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# ANNUAL REPORT



**Partners for Law in Development |**



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Partners for Law in Development (PLD), New Delhi

Cover Photo: CEDAW Capacity Building Workshop in Ranchi, Jharkhand, September 2008

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**PLD** is a non profit legal resource group founded in 1998 that facilitates assertion of social justice and women's rights. We view law as an essential resource in the struggle for social justice, and gender equality as central to the attainment of social justice. We believe that human rights shape social justice goals by establishing a framework for the realisation of the rights of the disadvantaged and the marginalised. Our understanding of rights and dignity of all persons is drawn from human rights law on the one hand and the contextual realities of disadvantaged groups on the other. The organisation is a leading resource centre on CEDAW in India and South Asia, with many of its projects centred on building capacities and resources on the treaty, as well as monitoring to promote its implementation. PLD is registered as a public charitable trust under the Indian Trusts Act, 1882 (registration no: 10514/ IV of 16-12-98).

While we work within the larger canvas of social justice, our main area of focus remains marginalised women, addressing gender justice in contexts of under-development, poverty, conflict, sexuality, caste, culture, identity politics and so on. Informed by the indivisibility of political, civil, economic, social and cultural rights, our approach to women's rights is intersectional. PLD facilitates assertion of women's rights through five broad streams of intervention: a) creating new knowledge through the action and grounded research, resource materials; b) development of capacities through training workshops, perspective development; c) technical assistance and conference presentations; d) web resources; e) policy advocacy at the national, regional and international arena, and coalition memberships.

In December 2008, PLD completed a decade as an organisation. This year saw the conclusion of one knowledge creation project, and beginning of a new one; in addition to renewal and expansion of linkages at the grassroots level. Having worked in Rajasthan, Orissa, Kerala and Uttar Pradesh for several years – we began work in two new states – namely Jharkhand and Bihar, expanding our outreach in the Hindi speaking regions. This was an apt way to mark a decade of work, given that state level partnerships has been a remarkable strength of PLD, through which the capacity building initiatives commenced in 1998. Indeed, many of the knowledge creation projects have evolved from experiences of and

contexts within which grassroots partners work in. For instance, Rights in Intimate Relationships emerged from an understanding of diverse family forms in the country, and the impact of a narrow legal definition of wife that excludes many women from basic protections and rights the fragile family law regime offers.

## PROGRAMME

The two core activities in relation to programme relate to – production of new knowledge and capacity building in relation to CEDAW. The knowledge component seeks to advance the boundaries of women’s rights through grounded research and consultations on two themes: the first in relation to intimate relationships and the second to explore dimensions of women’s human rights in the sphere of culture. This period has brought to a close consultations and research on Rights in Intimate Relationships, leaving the collation and finalisation of report to be undertaken. The field-work in relation to culture and women’s human rights commenced alongside. As always, the CEDAW related capacity building remained the steadfast programme component – initiated proactively at the grassroots level in three states, while also responding to requests for conducting CEDAW sessions at the national level by governmental and non governmental organisations.

### I. Knowledge Creation

#### Theme A: Rights in Intimate Relationships

This grounded research grew from our experience of working with community groups offering mediation and crisis support to women, noting how fragile and judgmental the support systems were in relation to women without a valid marital status, and those in same sex relationships. The law offered no recognition or rights protection. Women in non normative relationships are unable to seek protections in respect of the family under the law. In addition, attitudes and approaches of activists and community workers can reinforce their stigmatisation. The responses of community groups vary – with progressive ones innovating support despite the legal exclusion, and many rejecting support. This

project sought to understand the realities of women in non normative intimate relationships: customary, contemporary, same sex desiring, to understand areas of concerns, as the starting point to exploring rights in the family. It sought to keep the spotlight on gender inequality in diverse family forms

regardless of legality, sexual orientation, or male partner's bigamy.



