

## **ANNUAL REPORT ON THE ACTIVITIES OF MAJLIS 2002-2003**

### **Introduction**

The year of 2002 was a year of uncertainty and desperation. The fabric of the civil society has got permanently disfigured in this period. The six month long communal carnage has changed many social and political equations and inevitably, it has changed Majlis too. Some programmes, which were proposed in the work plan of the year, could not take place at all; some concerns had lost their relevance for us while some newly generated issues became our main preoccupation. We had to constantly re-formulate our projects. Sometimes this was done after detailed discussions with the representatives of the funding agencies, yet in other times we had to take some unilateral decisions due to the urgency of the situation. In some sense, it was a year of test for being alert, reflexive and agile.

### **Financial Profile**

The usual support from the Ford foundation to the legal centre and HIVOS to the cultural centre continued in 2002-03.

Majlis has also received some additional funding from foreign sources. House of World Culture, Berlin had provided a grant of Rs.194835/- to prepare a theatre production for presenting in their international theatre festival titled *In Transit*. Rijksakademie van beeldende kunsten, the art institution in Amsterdam, provided a grant of Rs.257,247/- through Open Circle (Majlis' partner group in India Sabka youth festival) to cover the printing and publishing expenses of India Sabka youth festival.

In this financial year, Majlis has also raised substantial amount of funds from local sources. This amount includes a sum of Rs. 15,000/- from the Maharashtra women's commission, as part of their contribution to the research on family courts. The money raised from individual donations, sale of books and cassettes amounted to Rs. 670,765/-. In response to an appeal issued by Majlis for help to run the legal initiative cell in riot torn Gujarat, Dorabjee Tata Trust donated a sum of Rs.250,000/- and individuals from all corners of the country sent small contributions amounting to Rs.172,296/-.

### **CULTURAL CENTRE**

#### **Project 1. Fellowship Project:**

The second term of the fellowship project ended in January '02. The evaluation meeting was held in May '02. The evaluation meeting was attended by the fellows, selection committee, Majlis group and fellow artists from Bombay. With video programmes from tribal lands, classical theatre revival project from Kerala, novel on textile strike of Bombay, projects on found footage of celluloid, the presentation session was full of novelty, bonhomie and sharing.

It was decided to continue with the same committee for the next term of the fellowship. But filmmaker Girish Kasravalli expressed his inability to continue in the committee due to exceptional work pressure in the year 2002. It was decided to request Prof. Suresh Chhabria of FTII to join the committee in lieu of Girish. Suresh readily obliged. Hence the present committee comprises of Gulammohammed Sheikh, visual artist; Anuradha Kapur, theatre director; Jashodhara Bagchi, literary and women's studies scholar; Suresh Chhabria, Film scholar and Shanta Gokhale, writer and media critic.

The announcement for applications was released in the month of July. From the 83 proposals 4 were disqualified for being outside the parameter of the project. Through a rigorous procedure of elimination fifteen proposals were short listed by the committee.

The final awardees of the fellowship:

Pushpamala N., Bangalore

***Artwork by using recipe books***

Pushpamala is an eminent visual artist, known for her radical use of various popular forms and formats.

Project synopsis: Recipe books are a combination of traditional wisdom, form of history writing, personal memory, chronicle of wild desires and a symbol of ordered, contained, domestic world. A series of art works are to be created by using and countering the formula of the recipe books.

Vidya Kamat, Mumbai

***Roadside shrines in Mumbai***

Vidya Kamat is an young artists and art historian. She has previously worked with Majlis during the students' workshop on Science as a site of culture.

Project synopsis: A photo-study of the urban public space and politics of religious shrines on the streets of Mumbai. Once a symbol of the multi-cultural character of the city, the shrines are often the power base of the neighbourhood mafia.

Vipin Vijay, Calicut

***Audio-visual documentation for a film on physical culture in the backdrop of 7-a-side football mania***

A young graduate of Satyajit Ray film and television institute of Kolkata, Vipin came to limelight with his brilliant diploma production and a documentary on the folk performing art *Thayyiam*.

Project synopsis: Seven-a-side football, an unauthorised sport in Kerala, is revered as a ritual. The filmmaker proposes to explore the symbolised aggression, territorial commitment, and participatory supporters in the world of this crazed physical culture.

Vaidehi, Manipal

***Play scripts on the lives of Kamladevi Chattopadhyay and Kusuma Saroba***

A premier poet in Kannada, Vaidehi is known for her commitment to gender issues. She also appeared in the Majlis' film *Scribbles on Akka*, as one of the representatives of Mahavedi Akka's successors.

