

# ANNUAL REPORT OF MAJLIS 2008-09

## Financial Profile

In this financial year Majlis has received fund from HIVOS, the Ford foundation and Global fund for Women. HIVOS, the traditional donor of Majlis, has started phasing out its support since 2007-08 and in this financial year contributed only 70% of the budget submitted to them. Global fund for women had contributed a one year grant towards the project of Dharavi Livelihood documentation. The Ford Foundation has entered into a three year contract with Majlis to support the new project Cinema City: Bombay / Mumbai. The project period has started from January 2009. Additionally we have also received a small grant for the community education programme for the Muslim girls in Jogeswari from Rajiv Gandhi Foundation.

We have entered into a contract with Doordarshan / PSBT (Public service broadcast trust) to co-produce 7 films on Cinema City where they would contribute 50% of the total production expense. A part of that grant has also been received this financial year.

## ACTIVITIES

### Centre for Inter-Disciplinary Art Initiatives

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

Working with the academic institutions and media channels in partnership too is a new experience. As the academic institutions face the resource crunch they are looking for partnership with private sector and independent centres. This is an opportune time to forge collaboration with academic institutions. Similarly the public media houses too are looking for different ways of programming due to the internal contradiction within the

entertainment industry in the era of globalisation. Today it is possible, to some extent, to create small pockets of niche programme within the mainstream media. We plan to explore these two opportunities in the next phase.

### **Godaam: Digital Video Archive**

In the year 2008-09, Godaam has substantially expanded both its collections and outreach. The programme commenced within Godaam in this financial year can be categorised as: Dharvi Livelihood Documentation and Expansion of [pad.ma](http://pad.ma). We could not and did not collect any new material on Kashmir as the already existing material are being categorized and catalogued in offline Godaam and online [pad.ma](http://pad.ma). In this year 16 files on Kashmir are annotated in detail and uploaded online for public access.

In the previous years some people have voiced discomfort in various internal and external meetings, regarding the politically sensitive material on conflicts being made available in public space. In response to that we have divided the Godaam collection in two parts. While a substantial part of the collection are scheduled to be uploaded on [pad.ma](http://pad.ma) in a format that can be downloaded, used and referred to without any intervention from the organization; a small section is marked as classified and not to be made available online. We have evolved a system where this section, which mostly comprises of personal testimonies of victims and other documents on state violence in Kashmir, can be accessed only in Majlis office and through a navigating process facilitated by a resource person. Request to use any of the material from this section too need to go through an advisory committee.

One of the tasks of the archive project has been to make it a place of active participations and not let it slip within the format of impersonal service centre. Initially it seemed like an obscure idea. But following the trend in last few years the concept of a participatory archive has become far more acceptable. The Godaam and its online version [pad.ma](http://pad.ma) has got benefited immensely by this new interest in archiving practices in art forum, in academia and in civil society movements. Eminent artists Sheela Gowda and Nilima Sheikh created new art works based on some of the images from Kashmir in Godaam

collection and as a direct response to the workshop on ‘Logistics of Perception: Images from Conflict Zones’ in February ’08. Acknowledgements from such reputed artists render great validity for the archive. Hansa Thapliyal, who painstakingly developed the Kashmir archive, has also presented an art work based on Godaam collection in the international art show **Manifesta** in Italy.

The post graduate studies department in SNTD University and the women’s study department in Pune University have also been referring to Godaam in their works on women’s narratives and practice of archiving. We are also working as consultant with Zubaan, the women’s publishing house and School of Women’s Studies, Jadavpur University in their projects of creating image archive for women.

When we started the archive project it was meant to be distinctly different from our other projects of producing films, theatre and other art works; pedagogical projects; support to independent artists and rights campaigns. But slowly as the archive project grew into a dynamic space all our other activities and interests have got merged within it. This year through the Cinema City project and the development of [pad.ma](#) Godaam has evolved into a practice based archive. In this new system we are able to engage large number of people to work simultaneously on research and collection of testimonies and documentation on contemporary issues through the production process of films and art works. Then in the second phase, through [pad.ma](#) the collection goes through another complex phase of interventions – annotation, classification and re-editing both by the appointed resource people and the common users. Though the second phase is yet to become a popular practice we hope to achieve it fully in next couple of years. Hence the supports to independent artists, participatory pedagogy and cultural productions have got consolidated within the archive project itself. This is one of the most exciting phase of evolution for the cultural centre where not only we could reorganize our areas of work but also revitalize our old projects into a new model.