This involved mapping diverse family forms – both customary and contemporary in different regions, to document women's realities in the family as a starting point to exploring an inclusive, transformatory rights framework for women in respect of intimate relationships. With the field work concluded in 2007, this period saw the final stages of refining and testing the findings through sharing and inviting feedback in wider forums, both organised by PLD and others to which PLD was invited. A national consultation was planned for the purpose. The national consultation on Rights in Intimate relationships was held on May 12-13, 2008 at the Vishwa Yuva Kendra in New Delhi. The forum allowed a presentation of our work on the theme, discussion on our findings and drawing into these, the experiences of women's groups, queer groups, lawyers, social workers, mediation centres that work directly with women in diverse intimate relationships. There were 35 participants from Delhi, Jaipur, Ajmer, Bhawanipatna, Behrampur, Calcutta, Ahmedabad, Chennai, Trivandrum, Bombay, Lucknow and Chitrakoot, representing rural and urban contexts. The discussion on challenges, perspectives and alternative approaches, emphasised a need for - non judgmental support to women in non normative intimacies – a need for clarity by support groups in describing the type of women they extend support to (eg. married women if that is the case), to make visible the likely

beneficiaries as well as those who get excluded, or those who are not likely to avail of the support services. This consultation significantly informed the structure of the resource book, its tone and direction. The final piece of desk research relating to international standards was concluded by January 2009, leaving the collation of different sections of desk and field research, as well as the finalisation of the resource book for next year.

Presentations using the framework on rights in intimate relationships were made in other conferences and forum to elicit feedback, initiate debate and test its findings within an extended constituency. Accordingly, presentations were made at the 'Economic Rights and Entitlements of Separated and Divorced Women in India' organized by the Economic Research Foundation on February 7, 2009 and at the 'Implementation on Concluding Comments by CEDAW' organized by NAWO, on March 21-22, 2009.



## Theme B: Culture and Women's Human Rights

This initiative aimed to explore ways in which cultural rights and women's rights could be understood and developed to reinforce rather than oppose each other. In the backdrop of human rights in respect of culture being largely gender blind, and inadequately developed in respect of gender justice, in combination with the widespread use of culture for avoidance of gender equality – this project sought to explore a new terrain of rights. The overlap of culture and women's human rights has been rife with conflict and contentious debates, at the international and domestic spheres, exemplified with the high number of reservations to CEDAW on grounds of culture and religion. Likewise, family law across countries are framed with reference to religion/ custom rather than the constitutional guarantees. Being a frontline yet under-developed area in women's human rights, PLD initiated this project in 2007 – to explore ways in which this conflict is and can be avoided in diverse contexts, and through a grounded understanding drawn from strategies, approaches used by activists. Given the contentious terrain, field work was undertaken in comparative contexts in India, Nepal, Bangladesh and Indonesia to understand the different ways in which political history shapes culture, transformatory spaces and approaches. It involved an inter-disciplinary inquiry into political contexts, customs, social movements and the law, to explore the interface between plural normative systems.

This period involved field work in India and Indonesia, and the commencement of desk research. Different voices have begun to talk of inequalities and subjectivities of members within cultural groups, not to reject culture/ religion but rather, to find a voice and claim their cultural space. Various community initiatives led by women (and men in some cases), that spoke and re-defined culture to advance equality, while simultaneously challenging patriarchal monopoly of culture and religion by powerful few were documented. For PLD, such developments are important from a feminist and a human rights perspective. Expressions of subjectivities and challenges to unequal power relations within communities are integral to democracy and the exercise of cultural rights. The activities in this period focussed on the following:



## INDIA

**Women's Rights in the context of tribal customary laws (Jharkhand):** A state level consultation was held on September 15, 2008 in Ranchi with about 26 participants comprising of women's rights activists (tribal and non tribal), tribal leaders, artists, academics, NGOs, writers, and lawyers. The discussion covered issues of contestation on women's rights in relation to customary law in Jharkhand, state responses, allies, debates and obstacles. The meeting was valuable in terms of bringing out the different perspectives amongst the progressives on gender discrimination, some viewing women's subordination arising merely from lack of education and awareness of rights, and others, mostly women activists attributing this to structural barriers including the law, caste, gender and development hierarchies. Likewise, while there was a consensus against violence against women arising from customary norms, there was no consensus on parity of rights for men and women in customary law. However, all felt that the politics of tribal marginalisation and mobilisation of that identity for affirmative action, made every other issue secondary to the community and the state, especially women's issues.