Project synopsis: Kamladevi, a freedom fighter, patron of traditional art and culture and a stalwart in the field of women's education had led a very colourful life. Kusuma was one of the pioneers in the health movement. The project aims to develop scripts on their lives in stylized narrative mode and produce them.

Surabhi Sharma, Bangalore/Mumbai

***Research and script for a film on Indian Postal System***

Surabhi, a graduate of FTII, Pune, has already directed an acclaimed film *Jari Mari: Cloth and Other Stories*.

Project synopsis: Indian post offices: the largest postal system in the world, postman: the most adored and accessible of the public servants, postal stamps which bears the names of lost, forgotten or estranged destinations and a system which bears tale tell marks of the colonial past are some of the concerns this project aims to address.

The fellowship term started from the month of December `02. In June the fellows have submitted a half yearly report. The selection committee will evaluate the reports and the fellowships will resume only after the committee express their satisfaction regarding the progress of the project.

The fellowship project has grown to be one of Majlis' most important field of works. It not only increased the outreach of the organisation, the project has also succeeded in evolving a loose network of multi-disciplinary art practices.

**Project 2. Archive on video footage**

Though the project has been launched this year it has not evolved the way it was planned. The project aims to question the increasing mania over copyrights and foreground the issue of access to information and visual material. But the concerned people, long lived and worked under the modernist notion of authorship and eligibility for access, taking longer than we expected to realise the need for such a project. We need to work really hard to drive home simple points like, the footage of Mahatma Gandhi's funeral lies in the vault of the Film Division inaccessible to any ordinary mortals, that it could have been used to great impact to counter the current xenophobic culture, that the contemporary filmmakers should have full access to such material. Petty individualistic issues such as the precaution against possible plagiarism, immoral usage of the footage take precedence over the issue of democratization of visual history.

However, after a long drawn campaign situation has started brightening up. From the next financial year Hansa Thapliyal, a filmmaker and alumni of FTII will take full time charge of the archive. A core group of twelve filmmakers will be set up early next year to work out the ethical part of the project.

Some forty hours material of Gujarat carnage and the testimonies of the affected people in a public meeting in Delhi have been acquired from various sources including Sahmat of Delhi and Shared footage group of Mumbai. An effort is on to collect all the material

shot during the Bombay riots of 1992-93. A set of footage of around ten hours on the textile mills of Mumbai has also been acquired. Another set of footage on the issue of land and real estate is also being developed. We finally aim to gather a substantial volume of footage on various aspects of Bombay to start an independent section. Another important section, which has already got some exciting material, is bazaars. Since Indian bazaars has always been a great source of enigma and also a passage to oriental exotica, they have been shot since time immemorial. We have started collecting all these material as a part of a study of visual cultures and colonial identity. We have also shot some fresh footage of some markets, which specialize on catering to the need of the minority communities. Footage from Kashmir, North East and tribal lands are also being followed up very seriously. The upcoming elections in the state of Rajasthan, Madhya Pradesh and Maharashtra will be recorded by the retainers of the archive. Forty-five hours of television footage on Iraq war from various television channels have been acquired. Using this material. We plan to develop an exercise on the theme of *politics of shooting reality* for the students.

### **Project 3. Educational CD-rom**

Due to our pre-occupation with the violence in Gujarat we could not start the technical work on the CD-rom project in this financial year. Besides, the novelty of the project involves a lot of market research and tapping inaccessible resources. The development in Gujarat has also made us review the content of the CD-rom project.

The project focus is currently shifted to multi-culturalism. In order to counter the xenophobic campaign of the right wing parties and attempt to influence the history text books to suit their ideology, we plan to bring out a series of inter-active, adventure based, CD-rom programme on the theme of multi-cultural nature of Indian society. The programme will be aimed at the age group of 7 to 12 in the urban context. We also plan to develop a distribution system to get an outlet through bookshops and game shops. We have already got in touch with a group called Schoolnet who has a membership of 12000 schools all over the country. One of the ambitious ideas is to get the CD-rom into school libraries and make them a part of the text or leisure game.

The first programme will be on the story of spices- *how the spices that we eat everyday have come from different sources and cultures, how that activity was related to both colonialism and mixing of cultures, how much the Arabs, the Afghans as well as the Europeans have influenced our food habit.* The tentative title of the programme is *Spying on the Spices*. The next programme is planned to be on the making of borders of all kinds, tentatively titled as *Do the ghosts make the borders in the night*.

