation of Maharashtra (the threat to the loss of Bombay) and the contribution of the mill workers to this movement. This chapter raises questions pertaining to regional and class identities relevant even in today's context. The chapter, From Red to Saffron, concentrates on the extreme right political organisation, the Shiv Sena, which practically wiped out the Left and gained a considerable mass base particularly in the Maharashtrian working middle-class of the mill area. The last chapter, The Bombay Textile Strike, 1982, is on the historic complete strike for almost a year

under the brand of militant trade unionism lead by Dr. Datta Samant. But this ultimately proved to be a catalyst for the decline of the mill area in the subsequent years.

The manuscript has been sent to the publishers for their perusal. Oxford University Press (OUP), Sage and Orient Longman have expressed basic interest in the concept. A seminar with economists and activists is also being planned to discuss the issues emerged through this research study.

### **B. Whose City Is It Anyway: History of Mumbai's Development Policy**

This is a compilation of essays by Arvind Adarkar, one of the co-ordinators of the project, on the history of Mumbai's development policy. The compilation comprises of eight essays:

1. Mumbai metropolitan region development authority's draft development plan 1996-2011: a critical analysis
2. Textile mills' land: landuse and reality
3. Fighting a losing battle? Planning policies of Mumbai in the wake of globalisation
4. Whose space is it anyway?
5. Impact of Industrialisation on the city of Mumbai
6. Mumbai City: At the turn of millennium
7. Architecture and the multiplicity of culture in Mumbai
8. Proposal for Integrated development of textile mills' land

Most of these essays are written in last two years during the project period. They were mainly developed in order to campaign among citizen groups, to lobby within the bureaucracy, to initiate debate in the assembly and to teach students of architecture. Consisting of elaborate empirical work and datas from Govt. Policies the essays proved to be a source of valuable informations for the human rights lawyers fighting for the rights of closed mill workers and trade unions working in that area. The essays were first presented in various discussion fora and workshops and later developed with the help of the post-presentation discussions. For an easy reference we have compiled the essays in an informal publication.

### **C. Campaign**

The third part of the project is campaign for the rights of the workers of the closed mills. The only active trade union in that area is Bandhgirni Kamgar Sanghash Samiti (closed mills' workers association.). The two co-ordinators of this project and the resource person Meena Menon are active members/associates of this organisation. Along with the association they have been campaigning, holding gate meetings, organising cultural programmes, demonstrating in public places and attempting

to physically resist the sale of the mill land. Under this project there have been essay competition among the youngsters of the area, programme of local poets

(shaheers), distributing of pamphlets and leaflets and extensive poster campaign. One of the main aims of the campaign was to attract the younger generation to the struggle for the hold of mill land. But we must accept that with an apathetic govt., cunning mill owners and increasing culture of de-politicisation the task proves to be extremely difficult.

## **Project 4**

### **Cultural Appraisal Course**

This year the main workshop for students was on *Tales, Sites and Memory: Reading History Through Living Culture*. The workshop was organised in collaboration with the esteemed organisation NCPA (National Centre for Performing Arts). The National Museum, Delhi, The Chemould art gallery, Mumbai and the National Film Archives, Pune helped by providing rare resource material.

With the increase of intolerance in public life and communalisation of academic centres, it has become essential to expose the students to the basic tool of reading history and to the politics of writing history. The emphasis of the workshop was on leading the students into various ways of reading history and making them aware of the active role that every individual can play in reading history. The inaugural lecture on Facts and Myths in History was delivered by eminent historian Prof. K. N. Pannikar, Head of History dept., JNU. Prof. Panikkar who has been in the foreground of the movement for people's history and who has recently been victimised by the BJP govt. agreed to address a gathering of thirty five undergraduate students only because of his commitment to make people part of the history writing. He led the students gently but firmly through the difficult path of notion of history in India and how fluid history writing/reading can be and should be. His lecture set the right tone for the rest of the workshop.

The other sessions included elements of history in cityscapes, notion of history in popular culture and concept of borders. In order to illustrate some points we evolved a few practical classes. In one such class groups of students were provided various clay models of Indus valley civilization (coins, sculptures, vessels etc.) and asked to derive their own interpretation of that period. This exercise got the students very excited as it resembled deriving and writing of history. But as different group of students came up with different observations and conclusions based on the same set of material, it became evident that history writing is a fluid and ongoing exercise which needs to be constantly questioned and not to be treated as sacrosanct.

Keeping in mind the present developments in the social and political scene of the country the sessions on the concept of borders were addressed from different angles. how the communities are constructed through legal cases for the convenience of the ruling (by Advocate Flavia Agnes), how the memory of partition remained dormant in the mind of people affected and how at certain times these memories can alter the identity and persona of an individual (by Urvashi Butalia) . The issue was further stressed through another practical class of reading maps

(conducted by Amrita Sodhan). The exercise ranged from illustration of ancient and pre-modern maps where the universe is drawn according to the locale and perception of the artists to the changing shape of the piece of land in the last few centuries which can be loosely called Bharatvarsh.

For the day on history through cityscapes, we also had Dr. Mubarak Ali from Pakistan who talked and show slides on Multicultural Settlements and homogenized Narratives. In the same session Architect Arvind Adarkar shared his findings on the making of Bombay through an exhaustive slide show. For tales of history in popular culture we covered cartoon strips, text books and popular films. Two feature films: Subarnarekha, an epic on the effect of partition on people's life by Ritwik Ghatak and Sardar, a biopic on Sardar Vallabhai Patel and a documentary film Seasons Outside, on communal prejudice and violence by Amar Kanwar were screened. On one day the students were taken on a tour of the city as part of the exercise of reading history through living culture. Eminent scholar and social activist Dr. Uma Chakravarti delivered the closing lecture on Role of past and memory in contemporary life.