**Organising by Muslim women (Bombay):** Since 2000, activists began to organise to articulate concerns about Muslim women, from mutually reinforcing standpoints as women and as members of a minority community under siege. This introduced a shift in the discourse around Muslim women, in terms of contesting sex discrimination within the community, while simultaneously contesting communalism and targeting of the community through anti-terrorist laws. To understand the ideological positions of the significant voices amongst Muslim women, participation in consultations were undertaken together with field visits and discussions. The visit to Bombay from December 21-23, 2008 to meet with WRAG (Women's Research and Action Group), and Awaz-i-Niswan, was part of this endeavour – both organisations represent different national networks: the Bhartiya Muslim Mahila Andolan and the Muslim Women's Rights Network respectively. This was also an opportunity to understand the approaches of the two organisations in their local fields of operation – through discussion with its community workers, about their methods in mediation and

case work, how these approaches help negotiate women's rights in the context of religion, custom and the law. Even as both these groups share some strategies (such as those relating to mediation as well as promotion of a model gender just *nikhanama*). Despite many similarities the two networks and their contribution in giving voice to Muslim women as a constituency, they differ in their articulation of personal and feminist politics in their mobilisation processes, as well as the positions they adopt, and the primacy placed upon religion.

## INDONESIA

Field work was undertaken from November 8 to 15, 2008 in Indonesia, (Jakarta, Cirebon, Indramayu) to meet with a range of actors promoting women's equality and justice through religious, cultural and secular means. These included progressive Islamic teachers; leaders from the *Nahdlatul Ulama (NU)*, a traditional Sunni Islamic organisation that emerged in early 1920s, contributing to the independence struggle and define socio cultural and religious life from the grassroots to the national levels, promoting a contextual or traditional perspectives on Islam; visits to the local Islamic boarding schools for boys and girls or '*pesantrens*' through which the community organising and mobilisation of the NU takes place; women's crisis centres run by the *pesantrens*; women's groups that define themselves as Islamic. This opportunity allowed insights into the secular and religious standpoints promoting women's equality in Indonesia, and the historical context within which this has emerged from.



**Conferences:** presentations and participation in the following to engage, share, learn and interact with the wider constituency on this theme.



- A presentation was made on fundamentalisms, identity politics and challenges to women's rights, at the Kartini Asia Network's Second Conference, entitled The Future of Asian

Feminisms Confronting Fundamentalism, Conflict and Neo-liberalism (organised by Kartini Network on Gender and Women's Studies in Asia in collaboration with Department of Women and Gender Studies, Dhaka University, Bangladesh and Bali Sruti, the local organizer) from November 3-5, 2008 in Bali.



- Presentation on cultural identity politics and the family law in India was made at the Musawah: A global movement for Equality and Justice in the Muslim Family, on February 13-17, 2009 in Kuala Lumpur.
- We participated in the Muslim

Women's Rights Network meeting in Calcutta, December 18-20, 2008. The network is nearly 8 years old, its formation and splintering itself reflects the debates and different positioning within the movement for women's rights in the context of Islamic law in India.

## II. Capacity Building on CEDAW

**Grassroots capacity building:** This initiative arose from a needs assessment exercise undertaken in Jharkhand, Bihar and Orissa (from late 2007 to early 2008). Based on collectively developed plans with field partners, and the needs assessment, a 3-4 year programme of sustained capacity building was commenced this year in the three states. The first phase involved state level workshops on CEDAW in the 3 states, conducted for selection of the most active and promising participants for developing as trainers on CEDAW, who would at a later stage, lead the district level trainings under supervision and support of PLD. The project aimed to develop human capacities at the state and district levels, make available resources on CEDAW in local languages.

The three state level workshops have been held in this period, and the participation and other details reflected in the table below.

\*Breakup of district wise participation:

Bihar		Jharkhand		Orissa	
District	No.	District	No.	District	No.
Samastipur	5	Deoghar	3	Kalahandi	6
Gaya	6	Jamtara	3	Jagatsinghpur	1
Madhubani	2	West Singhbhum	2	Khurda	7
Begusarai	1	East Singhbhum	2	Ganjam	2
Nawada	3	Saraikele kharsawan	3	Dhenkanal	1
Khagaria	1	Ranchi	10	Nuapada	1
Monghyr	1	Hazaribagh	5	Rayagada	2
Patna	10	Latehar	1	Koraput	1
Muzaffarpur	1	Simdega	1	Bhadrak	1
Vaishali	1	Giridih	3	Cuttack	2
Saran	1	Bokaro	4	Angul	1
Siwan	3	Sahebganj	2		
Arwal	1				
Nalanda	1				
West Champaran	1				



Effort was put towards ensuring widest possible outreach, and involvement of state level network with prior experience of working on women's issues, trainings, and of working together as a coalition. The strongest 5 participants per state workshop participated in the national level 5 day Training of Trainers held from January 29 – February 2, 2009 at the Indian Social Institute in New Delhi. In addition to the participants from these 3 states, there were also participants from Hindi speaking states, to facilitate cross learning amongst diversely skilled community workers.