## **Dharavi Livelihood documentation**

This year we focussed on a special programme to document the livelihood practices in the slums of Dharavi. Dharavi, a low rise high density settlement of 223 hectars and 106,045 households is presently at the eye of the storm. The govt. has declared a special scheme to redevelop the settlement in order to gentrify the area and also release surplus land for commercial usage. The scheme came under severe criticism on the ground of forced homogenization and threat to livelihood of the urban artisans and wage workers. Dharavi is inhabited by a large number of potters, leather artisans, fisher folks, zari and embroidery workers, flower sellers etc. Most of these people work in the small scale and informal workshops in the extension of their homes or within the close proximity of their neighbourhood. This phenomenon has also resulted in large number of women being part of the livelihood practices. Besides, the various neighbourhoods in Dharavi create a complex network of small industries which are interdependent and complimentary. Under the redevelopment scheme of the govt. this precariously balanced network will collapse. Under these circumstances we had initiated a project under Godaam, to document various indigenous livelihood practices in Dharavi, with a special focus on women's labour.

We have documented in detail four communities: Koliwada (the village of the fisher folks), Kumbharwada (the village of the potters), the migrant Tamil community and the people in the leather industry. In addition we made detail profiles of 12 women and some community festivals such as Holi, Navratri and Kamdev festival (indigenous festival of the Koli community). 30 video files on Dharavi are translated (from 5 different languages), transcribed and annotated with the detail notes on the land politics in the city, the livelihood practices and community customs and then uploaded online in [pad.ma](http://pad.ma)

Dharavi livelihood documentation files are also being shared for the purpose of pedagogy in collaboration with some academic and research institutions.

## **Expanding [pad.ma](http://pad.ma)**

The most exciting part of Godaam activity in the year 2008-09 was building [pad.ma](http://pad.ma) (public access digital media archive). It was initiated by Majlis in mid 2007 in order to

disseminate the material that has been collected over the years in Godaam. It is a collaborative project with ALF (alternative law forum) in Bangalore; Chitrakarkhana, an art activist group in Bombay; Point of View, a women's media action group in Bombay and OIL 21, a net art and activist group in Berlin.

In the year 2008-09 Majlis has uploaded an impressive 151 video files on the [pad.ma](#) site. The files can be broadly categorized as: **Bombay** - Dharavi livelihood documentation; Koli community and the related identity politics; neighbourhoods documentation through pedagogical interventions; public and popular cultures in bazaars, informal settlements and streets; Behrampada slum; bar dancers and state morality; cemeteries in Bombay; testimonies on citizenship and migration; footage from Fire Brigade; interviews with various public persona – Justice Srikrishnam, Namdeo Dhasal, Pramod Navalkar, Saeed Mirza etc.; public events such as World Social Forum; talk show on Sanyukta Maharashtra Movement; **Kashmir** – representations of Kashmir in the state, private and subversive outlets; informal people's archives; Kashmiri artisans; Bhand performers; campaign videos of various political outfits etc.

The quality of the documentation, the diversity of the collection and the density of the annotation of each of the video files are much appreciated. These files can be easily navigated by logging into a sub domain [godaam.pad.ma](#) As part of the expansion programme a national level consultation with video practitioners and possible contributors was organized in February '09. In this programme 12 invited people annotated the existing files in [pad.ma](#) and made public presentations. This exercise not only expanded the scope of the project and created more prototypes regarding the use of the site, it has also facilitated exchange of material between groups and individuals. For example, eminent filmmaker Sanjay Kak annotated a file on Kashmir from the Majlis collection and film historian Kaushik Bhowmik created new texts by juxtaposing video material from files on Bar dancers and public cultures, collected by Majlis. While we still keep the offline archive (which is larger than what is uploaded in [pad.ma](#)) accessible to people on request, the online version in [pad.ma](#) facilitates the outreach to unsolicited communities and interest groups. The exercise of modifying the files in a format that is

conducive to uploading has helped in sorting and thoroughly cataloguing the whole archive.

But the outreach of [pad.ma](#) among the general public has not been achieved as much as we expected. The main reasons for it is a) low bandwidth available in India b) wide level inhibition about dealing with ITC among the academic and activists. The first problem is technical and it makes the downloading process slow and tiresome. Hence most people abandon the process in the middle. Besides we had to keep the image size very small in order to accommodate users with slow net connections. Since our files are large (in comparison to youtube and other such video sites) and accompanied by written texts, it automatically gets slower. To cope with that problem we had to keep the image size small. But it seems that makes the site far less exciting for an ordinary viewer. We plan to address this issue with more concentration in the next phase.