From the next financial year Kalyani Hiwale, alumni of National school of Drama will join the project as researcher and scriptwriter and Shilpa Gupta, an acclaimed visual artist will join as the visualiser. This team will develop the story line with the guidance of some senior historians. Then the script will be converted into interactive game with the help of some professional programmer. We also plan to constitute a team of 7 children of the same age group and test the programme at every stage with them. Since this is a novel

project in our context and a very new form for us, we may have to go through some trial and error process before arriving at the final product.

### **Project 4b. Publications**

We proposed to bring out a publication on the proceedings of the five annual students' course on culture that Majlis has conducted in 1996 to 2001. But the volume of material generated in these workshops turned out to be much more than we could remember. During the whole year we could only transcribe all the sessions and make the basic selection. Gitika Talwar, a young graduate who was a participant in two of the workshops were entrusted with the job of transcription. She has painstakingly transcribed the proceedings of seven days each in five workshops. After the preliminary selection it has been sent for final editing. But while browsing through the whole of the material for the first time, we have realised that the value and the richness of the material is actually far more than we have expected. Currently we are exploring the possibility of approaching a formal publisher with the material. After all the publication will have a much longer shelf life under a formal publisher than as an informal publication by Majlis. But at the same time a formal publication may edge out the orality and the experimental structure of the whole project. However, we are just contemplating all the pros and cons.

The smaller publication on the fellowship projects will be ready only after the completion of the present term of fellowship in January 2004.

### **Project X.**

#### **a) India Sabka Youth Festival**

India Sabka (India belongs to everybody) youth festival is one of the most visible and big scale projects co-ordinated by Majlis. In a way, this programme, though not part of any long term planning, is a logical development of the Students' cultural course that we conducted in last six years. On the other hand, the festival also stemmed out of the legal centre's experience while working for legal relief in the violence torn Gujarat. As the enormity of the crisis around Gujarat became clear, many existing concerns and projects of Majlis paled in comparison. We requested HIVOS for permission to use the grant earmarked for the international symposium on Feminism and Law to be used for a youth festival on secularism and multi-culturalism. All Majlis' trustees and friends pulled up all their resources and experiences to make the festival: Meenal Patel agreed to act in the students' film which won the first prize, Neera Adarkar painstakingly mobilized the students of Architecture from various colleges to participate in the unusual design competition and the students of Mitra Parikh formed the core body of the student participants. The festival is extensively documented by video, photo and sound professionals. Currently Vibha Nijhawan is editing the material in order to make a video report of the festival. The same will be sent to HIVOS as soon as it is ready.

Enclosed is the report on the festival, which was circulated among NGOs and citizens' groups working on campaign against violence.

### **b) Seminar on Constitution and minority identity: a post Gujarat perspective**

The breakdown of Constitutional machinery in Gujarat during the communal carnage prompted us to organize a seminar on **Constitution, Secularism and Minority Rights**. The judiciary has time and again proclaimed that secularism is the basic tenet of our Constitution, that it cannot be altered or modified. But simultaneously, we are confronted with a ground reality where this principle is being eroded beyond recognition. The abdication of this tenet by the very people responsible for governance and for safeguarding the pluralistic traditions of our nation has become a matter of grave concern. The Gujarat carnage has shaken the faith in Constitutional mechanisms, be they executive, parliamentary or judicial, to protect the 'other' - the minority, the marginalised, the powerless.

But then, suddenly and surprisingly, just when all seemed to have been lost, a lone voice of a Constitutional functionary, came out loud, clear and fearless, in defense of these traditions. The voice of the election commissioner J. M. Lyngdoh.

In view of these developments, it was imperative to examine whether there are some basic and inviolate principles which are secured, irrespective of who heads the nation, which political party is in power, the political leanings of a particular judge or which particular government functionary is at the helm of affairs at a crucial historical juncture. Does secularism depend upon these individual variables or are there beacons of clarity beyond individual vagaries and political leanings? Recent events have rendered it necessary to ponder over the commitment of the nation to secularism and multiculturalism beyond individual variants within the Constitutional scheme of checks and balances.

This seminar was organized to address these issues on 22<sup>nd</sup> December 2002 as a part of the India Sabka youth festival. The keynote address was delivered by Senior Counsel Aspi Chinoy, while Justice Suresh H (Rtrd) chaired the session. The other speakers included, Seema Moustafa, a journalist from Delhi; Teesta Setalvad a social activist and editor of Communalism Combat; Ganesh Devi an expert on tribal culture and languages based in a village near Baroda, Biju Mathews, who is conducting research on foreign contributions to right wing outfits in Gujarat and Mr. Feroz Ashraf a grass root level activist in a muslim ghetto. The seminar was conceptualised and coordinated by Flavia Agnes.