**CEDAW resource book in local languages:** The state level trainings in Jharkhand and Bihar are based on the Hindi resource book on CEDAW, “Mahilaon ke Adhikaron ki Punarsthapana”. The workshops have become an important medium for orientation on and distribution of the book. In Orissa however, it was decided that the trans-creation of the book in Oriya would be most appropriate. In April 2007 the translator and peer reviewers were identified for translating the CEDAW resource book into Oriya.

**Capacity building of Government:** As part of fulfilling its obligations under CEDAW, the Ministry of Women and Child Development in collaboration with UNIFEM initiated inter-ministerial regional workshops to strengthen gender component across ministries, and ensure wider participation and contribution to the country report in India’s next periodic reporting. PLD conducted a sessions on CEDAW for the GOI Southern Regional Workshop in Hyderabad on May 15, 2008 and for the Eastern Regional Workshop on October 21, 2008 in New Delhi.

**Capacity building for Delhi Police:** Conducted sessions on ‘Women's Rights, Human Rights Framework and CEDAW’ on 14th October 2008 for phase one, and on ‘International Framework for Women’s Human Rights under CEDAW’ on January 6, 2009 for phase two for the Delhi Police. This was part of a phased programme organised by the Crimes Against Women Cell, Delhi, conducted by Tata Institute of Social Sciences, RCI-VAW and supported by the National Commission for Women. PLD had been invited by TISS to conduct sessions on CEDAW.

**CEDAW workshop for women from Afghanistan:** March 21-22, 2009: Conducted sessions for CEDAW workshop for women from Afghanistan organised by IWRAW AP in collaboration with Afghan Women’s Skill Development Centre (AWSDC) and SANGAT in New Delhi.

### III. Advocacy, Coalitions and Activism

- ◆ PLD is a founding member of the Working Group on Human Rights, a national coalition of independent experts and organisations working collectively to ensure implementation of India's human rights obligations in India and at the UN, founded in early 2009. PLD joined as a founding member of the coalition to ensure that concerns relating to women's rights and the sexual minorities are integrated into human rights advocacy through this platform.



As a member of 'Voices against 377 coalition ([www.voicesagainst377.org](http://www.voicesagainst377.org)), PLD played an active role in facilitating monthly meetings, reviving the Million Voices Campaign, participation in lawyers briefings and facilitating discussion on issues and positions to be adopted in the final arguments presented on behalf of Voices in the High Court, that continued from mid September to mid October, 2008. PLD contributed to the Voices documentation process by undertaking transcripts of the workshop. For 2009, PLD also volunteered to be part of the core team within Voices, taking on the responsibility for coordinating the appeal proceedings, should they arise.



- ◆ As part of the Million Voices Campaign (against s. 377 IPC) initiated to mobilise discussion and opinion against criminalisation of homosexuality, we carried cloth banners to all our workshops and to field trips. These banners became a medium of engaging the participants in discussing discrimination on grounds of sexual orientation and gender identity, the campaign against s. 377 IPC, and to invite the participants to express their views and standpoints on the issue. The exercise additionally generated discussion on local concerns around



discrimination, and ways in which participants could extend solidarity and support to the cause within their states.

- ◆ PLD through its executive director joined the Steering Committee of ICPD+15 India, a civil society initiative to review gains and challenges in relation to ICPD commitments in India and engage various stake holders to the fulfilment of obligations in relation to marginalized populations.
- ◆ Participated in the Press Conference organized at the National Commission for Women to communicate the NCW's and women's rights groups' stance on the IPC section 498A and the issue of 'live-in' relationships on October 15, 2008.