### **Cinema City: Practice Based Archive Project**

It is a new programme that started since the mid of last financial year. Cinema City is a project to document, archive and re-read the city through images and narratives within cinema and its impacts and manifestations in the lived world; involving inter-disciplinary and collaborative research, pedagogy and art and media productions.

The project will study and produce various narratives on Cinema in the City and City in the Cinema through films, video portraits, cartography, textual research, visual arts, pedagogical programs and publications. These productions will form an archive of perception, ideas and documents around the concept of Cinema City. The project will also be disseminated through pedagogical programme in collaboration with academic institutions. The project can be shared / presented in various formats and scales such as: lecture demonstrations, seminar presentations, film festivals, art exhibitions and participatory workshops.

## **Rationale**

Cities and cinema are the twins of 20th century. Though in the first half of the century the west primarily developed and produced cinema, since the '50s the Asian cinema has slowly developed a distinct identity. The post colonial cities, the vast metropolises and the moving people of the region have evolved a certain discipline which is as much about city narratives as about a distinct cinematic representation. Both city and cinema are also sites of aspiration that shape, reflect and even alter each other. This relationship throws up important and diverse questions. How deeply is the economic, political, social and cultural logic of the city related to its cinema? Can it be measured / determined / analysed by studying urban (re) configurations i.e. spaces within the city?

Since Bombay/Mumbai is the foremost important city amongst them, the first phase that is currently in progress exclusively focuses on Bombay/Mumbai: the Cinema City. However in the second phase we intend to look outside this city and also hope to invite collaborators from Tehran, Hong Kong, Seoul and other cinema centres in Asia. In so doing, the project aims to expand into an archive of post-colonial Asian metropolises producing cinemas. The project has tremendous possibility to explore and represent complex layers of urbanization, migration, sweat shops, entertainment culture and industry, patterns and locations of desires and citizenship structures. The work towards that has tentatively started and we have been able to secure a special grant for three years from the Ford Foundation. In the next financial year we plan to apply for more fund and also establish contact with art groups in other Asian cities to collaborate with us.

## **Components:**

1. Video narratives on Cinema City Bombay/Mumbai
2. Video portraits of Cinema Citizens
3. Cityscape and Cinema: Cartographs and Dateline
4. Memoirs and memorabilia of Cinema: Art Installations and interactive toys
5. Cinema Settlements: Study on Pila House, Malegaon film industry, Tambu cinema, Ghettos in cinema and Manipur film fusion
6. Publications: a Reader and a Catalogue
7. Exhibitions, seminar and film festivals
8. Online dissemination

## **Collaboration and Outreach**

The project due to its public appeal has got tremendous momentum from the very beginning. Within this programme we have produced seven short films on various themes around Cinema City, in collaboration with PSBT (public service broadcast trust) and Doordarshan (national television). The themes of the films are Gender, space and cinema in the city; Crime in the cinema and the cityscape; Citizens of the cinema city and portraits of people whose lives are integral to the cinema in the city. The films will soon be telecast on Doordarshan. All the video material generated during the research and shooting of the films will be uploaded on [pad.ma](http://pad.ma)

We have also collated a comprehensive dateline on the making of the nation, building of the metropolis of Bombay and expansion of its cinema since 1940 in order to link political formations (structuring the nation, defining the regionality, identity construction etc.) and economic developments in the city (urbanisation, industrialisation, post-industrialisation, globalisation and the changing nature of migration) with aspects of cinema, such as narratives, formats, technology, performing bodies, locations, associated institutions, outlets of cinema etc. The dateline will form the backbone of the final exhibition and publications.

In another programme we are working to create 'topography of the Cinema City' with the students and faculty of KRVA (Kamla Raheja Vidyanidhi Institute of Architecture and Environmental Study). The project comprises of making cartographical study of the sweat shops of cinema, slum cinema theatres, role and place of cinema in the ghetto settlements and cinema related migration pattern and internal movement of the people. It is an ongoing project and will be completed in the next financial year.

In yet another programme we are working with 5 undergraduate colleges for an advance technical course and video productions on cinema city. The classes will be conducted in Diwali and winter vacations and the productions will be ready by the end of next financial year. Again the material generated through this exercise will be uploaded in



[pad.ma](#) We are also negotiating with the SNTD University to launch a certificate course on Cinema City in collaboration with Majlis.