### **Other Projects:**

#### **a) Make Up**

A theatre project with House of World Culture, Berlin

House of World Culture organised an international performing art festival *In Transit* in June 2002. Majlis was requested to put up a theatrical piece for that. Make up was directed by Anuradha Kapur and Performed by Harish Khanna and N. Roshan. The play was a series of narratives on making up for roles/identities. Formally it was a double play of performance and video. The video section was directed by Madhusree Dutta and shot by Avijit Mukul Kishore. Due to paucity of extra funding, the play could not be preformed in India yet.

#### **b) Made in India**

A film project with the Manchester City Art Gallery, UK.

Manchester city art gallery hosted a visual art festival of South Asia in July-September 2002. The India section of it was curated by the eminent artist and art historian Gulammohammed Sheikh with the title *New Indian Art: Street, Home, Bazaar, Shrine and Museum*. Madhusree Dutta was requested to make a film to commemorate the occasion. The film which covers diverse visual cultures of India through various geographical regions and community festivals is titled *Made in India*.

#### **The synopsis:**

A rural artist paints her autobiography, Bollywood movie icons' images get erased after the weekly run of the film, the national flag flutters on 150 kites, installation artist paints pop icons on the rolling shutters of shops, religious icons jostle for attention with plastic flowers on the vendor's cart, metaphors of life cycle adorn the mud wall of a home, neighbourhood boys craft the tale of WTC and the sale of toy planes goes up. Symbols of nationalism become a fashionable commodity.

*Made in India* is a film on contemporary visual cultures in India. India, the ever alert, ever forgetful, many layered, often intolerant, multi-lingual, multi-cultural conglomeration. A *Bahurupee*, professional impersonator, changing personas from monkey to Charlie Chaplin to Mahatma Gandhi to god Shiva.

## **LEGAL CENTRE**

### **I. Secular Initiatives**

**a. Gujarat Carnage - A Gender Based Legal Initiative:** The year started with the already month long communal carnage in Gujarat, resulting in the death of over 3000. Whilst the carnage continued unabated, we kept wondering whether there was any possibility of a legal intervention on behalf of women.

On an exploratory trip to Ahmedabad in April 2002, we were struck by the invisibility of sexual violence in official records and police complaints despite the wide media coverage. In most cases sexual violence was subsumed under the major event in the area.

In places like Naroda Patiya and Gulberg Society, the police had filed a single FIR for the entire area. Sexual violence was either not mentioned or mentioned cursorily. Around this time the other concern of many women in predominantly Muslim dominated areas was police atrocities. The police were engaged in 'combing operations' apparently to 'control violence', but in effect, it meant arresting the Muslim youth. The underside of these combing operations was gender violence.

We decided to plug in our efforts with the legal initiatives programme of a broader NGO network, *The Citizens' Initiative*. At the community level, we worked with two local groups, Sahr Waru and Vikas Adhyayan Kendra.

Upon our return, the hard reality struck us - we did not have resources, both in terms of finance as well as personnel. We sent out an appeal to a small group of activists and friends that was forwarded by them far and wide. We were heartened by the overwhelming response we received. The donations started trickling in and the response from lawyers, law students, social work students, college lecturers, journalists and a host of others from varied professional backgrounds was far beyond our expectations. The scheme was to send out groups of volunteers for a period of eight to carry out the task of recording testimonies. So week after week, from April to June, volunteers set off to Ahmedabad, as part of this project.

Initially, the group would be involved with varied activities as the moment demanded - helping in relief distribution, accompanying women to the site of their ravaged homes for official surveys, helping with documentation work for the host group. Gradually the stories unfolded, each one more horrendous than the other. Most recorded cases followed a routine pattern. Gang rapes, dismembering and then burning. No evidence of rape left.

We were at a dead end, in a legal dilemma. The initial FIRs did not specifically mention rape. So any effort to file fresh FIRs would only be dismissed as 'after thoughts' and 'tutored testimonies'. This in addition to the conviction rate for rapes in more congenial circumstances being as low as 2% was no option, what hope can we give to the women who dare to fight?

The manner in which the higher judiciary was disposing off the hordes of Public Interest Litigation already filed, did not give us the confidence to adopt this path. Should we seek specific directive from superior courts for special procedures and time bound hearings? But at the end of it, the hard fact remains that, by the time we completed recording testimonies, there were only two survivors who stood by their initial testimonies, who too after a few months retracted. Confronted with this reality, we abandoned the idea of seeking a mandate for special courts and time bound hearings.

There were other legal options, which could yet be explored - International Conventions on Human Rights, the Convention on Genocide, International Criminal Court, an international women's tribunal, civil claims for state lapses or damages and compensations for the failure to protect life and liberty. These are newer arenas which all of us are only now beginning to learn and understand.