35 students from nine colleges participated in the workshop. Five students from two colleges of Pune also participated. We were again overwhelmed to find that not only did all the students attend all the sessions from 9am to 7pm, but also, many of them stayed back for public lectures later in the evening. This annual workshop remains a source for our high morale.

## **OLD PROJECTS**

### ***Sundari: An Actor Prepares***

The play which ran for the whole of 1998 and earned rave reviews and audience support finally had to stop abruptly. The play was scheduled to be staged in the International Theatre Festival in Berlin in August '99. A more mobile and concise version of the play was being prepared when the news arrived in the month of June that the organisers had run short of funds and thus the invitation to the festival stood cancelled. It is interesting to note that the only two plays which were to be taken out of the festival schedule due to paucity of fund were from India and Kenya. Though we rushed strict protest letters and eventually made the organisers pay some damages, the episode affected the morale of the team. We found it difficult to continue with the show thereafter. Though the play can still be revived within a notice of fifteen days, it will need a substantially good offer of shows for the actors to get back to the spirit.

As was mentioned in the last year's report a film was made on the making of the play. Though started as a documentation of the play, the film eventually developed an identity of its own. It moves through the making of the play to the making of an actor to the making of an icon. After the play officially closed down we started showing the film around and to our surprise the film received completely independent and different response from the audience. The film has been screened to full house audiences in Calcutta, Mumbai and Delhi. It was adjudged as the best

film by the audience in a documentary film festival in Madurai. It was screened in the Film South Asia, a short film festival in Nepal and has been invited to the prestigious International Short Film Festival of Oberhausen, Germany in May 2000. The film is also been screened and discussed in workshops on Art and Documentation.

The project Sundari: An Actor Prepares remains a bright example of collaborative work between painters, writers, a theatre group and a film unit. Inspired by this experience we have repeated almost the whole unit of this film for our next film Scribbles on Akka.

### *Skin Deep*

This film has been proved very popular among the NGO circuit. Lots of VHS cassettes have been purchased by Women's groups, health groups and other NGOs. Skin Deep was also screened in the Madurai festival and then became part of a travelling festival called Nottam festival which travelled to ten cities of South India. As part of best of the Film South Asia, Nepal package Skin Deep has also travelled to many cities of India and to fifteen Universities in America. The university researchers abroad are finding the film particularly useful as a resource material.

### ***Other Films***

*Kya Apko Pata*, the television spots on women's legal rights are being shown in different gatherings and workshops by activists. The sale of VHS cassettes of this programme is still quite substantial. Inspired by this a Calcutta based NGO Sanlaap requested Madhusree to develop a similar kind of programme on trafficking of girl children. Hence in 1999 Madhusree directed a 15 minute campaign film and three television spots on trafficking of girl children for Sanlaap.

*Memories of Fear* has been screened by the British Council in Calcutta as part of their women's theatre festival in 1999 and in House of Lords in London followed by a lecture by Flavia Agnes on culture specificity of domestic violence.

***Campaign for Peace:*** Other than the projects of Majlis, the members are also involved with other democratic movements and campaigns. Neera Adarkar has been involved with the campaign for peace for years. She is an executive body member of the Pakistan India People's Forum For Peace and Democracy (PIFPD). She represented PIFPD at the Hague Appeal for Peace, a Civil Society Conference in May, 1999.

In the Global Forum she made a presentation on how the objectives of PIFPD are linked to the issue of religious intolerance and militarisation in India. Other speakers in the session were Mr. Karamat Ali of Pakistan Peace Coalition, Mr. I.A. Rehman of Human Rights Commission of Pakistan, and Mr. Tapan Bose of PIFPD. The session was attended by participants from Pakistan, India, and Kashmir from within and outside the respective countries, along with participants from Britain and U.S.A. interested in the issues of the sub continent. She also participated in the session on Peace, Nuclear Disarmament and Human Security in South Asia in the Core Session.

The panelists were from Bangladesh, Sri Lanka, Bhutan, Nepal and Pakistan. The panelist reviewed the post nuclear test, political and economic scenario, in South Asia in general and India and Pakistan in specific.

### ***Documentary Film - A Woman's Place***

The legal programme of Majlis was featured in a documentary produced by the Maryland Public Television in USA. The documentary explored three exemplary legal interventions in three countries, South Africa, the United States of America and India. The South African component explored property rights in the context of the new Constitution and efforts by a local woman magistrate to intervene with tribal leaders to popularise the Constitutional provisions. The second component dealt with domestic violence statutes in the USA and challenges faced by a public prosecutor in following cases of domestic violence and obtaining convictions. The third segment dealing with India dealt with our programme of empowering women through litigation processes in matrimonial disputes. The innovative and effective strategies evolved by us were documented by tracing the struggles of two women

whose matrimonial cases were handled by us. The film very movingly captures the trauma suffered by women and how our interventions had helped them to resolve their matrimonial disputes from a position of strength and helped them to re-negotiate their relationship with their families and children.

Other than being screened as a high profile television programme in USA, the film has also been screened extensively in colleges, grass root organisations and during film festivals and has helped to give a wider recognition to our work. It has proved to be an important resource material during para-legal course.