We have also forged collaborations with Magic Lantern Foundation in Delhi, Asia Society India and Kerala International film festival for hosting the final and interim exhibitions.

### **Fellowship to Artists**

This project has been discontinued due to lack of fund.

### **Publications:**

The Marathi edition of **One Hundred Years One Hundred Voices: the Mill Workers of Girangaon, an Oral History**, by Neera adarkar and Meena Menon, Published by Mouj publication has received the Maharashtra Foundation Award 2008.

### **Centre For Rights Discourse**

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

## **Litigation Unit**

About 450 women approached our Litigation Unit for pre litigation consultancy. These clients approached us through our outreach programme, our publicity and articles in the newspaper and word of mouth from the people who associate with Majlis.

The wide media publicity and campaign around the new Domestic Violence Act has had a positive impact on the psyche of women. Not just women, but also their support base – family and friends approach us with a belief that the new law will help them get justice. We have been using the new law effectively in Magistrate courts to get protection orders and compensation orders for women. While the new law helps us get immediate relief we still face the never ending problem of enforcing these court orders.

Our greatest challenge is the difficulty in enforcing court orders and particularly to secure women the orders of maintenance. In a few cases, even the protection orders have not helped and the husbands have continued to be abusive and violent. In these cases even imprisonment does not solve the problem. This is the most frustrating experience for lawyers defending women's rights.

Unlike other legal disputes matrimonial disputes cause tremendous anguish to the litigant. Her whole life undergoes a change when she takes that decision to fight for her legal rights. The anxiety over the court procedure only increases her trauma. Most of these clients face severe depression and are in urgent need to psychiatric / counseling help. As lawyers, our role can be limited in this area and hence, we have tried to identify such clients and provide them referrals to various organisations to seek help. However this does not always work out since we do not get feedback on the progress or are not able to monitor if help was even taken. We are now considering whether to create a post of an in house counselor who can provide emotional support for women to overcome their own depression and instill a sense of confidence in them.

## Number of Clients who approached us at the Litigation Unit

### CONSULTATION

### LITIGATION

	08-09	07-08	06-07		08-09	07-08	06-07
April	28	25	17		9	4	5
May	31	14	23		5	3	4
June	35	36	19		5	4	2
July	38	37	17		3	5	1
August	34	31	30		14	4	4
September	51	37	32		10	6	1
October	45	33	24		8	7	2
November	25	30	39		6	5	5
December	42	28	19		13	4	6
January	37	24	23		9	7	4
February	43	26	29		13	4	8
March	35	29	32		11	5	19
<b>Total</b>	<b>444</b>	<b>350</b>	<b>304</b>		<b>106</b>	<b>58</b>	<b>61</b>

### Litigation at a Glance

Total No. of Cases pending from 07-08 105

Add Total No. of New Cases Filed in 08-09: 106

**Total Cases Litigated in 08-09 211**

**Total No. of Cases disposed off in 08-09: 98**

Out of the 98 cases disposed off during the year around 65% were out of court or pre-trial settlements.

**Total No. of Cases will be carried forward to 09-10 124**

### Newer Area of Intervention - Jury at Lok Adaalats

Another important development during the year has been that our lawyers have been invited to be part of the legal panel for Lok Adaalats in Family Courts which is a mechanism for dispute resolution of cases which are pending in court for a long period. The Lok Adaalats are constituted every three months. Cases pending in court are referred

to Lok Adaalats for arriving at out of court settlements through mediation of an expert panel. The consent terms arrived at during the negotiations are signed by the parties and receive the official seal and orders are passed on these consent terms and they become part of the official proceedings. The Lok Adaalats are held under the authority of State Legal Aid Authority and the Family Court Bar Association. These are important mechanisms of dispute settlements. The inclusion of Majlis lawyers into this panel is an important development during the year.

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

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

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

We have been involved with the high profile KPMG Sexual Harassment Case. This case was referred to us by National Commission for Women. A senior director at KPMG complained of sexual harassment by her colleague. Thereafter she was terminated on the grounds of professional misconduct. The case received wide media publicity after she filed a criminal complaint against the accused and other senior partners. We have filed a writ petition in High Court. Currently the case is in Supreme Court on appeal.

### **Workshops and Training Programme**

Various workshops were organized during the year around specific themes.