The only next option, much watered down, was via the Commission of Inquiry, instituted through an executive direction. What validity will it have? Was there scope for it to be neutral and independent within the overwhelming anti-Muslim fever, which had gripped the state executive and bureaucracy? Would it merely reflect the biases of the party in power and become a means of ratifying its actions? Despite knowing all the lacunae, the loopholes, the inadequacies of the legal system we persisted, changing our strategies as we encountered newer dilemmas. It is due to this that in the final analysis, only 26 affidavits on sexual violence and around 20 on police atrocities could be filed, just the tip of the iceberg. Along with this two perspective affidavits of Flavia Agnes and Sheba George were filed weaving the individual affidavits together with a larger conspiracy theory. The Project was co-ordinated by Veena Gowda.

**b. Publication: *Of Lofty Claims And Muffled Voices*:** Along with the above initiative, in order to record the experiences of the volunteers, our own struggles and the voices of those women who had dared to speak to us we brought out our entire journey through the Carnage in the form of a small report titled *Of Lofty Claims And Muffled Voices*. The book, edited by Flavia, is a collection of first person narratives by the volunteers who worked for the legal initiative programme. The invisibility of sexual abuse in official records and the Herculean efforts needed to bring it into the domain of law and legal mechanisms are the primary concerns of the publication. While the immediate context is the communal carnage unleashed upon Muslim women in Gujarat, the issues are not confined to Gujarat. They raise questions of state structures, Constitutional provisions and the civil society at large. The barbarity of the crime reflects the debasement of an entire nation.

## **II. Litigation**

The Legal centre of Majlis whose work till recently was concentrated in the Mumbai Family Court and High Court, has during the years expanded to Nagpur, Thane, Mumbai and the Supreme Court of India. At the local level with increased number of women approaching us in cases of violence within the family other than in marriage our work has also included property litigation in the City Civil Court and the Magistrates Court.

In the year 2002-2003 approximately 350-400 women approached Majlis office in Bombay for legal counseling. Of these approximately 80 were legal cases and were filed in various courts. Of the pending cases before the various courts 55 were finally resolved either by a judgment of the Court or an amicable settlement. In addition, at the Nagpur office there are presently approximately 70 cases pending before the Family Court.

### **Significant Legal Interventions:**

***Widow's Right To Matrimonial Home:*** Litigation keenly contested for the last ten years concerning a widow's right to matrimonial home finally ended in a victory this March. A

widow residing in her matrimonial home after the death of her husband through whom her right to reside in the house flows, fought against her brother in law to secure her and her children's right to the house. The complication in the case was that the property was self-acquired property of the mother in law who died without leaving a will. The woman's husband who was an alcoholic allowed his brother to transfer the property to his name only to spite his wife.

During his lifetime she filed a case against her husband and her brother in law claiming a right to reside in the house. As her luck would have it during the proceedings her husband expired and the brother in law claimed that her right to the house extinguished upon his death. As her right to the house was by virtue of her residence in the house the brother in law did everything to ensure that she left the house. From getting the gas and electricity disconnected to not allowing the children to study. Finally in the interest of the children she decided to leave the house and we promised to fight the case on the principle of matrimonial home.

After ten years the Family Court declared that the house despite being in the name of the relative would continue to be the matrimonial home even after the death of the husband and no one had the right to obstruct her occupation of the same. The judgment in this case now expands the concept of matrimonial home, which would help a lot of women who are thrown out of their houses and are not in a position to re-enter. A case that started with the inception of Majlis finally ended in its third generation.

***Matrimonial Rights of Physically Challenged Women:*** A deaf and mute woman who had been working for several years had purchased a house in the joint name of herself and her husband in order to obtain a higher loan. Her husband a chronic alcoholic, gambler and abusive would constantly assault her and her children. She approached us a day after she was thrown out of her house along with her two children. Her handicap did not permit us to use our strategy of putting her back in the house as if something happened she was not in a position to even call us for help.

Hence, she filed a criminal case under section 498A and her husband was arrested. Taking advantage of his absence we filed a petition for divorce, declaration that though the house is in the joint name of the husband she should be declared as the sole owner and for an injunction restraining his entry to the house. We moved the court for urgent order to restrain his entry, which all lawyers in Thane told us was near impossible. But we managed and followed it up with an interim order along with an order directing the local police to help her execute the other. The woman now lives in the house with her children. It was for us a milestone, as an order restraining a co-owner from access to his own house is near impossible and further in a district Court this was unheard of.