#### IV. Technical Assistance/ Conference Presentations

- ◆ **May 22-25, 2008:** South Asia Regional Consultation on CEDAW Concluding Comments, organised by IWRAW – AP on May 22-25, 2008 in New Delhi. PLD participated to explore ways to strengthen work and activism related to implementation of the Concluding Comments to India.
- ◆ **June 19, 2008:** Meeting organized by the National Women's Commission, presided by the Minister for Women and Child on a draft law for Compensation for Rape Victims. The proposed law was based on the Delhi Domestic Workers Forum judgment. PLD submitted its comments to the law, pointing out that limitations posed by terminology and scope of the law amongst other things. The law is limited to rape, a term that is inadequate as it does not encompass many forms of sexual violence; likewise, the term compensation instead of reparations was a limitation.
- ◆ **July 07, 2008:** Participated at the National Consultation on ESCR organised by PWESCR on July 7, 2008 to develop an action plan towards implementation of the general recommendations of the Committee on the ESCR following India's review.
- ◆ **October 13, 2008:** Meeting of Women's Groups organized to formulate Commitments for Addressing the Concerns of Women: Recommendations



for the Election Manifesto of Indian National Congress, and submit to the UPA. PLD sent its inputs in advance for the memorandum.

- ◆ **October 14-17, 2008:** Participated actively in the regional consultation organised by APWLD with the UN Special Rapporteur on Violence Against Women and with the UN Special Rapporteur on Indigenous Peoples from October 15-16, 2008 in terms of presentations and report writing; we made presentations in the study session to orient participants on October 14, 2008 – all held in New Delhi.
- ◆ **November 27, 2008:** Participated in the Orientation on the Draft Bill and rules on Assisted Reproductive Technology (ART), 2008 organised by Sama Resource Group on Women and Health.
- ◆ **December 8, 2008:** attended the programme on the issue of dowry, and 'Nari Adalat', organized by the Mahila Panchayat Network and Action India, in Delhi.
- ◆ **March 23, 2009:** Meeting and representation to the UN High Commissioner for Human Rights, Ms Navi Pillai, at a round table with NGOs during her visit to Delh; followed by meeting organised by the NHRC to facilitate interaction with her.

## V. Web Development

- **Layout of publications:** PLD's website has undergone some design changes and improvements. The publications are now displayed in thumbnail on a single page, rather than as a link – making the display more attractive.
- **Collaborative Publications on display:** We have begun to display publications produced collaboratively or to which PLD made a significant contribution, with APWLD, such as – the CEDAW case digest, and a recent publication on 'Fundamentalisms in the Asia Pacific: Trends, Impact, Challenges and Strategies asserting Women's Rights'.
- **E-Newsletter:** The e-newsletter continues with regularity and its archives are now available on PLD's website.
- **New sites booked:** We have switched [www.pld-india.org](http://www.pld-india.org) to [www.pldindia.org](http://www.pldindia.org). The first web address has been booked for an additional year to ensure that old users can locate us.

# ORGANISATIONAL UPDATES

## Our Team and Programme Partners

**Executive Director:** Madhu Mehra

### Programme Team

Amritananda Chakravorty, Jaya Jha, Soma Dixit

**Short-term Appointments:** Shubhi Dwivedi, Suhasini Sen, Sarah Lemoine, Sneha Banerjee

### National Level Trainers

Geeta Ramaseshan, Madhu Mehra, Shruti Pandey

### State Level Trainers

Sukanta Mohapatra, Bimal K. Panda

## Programme Partners

### Bihar

Nari Gunjan, Koshish Charitable Trust

### Jharkhand

Association For Social & Human Awareness (ASHA), Purna Bharati

### Orissa

Friends Association for Rural Reconstruction (FARR), Centre for Youth and Social Development (CYSD)

## Resource Pools

- ◆ **Rights in Intimate Relationships:** Uma Chakravarti, Mary John, Jaya Sharma, Dipta Bhog
- ◆ **Women and Culture:** V. Geetha, Geeta Ramaseshan, Uma Chakravarti, Kamala Chandrakirana, Sara Hossain

## Administration and Finance

**Team:** Bindu S, Kishore Tirkey

**Support Staff:** Zeenat, Lal Bahudar

## **Governance**

**Board of Trustees:** Aradhana Nanda, Jaya Sharma, Rebecca Mammen, Madhu Mehra

**Advisory Board:** Uma Chakravarti, Sanjay Aggarwal, Malini Ghose, Geeta Ramaseshan

**Donor Partners:** Grants from the Ford Foundation and Diakonia sustained our work in this period.