- a) For social workers who work specifically on the issue of child sexual abuse.
- b) Workshop titled **Family Law - Procedures and Practices** for the Marriage Counselors of the Family Court in Mumbai.

c) Workshop for the members of the sexual harassment committee of ICFAI College on concepts and procedures to be followed during investigation of complaints of sexual harassment. We now plan to use this training module to conduct workshops at all the organizations where Majlis is part of the committee.

d) Lecture-demonstration for various grass root level organizations, colleges and some corporate firms on specific issues such as sexual harassment at workplace, the provisions of the Domestic Violence Act and litigation strategies for protecting women's rights.

e) For university lecturers who teach the course on Gender and Law. The workshop was organized by Raheja College, Juhu.

e) We were invited by Streevani in Pune for legal consultancy for about 60 women missionary lawyers who litigate on behalf of women in various states. We plan to continue our association with this group as part of our district lawyer initiative.

In the next year we plan to initiate a programme called Know Your Rights for students in undergraduate colleges. We plan to evolve a day long course module with films, lectures, interactive games and visual inputs on basic women's rights and cover a large number of city colleges under this scheme.

### **Brief Note on Special Cases:**

The unique feature of the legal centre lies in its trial court litigation where we constantly strive to test legal principles and newer enactments against the ground realities of women. Our aim is to push the limits of law beyond the established boundaries and thereby expand the horizon of women's rights. The work revolves around issues such as maintenance, child custody, protection against dispossession from the matrimonial home and protection against domestic violence. While at one level the work involved seems routine, each case has its own special characteristics and also challenges.

### **Shabana Sheikh**

Shabana used to reside with her husband in Ahmednagar, a rural based, small town in Maharashtra. When she had come to her parental home during the school vacation along with her minor son, suddenly, out of the blue her husband had sent her a talaqnama through a legal notice by post. When she received it she was shattered as she did not know the reasons for such a move on her husband's part. She was not ready to accept the divorce. So she returned to Ahmednagar but her husband was not ready to take her back and he was very firm about the divorce. He wanted to settle the *mehr* dues and was willing to return her belongings and also pay her a sum of Rs.50, 000/- by way of a 'fair and reasonable settlement'. Since Shabana was not ready for divorce, she did not accept this offer. She was also afraid of the legal consequences of accepting this amount.

She returned to Bombay and contacted Aawaz-e-Niswan who advised her to challenge the validity of *talaq*. But she waited for a few more months. Since there was no response from her husband to letters written by the NGO, she was referred to us for further action, almost after one year after she had received the *talaqnama*. By now Shabana realised the futility of challenging the *talaq* and was ready to accept it, and wanted to settle for the Rs.50, 000/- which he had offered her and was also willing to accept a meager sum of Rs 500/- as maintenance towards the expenses of the minor son.

So instead of challenging the *talaq*, we decided to proceed on the premise that the *talaq* is valid, and filed for a reasonable settlement, return of her *mehr*, *iddat* amount and personal belongings under the Muslim Women's Act. In an innovative manner, we added on the provisions of the Domestic Violence Act 2005, so that we could secure for her interim maintenance since the Muslim Women's Act does not have a provision for interim maintenance. An order of interim maintenance would pressurise the husband into settling the matter and prevent any dilatory tactics on his part.

The major problem we encountered was in serving the papers to her husband as he was in Ahmednagar. Finally, with the help of Aawaz-e-Niswan, she succeeded in serving the

papers on him. At this time, the husband returned her belongings and made her sign on an affidavit to this effect as evidence that he had returned the same and later he produced this document in court. Further he argued that the divorce was valid and since his wife had rejected his offer of *mehr* dues and *iddat* money and Rs.50, 000/- he was not obliged to pay her any further amount. He also argued that the provisions of the Domestic Violence Act cannot be applied to a divorced Muslim woman and hence the petition filed by us is not maintainable. He also alleged that claiming maintenance under the DV Act was un-Islamic. But we were able to convince the court that this argument is not legally valid and that the provisions of the DV Act are applicable to all categories of women including the divorced Muslim woman. Accepting this argument, the Magistrate passed an interim order of Rs. 2,000/- per month from the date of application to the wife and minor child. Shabana was very happy as the amount was above her expectations. Initially he threatened to challenge this order in the sessions court regarding applicability of the DV Act to divorced Muslim women. But after a few months, better sense prevailed and he came for a settlements and agreed to pay her Rs.50, 000/- lump sum amount as 'fair and reasonable settlement' and also her *mehr* dues and *iddat* amount.