***Criminal Trial:*** The case of a woman charged with murdering her own child has been discussed in the previous reports. After facing years of humiliation and mental torture she had tried to commit suicide along with her two years old daughter. Though she survived the child succumbed. A few years ago we had managed to obtain custody of the child as

well as secure her right to the matrimonial home in the Family Court. But last year, for us was to defend her on charges of murder before the Sessions Court.

The incident had occurred more than ten years ago and the woman has been facing criminal charges for the murder of her child. With the help of one of the senior most Criminal lawyer in Bombay we succeeded in getting her acquitted on the charge of murder, while the Court ordered her to pay fine for attempt to suicide.

*Women's Right to Life versus AIDS Patients' Right to Marry:* The first stage of our intervention in the Supreme Court concluded successfully when the matter was heard and decided finally by the Supreme Court.

The entire issue came to be litigated and debated when in 1998 the Supreme Court restricted the right of an AIDS patient to marry. Subsequently, AIDS unit of a law group filed a review Petition before the Supreme Court asking the Court to permit AIDS patients to marry. We intervened in this case and submitted arguments grounding women's social reality. The chances of a woman with AIDS contracting marriage are practically nil in our society. That the issue of consent of women within our social reality is a vexed and illusory concept and that the whole AIDS campaign is male-oriented and has not taken gender into consideration. Even though there is 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 matter was argued by all concerned parties in the month of December, 2002 and the Supreme Court passed an order stating that there would be no new rights created regarding AIDS patients right to marriage.

### **III Research: A Comparative Study of Family courts in Karnataka - Maharashtra:**

Since the work of Majlis is situated primarily within the Family Courts in Maharashtra, it was relevant that we undertake a study of examining court records and to interview judges to assess the implications of the family court to women's lives.

Though the central act was passed in 1984, it was left to the individual states to enact the state legislation, which would provide for the formations of such courts in their respective states. For many states the stipulation of forming the Family Courts remained on paper. But the states of Karnataka and Maharashtra were among the first in the country to enact the state legislations and institute the family courts.

The aim was to provide for speedy resolution of family dispute in an informal, congenial and less technical atmosphere. It was hoped that such an environment would facilitate women to access the justice delivery system and make litigation less formidable. Such a forum was also supposed to reduce the dependency of litigants upon lawyers.

Over the years the dream of a speedier justice and a less formal and less technical environment has been shattered. The courts have remained formidable and technical.

And hence the dependency on commercial lawyering has increased. Many of the positive recommendations of the Act have remained only on paper.

In 2001, a Parliamentary Committee 'The Committee on Empowerment of Women (2001-2002)' was set up and the members of the committee visited various states and submitted its report. In its Fifth Report on *Functioning of Family Courts* in December 2001, it has been stated that the Committee noticed a number of shortcomings/deficiencies regarding the functioning of the Family Courts. The Committee made certain recommendations which specifically contextualised gender and the guidelines issued were specifically aimed at making family courts more sensitive to the needs of women litigants which were sent to all the state governments and the state commissions for women. Despite this there seems to be very little follow-up work done in this regard.

It is within this context that Majlis initiated a study of family courts in two states – Karnataka and Maharashtra. These studies are partly supported by the respective state women's commissions. The study is relevant because out of the 84 courts in the country 25% are located in Maharashtra and Karnataka i.e. 16 and 8 respectively. So, it is hoped that the comparative study of the courts in Maharashtra and Karnataka will pave the way of setting uniform guidelines for the courts in the rest of the country and bring in gender specific changes in the structure and functioning of the Family Courts in the country.

A detailed study will provide useful data regarding the demographical profile of litigants, which can be used as indicators for assessing social trends in family disputes. Who approaches the court, for what reliefs, the time lag between filing a petition and dispute resolution, how acrimonious are the family disputes and the possibilities of settlements or consent divorce etc. can be assessed with accuracy using a statistical methodology. By comparing the data of the capital city of Bangalore with that of moffusil towns, the study will also examine whether there is a difference between the urban and semi-urban situations in terms of the approaches of the judges to women, the type of lawyering as well as the nature of disputes and claims.

The study will also explore the role of the Family Court judge and to what extent it differs from that of the district civil court judge as well as the gender sensitivity and the responses of the judges to women's problems. The other issues which the study hopes to explore are - the role and functioning of the marriage counselors within the new dispute resolution structure, the role of lawyers, legal aid board and non-governmental organisations in the functioning of the court, how the court staff responds to the changing needs of the litigants.