Since then, we have used this strategy of combining the Muslim Women's Act with the Domestic Violence Act, successfully in a number of cases concerning Muslim women.

### **Beena Subhash**

We are discussing Beena's case here to explain how her own callous approach towards litigation and the lax attitude of the court in not granting an order of ad-interim custody proved very costly for her and how she lost custody of both her children.

Beena had two children, a daughter aged 12 years and a son aged 15 years. Due to domestic dispute, the couple filed for mutual consent. As per the terms that were agreed upon, she would retain the custody of both the children. But the husband had weekend access. During the pendency of the case, the husband took away the son, and admitted him in a school in Kerala, while the younger daughter remained with Beena. Although Beena was upset over this, since her daughter was with her, she let the matters lie. The

husband continued to take overnight access of the daughter and Beena did not oppose this. She approached us while the case filed by them for mutual consent divorce was pending as the husband was threatening to take away the daughter.

We advised her to withdraw her consent to the mutual consent divorce petition, and file a fresh petition for divorce on the ground of cruelty and claim custody of the daughter and secure an interim order which will protect her. She did not heed our advice. Meanwhile was constantly making allegations against her of adultery. He also started brainwashing the daughter against her. Beena went into depression and was under psychiatrist treatment. She only wanted the permanent custody of her daughter and accepted that her son could study in Kerala as even her own parents resided there.

On the scheduled date, the husband didn't appear in court and the petition for mutual consent divorce was dismissed. Immediately thereafter, we filed a fresh petition on her behalf on the ground of cruelty and pressed for ad-interim orders. The court refused to grant the same, on the ground that there is no urgency since the daughter was in her custody. But issued order to produce the daughter in court to ascertain her wishes. Before the next date, during the school vacation, while he was having access, without Beena's knowledge, he shifted the daughter to Kerala and admitted her in a school over there and also obtained job to transfer for himself to Kerala. He did this flouting the court order that the child should be produced in court. As soon as we came to know about it, we moved the court and secured an order for the production of the child. Beena traveled to Kerala and with the help of the local police she served the order on the husband. The Kerala police interviewed the daughter who stated that she had come on her own will and did not wish to meet the mother.

On her return to Bombay, Beena was served with an order of a Family Court in Kerala with an injunction restraining her from removing the children from the jurisdiction of the family court in Kerala. Meanwhile the husband did not attend proceedings in Bombay and the judge issued fresh notice. We pressed for an ex-parte order or an arrest warrant, but the court declined and wanted to give him time. The husband was ready for a divorce but was not ready to produce the daughter in court as according to him, the daughter did not



wish to meet the mother. He continued to violate the court order, but the court did not do anything about it, despite us urging the court to be very strict with the husband. Finally he appeared and informed the court that he was ready to give access to Beena of both the children in Kerala but would not bring them to Bombay for the court interview. Though it was a difficult choice, we advised Beena to concede to this and obtain her divorce and then move the court in Kerala for access during school vacations. The Family Court in Kerala granted her access and she was able to meet her children in Kerala.

Beena is now out of depression and is able to cope with her situation. Meanwhile, her husband has got a job transfer to Andhra Pradesh and her children are still in Kerala. The proceedings in the family court in Kerala are going on. But she has kept in touch with the children and the relationship between her and the children has improved. We are hoping that an amicable settlement to the dispute over children would be arrived soon.

The case highlights how important timely interventions and ad-interim orders are particularly in cases of child custody. Also that clients need to know that they cannot give access to the husband, until they are protected by an order of the court that the child cannot be removed from the jurisdiction of the court. In case he does, he will be liable for criminal prosecution for contempt of court.

### **Heena Kausar**

Heena's is a case of extreme physical abuse. She first approached us with bruises all over her body, signs of acute violence and came along with her four children. She had not eaten for two days and fainted in the office. The matter was referred to us by Aawaaz- e- Nizwan. Heena is a small made, good looking woman and her husband was accusing her of adultery, he had instigated the entire neighbourhood against her to the extent that they all opined that the husband should divorce her and she should leave the tenement. The tenement was only two 10 ft x 10 ft rooms in which she was living with her husband and four children. The day she approached us, the *mohalla* people had called her for a meeting and she was afraid that at that meeting the husband would pronounce *talaq*. If

the *talaq* was pronounced Heena would be rendered shelterless and would also lose custody of her children. She didn't have any family support and no where to stay.

Since they both belonged to lower economic strata, even if the husband paid her a lump sum, the amount would not be sufficient for her to secure another roof over her head. She was therefore ready to continue in an abusive relationship for financial security. Our first task was to provide her with some food to revive her. We then advised her to obtain a medical certificate. Thereafter, we moved the magistrate's court urgently under the Domestic Violence Act, and secured an order of protection, restraining the husband from throwing her out of the house. We also filed for maintenance under this Act. We were able to secure for her interim orders of maintenance of Rs.3000/- p.m., residence and also compensation of Rs.5000/-.

The husband flouted the orders and continues to beat her. We filed for arrest for violating the orders. The Magistrate directed a police investigation report. The report was in her favour. Thereafter the husband was arrested. After being released he beat her again and this time she retaliated. So the husband filed a complaint and both she and her husband were arrested. This was a travesty of justice. We helped her to obtain bail. Thereafter, when the husband was released from police custody, he was ready for settlement. So we arranged a settlement meeting and it was decided that the tenement would be sold and the proceeds would be shared equally. Thereafter, Heena secured a job and did not follow up the case. Since there were no more complaints of beating and assault, we were at peace thinking they had reconciled. A few months later, again Heena contacted us with very severe bruises all over her body including her face We again moved the court urgently and the magistrate was angry as Heena had not been following up her case. When the husband appeared, he agreed to comply with the consent terms and sell the tenement and divide the proceeds. But so far he has not done so. So now the court has asked us to proceed with execution proceedings which may result in imprisonment up to one year.

This has been our most challenging case under the Domestic Violence Act and has been extremely emotionally draining. It has also been a great learning experience for us in both

understanding the manner in which the DV Act is implemented and the functioning of criminal courts. For instance, the Domestic Incidence Report filed by the Protection Officer had allegations against the woman as well as the NGO and based on that the magistrate refused to pass an ad-interim order. This was also a rare instance when our client, who has been subjected to extreme violence, was arrested when she retaliated out of desperation. Despite our best efforts, we have not been able to obtain a final solution to the problem. But the legal proceedings have made our client more confident and today she is able to negotiate both the criminal court and the local police station and is also able to confront her husband.

### **Farzandi Daruwalla**

Farazandi's case is unique because for the first time we would be conducting a trial under the Parsi Matrimonial Court (situated in the High Court).

Farzandi approached us with a complaint that her husband is violent and abusive and was constantly threatening to throw her out of the matrimonial home. Farzandi also suspected that he was involved with another woman though she was not able to convincingly prove the same. She and her husband along with their minor daughter were residing in the premises allotted by the Parsee Panchayat which were family quarters. Farzandi was a school teacher and was earning a small amount while her husband was holding a very good job and earned a very high income. But he had stopped maintaining the wife and child for over a year and was not providing any money for the household expenses.

Our primary concern was to protect her right of residence in the matrimonial home and also to secure maintenance for her minor daughter. So we filed under the Family Courts Act for injunction and maintenance. When the husband was served, he appeared in the court and argued that since the couple was Parsi, the court had no jurisdiction to entertain the petition and we ought to have moved the High Court. This objection was overruled and we were able to obtain an ad-interim order of injunction. Through consent we also were able to secure Rs.6000/- p.m. as maintenance to the minor daughter.

Meanwhile Farzandi was served papers of the divorce case the husband had filed in the High Court. We appeared and also filed an interim application for maintenance under the Parsi Marriage and Divorce Act. Since the Parsi Matrimonial court sits only twice a year, and since Farzandi wants to oppose the divorce, the case in the High Court will go on for a long time. In the meantime, Farzandi is secure with the order of the Family Court. We are hoping to get some maintenance for her through the proceedings in the High Court.

The Parsi Matrimonial Court functions on a jury basis, where community elders participate in the proceedings. Since Parsis are a very small minority community rarely a Parsi woman approaches us for the purpose of litigation.

### **Assisting Public Prosecutor in Rape Trial**

A 15 year old girl was raped by her cousin sister's husband, when she was visiting them in Ahmedabad. Her cousin brother and sister were present while she was being raped. She was raped for eight days continuously, brought back to Mumbai and kept in another location. There she was shown a pornographic film and was raped again. Thereafter, she was threatened that she should not confide about the incident to anyone or else she would be killed. She was not even allowed to call her parents. After she returned to her parents she did not disclose the fact of rape. But after some time, when she was able to overcome the fear and the humiliation, she confided in her sister.