The study will be extremely useful to assess the impact the Family courts have had over family dispute and in delivering gender justice and will dwell in detail over the innovative and best practices adopted by individual judges/courts which can be duplicated by other courts. The study be the bases on which suggestions for changes can be made so that the courts adopt a minimum standard of uniformity. The study will also prove to be an important source material for the gender sensitisation course conducting for the civil and family court judges.

#### **IV. Fellowships to women lawyers in district towns:**

This is an innovative and experimental three-year project to spread the gains of legal campaigns and to create a network of women lawyers in district towns, which started at the beginning of 2003. The project supported by MacArthur Foundation aims to train women lawyers who will be equipped to identify rights violations and carry out litigations and campaigns around these violations in smaller cities and district towns of Maharashtra. Lawyers who are already associated with NGOs' in their districts will be given a fellowship by Majlis to support their work.

The purpose of the project is to evolve a group of community based women lawyers equipped with feminist legal ideology and a practical knowledge of Constitutional mandates, International Conventions, domestic statutes and court skills to deal with issues of rights violations of women. The project would also create a machinery in district courts so that the gains of public interest litigation initiated in the higher courts and newer enactments can be made accessible to the district towns to facilitate their implementation.

As the fellows will be associated with NGOs' we hope to create a network among socially committed lawyers and local NGOs at one level and between lawyers working in different towns at the other, so that the legal awareness and social campaigns initiated in one district or in the metropolitan cities have a multiplier effect. We also hope that through this network, the secular traditions of our country would be strengthened and the group of trained lawyers would act as deterrent to the spread of communal violence in Maharashtra.

The initial work of research and documentation began early 2003. Announcement seeking applications from women lawyers, were sent out to several NGOs', Women's journals etc. We received numerous applications from lawyers all over Maharashtra and five-day training programme would organized between 28<sup>th</sup> to 2<sup>nd</sup> April. From among the participants ten have been selected for the fellowship.

#### **V. Support Group Meetings:**

Our interaction with women on a day-to-day level is at times of crises, when all energy is concentrated on securing individual rights and protection of interest. Unless this is combined with an interaction with women at a more conceptual level the legal center becomes just another referral center. In addition to this for women themselves interaction with others facing similar situations or worse, help understand their reality and empower them by increasing their understanding of the legal procedures. In order to achieve this balance Majlis regularly organizes support group meetings of all the women who approach us.

Soon we noticed a lot of women getting back into situation that they had earlier been in, negating our intervention in their life. Also among us we felt that during the process of

litigation, our convictions were not getting transferred. Hence, in the last few years we are have used support group meeting to address larger issues of the women's movement and politics.

In the annual clients' meeting in 2002 the focus was on the struggles of single women and tight ropewalk of bringing up children in the reduced economic and social status. To communicate this **Meenal Patel** a trustee of Majlis performed a play based on a short story of Dalit writer Urmila Pawar's struggle for education. The play was followed by a panel discussion of the Majlis clients who have not only successfully handled their cases but also their children and their career. Flavia Agnes chaired the session with her own experiences and growth that led to the inception of Majlis.

## **VI. Paralegal Workshops and Training Programmes:**

Having successfully worked out linkages with Social Work Organisations, State Machinery, Colleges, and Academic Institutions etc. Majlis through out the year organizes several training programmes for these partners. Majlis has also emerged as the major resource for expert legal guidance to various NGOs, special interest groups and academic institutes.

**a. Colleges and Academic Institutions:** Along with working among women and other organisations, students and youth have also been the focus of Majlis legal dissemination programme. In certain colleges and universities like Tata Institute of Social Sciences and SNDT Women's University that have specific courses on Women's Studies or Law and Gender advocates of Majlis are invited to give lectures on Law related to Women, Courts and the Justice System. But newer associations are being built with other Degree Colleges like K.C. College, Xavier College, Royal College, Sophia's Polytechnic, National College, J.C. College of Law, and Government Law College etc.

During the week long programme against communalism organized by Xavier's College, Ms. Flavia Agnes was invited to speak on Gender and Communalism on the basis of her newspaper article titled, *Women and Genocide*, based on the experience in Gujarat. The lecture was well appreciated by students and raised many questions about social norms, biases and the extent of sexual depravity and abuse of women in a society afflicted with communal hatred.

**b. Organisations:** Para legal training workshops with organisation are held at different levels. While for more closer associates like the Special Cell for Women and Children, Dilassa, Arohi, Aawaz-E-Niswan workshops are held for new entrants and refresher programmes for the older members. Other one time training programmes are done at a more need based level.