When the parents were informed they decided to contact a local community based organisation, which referred the matter to Child Line which is a helpline connected to a number of child right NGOs in the city. They in turn referred the matter to the Special Cell for Women and Children. Subsequently a case of rape was filed at the local police station and three people – the man who was accused of have committed rape, his wife and the wife's brother were arrested. They did not get bail. And the case went up for trial. At that time the Special Cell contacted us to be watching advocates in this case.

Our role was to explain to the girl, her sister and parents as to how she should give their evidence and what questions they would have to face in cross examination. The accused

also attempted to buy off the victim and her parents by offering money. Even in the court premises such negotiations were going on. Rather unfortunately, two witnesses turned hostile. Also there were some discrepancies in the FIR which the defence lawyer exploited to the fullest. The girl and her family are illiterate and belong to the lower economic strata. They could not withstand the pressure of cross examination. The girl's own evidence did not go well as she floundered. When the defence lawyer asked her, 'do you know what is 'rape'?' she replied in the negative. When asked further, why she had used this word, she mentioned that it was at the instance of the NGO. There was no corroborative medical evidence as the case was filed after many months of the incidence. The benefit of all these went to the accused and he was acquitted. This was our first experience of dealing with this issue. We plan to expand our work in this sphere and intervene as watching advocates in more cases during the next year.

### **Training and Fellowship for women Lawyers in district towns**

The fellowship programme for the district lawyers has been temporarily suspended because of lack of funding for the project. This has been a very significant and successful project where we provided training and monthly fellowship for an year for women lawyers who practice women's rights litigation in districts of Maharashtra. So far we have provided fellowship to 60 lawyers from 22 districts. The project not only created significant visibility for Majlis, it has also created an active network of women lawyers spread all over Maharashtra. Presently we are keeping our association with them alive by offering legal advice and strategies for their individual cases.

We hope to re-launch this project at a bigger scale and include other states into the scheme. Our former fellows too are eager to spread the project in other parts of the country and are ready to work for it in the capacity of trainers and resource persons..

### **Gender and Law Text Book**

This project was started with a grant from Christian Aid (2007-2009) to fulfill a lacuna within legal education on the subject of Gender and Law. But the project went beyond its

original scheme and Christian Aid extended the financial aid for one year considering the magnitude of the work involved. The first volume of titled Law, Justice and Gender is ready and sent to the publishers, Oxford University Press.

A preliminary draft of the second volume too is ready and work on the final draft will be commenced by the next year.

### **Community based educational programme for empowering Muslim Girls**

Located in the poor Muslim settlement in Jogeshwari this project was started in 2001 with the aim of providing educational support to Muslim girls and functions from the slums of Jogeshwari (in the Western suburbs) under the name, *Darakht-E-Ilm* (Tree of Knowledge). It is financially supported by the Rajiv Gandhi Foundation. It stemmed from our basic engagement with the women's rights and concerns of minorities. In the course of our works we came across this existing initiative where Muslim girls are encouraged and aided in achieving education and enter the mainstream.

Our involvement with this project is multi-layered. Though it is essentially a community initiative, Majlis supports the project ideologically, infrastructurally and financially. Legal aid, consciousness raising and skill development as well as building network with organisations and institutions have been our main contribution into this project. To provide exposure we have conducted various courses including a course in film making and editing for girls who were interested in learning this skill. We have also helped the group to set up a library and a modest centre for computer training course. A few traditional courses such as tailoring, bag making, baking, chocolate making, candle making were also conducted under pressure from women from the community. This was done with the aim of providing a skill which women can use for income generation. But our primary engagement has been within the realm of education by providing text books, note books and basic essential items for school going children and supporting technical training courses for the senior girls. We are happy to note that five girls will soon be law graduates and two have completed their Masters degrees. Three have completed their course in nursing, around 20 have completed the basic course in computers.

While the project has given us immense satisfaction, during the current year we have been working to make the project self sufficient. As the funding for this project is coming to an end, our endeavour will be to continue to support the project ideologically but withdraw Majlis' engagement with the financial management which comprised of teachers' remunerations and cost of running the library. Over the years the project has developed tremendous good will in the community and is in a position to continue the work autonomously. We are happy that our initial involvement brought in certain degree of stability and also visibility to the initiative.

Submitted by

**Madhusree Dutta**

(Executive Director)