In the month of April 2002 we organized a three-day training programme for associated NGOs where there was a more in-depth discussion on law and strategy. Since most of them were experienced workers we used newer techniques such as Moot Court and quiz

to sharpen their strategies. This workshop provided the team with exposure to broader political concerns beyond the boundaries of day-to-day litigation and help them to enter into the polemics of contemporary legal discourse.

A three-day workshop was conducted to women lawyers in Trivandrum, which was co-organised by Sakhi, Trivandrum and was co-ordinated by Sandhya Raju who had worked as a junior lawyer with Majlis and had recently shifted to Trivandrum. The workshop which was held between May 19 - 22 was attended by 25 lawyers and activists from district towns.

In the year 2002, Special Cell for Women and Children started seven more cells in various district towns of Maharashtra outside of Mumbai. Hence, in December 2002 Flavia Agnes and Apurva Parsekar conducted training programme for the new social workers employed by the Special Cells at these Districts. Since most of the workers in the new cells are not exposed to law and pre-litigation strategies the training was more at a basic level.

Saheli, a Delhi based women's group invited Majlis to make a presentation on their legal initiative in Gujarat for a two day workshop conducted by them on Communalism and women – a post Gujarat perspective on 10<sup>th</sup> August, 2002. Veena Gowda from Majlis was nominated to go to Delhi as she had co-ordinated the legal programme in Gujarat. The meeting was attended by other activists and students from different parts of the Country.

### **c. Gender Sensitization Workshops for Excise Department and other Corporates:**

The National Academy for Excise and Narcotics, Western Region, Bhandup, Mumbai organizes a series of workshops throughout the years, for Gender Sensitisation of their staff at various level, right from Senior Officers and Commissioners to Inspectors, Supervisory Staff, Clerical and Administrative Staff and other employees. Majlis was one of the main resources for all the workshops, which were conducted at regular intervals during the year. Veena Gowda of Majlis conducted several sessions on the issues of Sexual Harassment at Workplace, Personal Laws and Women's Rights and Labour Law and Economic Rights of women and conducted a few practical classes to dispel the myth surrounding the legal system. The documentary films produced by Majlis were screened during the workshops and were highly appreciated by the participants.

With more educated, well placed, working women approaching Majlis with prolonged history of domestic violence, has also pushed us to extend our resources to the private corporate and government sectors where these women work. While these women seem economically independent somewhere the struggles of the women's movement does not seem to have seeped into their lives. Hence, we have been conducting frequent workshops and training programmes for employees of Customs and Excise department, the Central Railway, Provident Fund, Taj group of Hotels etc. on regular basis. While the focus of these training programmes continues to be domestic violence and legal strategies, we have also included other relevant topics such as sexual harassment at

workplace, services and labour laws etc. These bodies have also now invited Majlis to be the external NGO on their sexual harassment committees.

**d. State Women's Commissions:** Being one of the few groups that has day to day experience of litigating for women and the working of the laws the State Women's Commissions, of both Maharashtra and Karnataka, have called upon Majlis to provide them critiques on existing law and suggestions on changes and drafting of newer laws.

On 29<sup>th</sup> June 2002, the Maharashtra State Women's Commission along with the Zilla Parishad Committee had organized a one-day workshop for their own members and other NGOs' from all over Maharashtra on Domestic Violence and legal strategies. Majlis was invited to be the resource persons and Apurva Parsekar conducted the workshop.

In April 2002 the Karnataka State Women's commission invited Majlis to discuss with NGOs the relevance of the proposed Bill on Domestic violence. While Flavia Agnes gave a historical background to the entire issue of Domestic violence and law and raised the contemporary concerns and issues, Veena Gowda elucidated on the Majlis critique of the Domestic Violence Bill and possible alternatives.

### **Future Plans:**

Majlis office currently houses all the projects of both cultural centre and legal centre. But with the increasing work load and the diverse nature of the activities, the space constraint has become a very serious concern. We plan to acquire a new office space early next year. The new space will house the video archive, video editing suite, cultural centre administrative office and a studio theatre equipped for film screenings, small-scale performances and exhibitions and seminar/workshops. The present office will continue with the legal centre activities, the library and the trust administration. In the legal centre, Veena Gowda will be entrusted with the responsibility of co-ordinating the litigation work, while Flavia Agnes will be involved more with the research, publication and training projects.

With this division of space we hope to achieve a separation between our public affair projects (such as cultural productions, archive, studio theatre etc.) and projects dealing with individuals (such as litigation). We also hope to raise some revenue from the editing suite and the studio theatre. But this arrangement is also likely to increase the administrative expenses.

Madhusree Dutta  
Executive Director

*Encl.*

- a) *Audited statement of finance 2002-03*
- b) *Report of India Sabka youth festival*