

FROM September 1982 to March 1983, an important legal battle was fought in Madras high court between Skills, a cultural communications group and the police of Q branch, criminal investigation department who had charged the former with sedition. The police finally dropped the charge, but the case is an important one because it raises certain vital issues such as the meaning of freedom of expression, the extent of police power, and the state's attempts to tyrannize over those who are working for social change. Recently, Chandralekha, secretary of Skills, was in Delhi. She is a dynamic woman, a Bharata Natyam dancer who is also skilled in several other media forms and has a long history of work as a social activist. She told us about the experience they went through :

“Skills was started in 1979. It is a group of creative and media persons who have come together with the intention of helping people develop media self sufficiency. We believe that many of our traditional, non verbal, visual forms of communication have the potential to break down barriers between literate and illiterate, and between people speaking different languages. The mass media today, the publishing houses, are mostly owned by big business which has no respect for popular imagination and people's concerns. We try to help people develop alternative media from locally available materials, so that they can take control of their own self expression.; We are funded by Bread For The World, a German funding agency.

“During the 1979 campaign preceding the assembly elections, we conducted a poster workshop which we threw open to the public. We invited people from the street to come in and make posters expressing their feelings about the election. The response was tremendous. All kinds of people came. A lot of energy was generated and about 300 posters were made in one day. Most of them were anti government and anti corruption or raised questions about the nature of democracy. We selected the strongest ones and began to hold street exhibitions of them in different parts of the city. Large crowds gathered to discuss the posters. We then

The Perils Of “Exciting Dissatisfaction”

A Legal Battle Against The Charge Of Sedition

devised a minute street play which satirized the election process and showed how political parties use elections to cheat people with false promises, but since they cannot fulfil these promises after coming to power, they are bound to use force to repress people.

The play and the posters were also very anti police. One poster showed the police receiving awards for violence, corruption and rape. The press gave positive publicity to this campaign in 1980, so we had come to the notice of the police at that time.

After that, our work has been mainly to conduct workshops in poster making, audio visual techniques, photography—all at alternative levels. We have conducted about 175 workshops so far with different groups from all over the country—students, trade union militants, civil liberties activists, theatre groups, women's groups, environment protection groups. Recently, Sadanand Menon, coordinator of Skills, did a photo documentation of Tamil repatriates from Srilanka, who have come to Kerala. He took many good photos of state violence on these people. Many such photos and posters depicting the state versus people conflict are always lying around in our office.

On August 13, 1982, at 3.30 p.m., the police knocked at the door of our residence cum work-place. I was dressed in house-clothes. When I opened the door, I saw about 50 policemen, helmeted, with jeeps and all. I was dazed at first, but when I did ask to see the warrant, the leader merely flicked a paper half out of his pocket and put it back in, without allowing me to read it. He refused to tell us the reason for the raid. The policemen brusquely surrounded the house, in a deliberate attempt to terrorize us. They swarmed through every

nook and corner, turning all our stuff topsy turvy, kicking up the garden, looking through our personal correspondence, and mishandling our delicate colour transparencies. When I went to change into a sari, a policewoman accompanied me, and I had to change in front of her. Some people who had casually dropped in to visit us, were not allowed to leave the house while the raid was on. We were not allowed to receive phone calls or to ring up our lawyer. Finally, at 10.45 p.m., after seven and a half hours, the police, left, taking with them; our correspondence files, address lists, accounts, minutes books and many other documents. Later, we heard that a simultaneous, raid had been conducted at our auditors' house.

After this we sat and talked about what we should do. We did not even know what the charge was. They had deliberately pounced during a court vacation. Anyway, when the high court Opened after five days, we applied for anticipatory bail, and then we came to know that the charge was sedition, under section 124A of the Indian Penal Code. This section reads : ‘Whoever by words either spoken or written, or by signs, or by visible representation or otherwise, brings or attempts to bring into hatred or contempt, or excite or attempt to excite dissatisfaction towards the government established by law in India shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.’

The charge was levelled against Sadanand Menon and me. We were granted bail on condition that we furnish a bond for Rs 5,000 each surrender our passports, appear every 10 days before a magistrate, and be available for interrogation whenever the police wanted us.

Under section 156 of the Criminal Procedure Code, the police have the right to investigate, on a complaint by any individual. We have good reason to believe, and evidence from several sources confirms, that a former member of Skills with whom we had stopped working because we no longer trusted him, and whom we strongly suspect of being a police agent, had complained against us.

In September 1983 we filed a writ petition in the high court, stating that our fundamental right to freedom of expression guaranteed by article 19 of the Constitution of India, was under attack by the police, and that the police were wrong to interpret our exercising of this right as an offence. We said that the police had no business to investigate our peaceful activities without any prima facie evidence, therefore the proceedings against us should be quashed. It came as a surprise to everyone that our writ was admitted. This was our first victory, and it sparked off a debate in the press.

The case came up before justice V. Ramaswami. Our counsel, C. Ramakrishna, argued very forcefully that the police must be accountable to the people and must not establish pockets of arbitrary power or use intimidatory tactics to snatch away people's liberties, as they are increasingly beginning to do all over the country. The police refused to show us the first information report they had filed, because they said it was a secret. This became a major issue and created a controversy, so much so that the judge refused to see it when the advocate general offered to show it only to him. He said he would not see it if our lawyer was prevented from seeing it, as he did not need the good offices of the police to enable him to see such a document.

Our lawyer emphasized that the sedition section was framed by the British and was used by them against freedom fighters like Gandhi, Nehru and Tilak. When charged under this section in 1922, Gandhi said: "Section 124, under which I am happily charged, is perhaps the prince among the political sections of the penal code, designed to suppress the liberty of the citizen." Mr Ramakrishna said: "Freedom is freedom, under whatever

foreign or Indian rule. The kicks from an Indian policeman's boots hurt as much as those from an English policeman's." The other side argued that the police have a right to investigate, and it was premature to issue a writ of prohibition before investigation was completed. However, our lawyer argued that this right could not completely shut out judicial review, and that section 124A was not to be interpreted in such a way that citizens have no right to criticize the government. The section must be read with article 19 which guarantees freedom of speech and expression. He used examples from legal history world wide to show that the liberty of the citizen is of paramount importance, to be safeguarded at all costs.

The case generated a lot of interest. The courtroom was packed to capacity at each hearing, and the press gave us sympathetic coverage. The police realized that there was a possibility of a judgment which would explicitly limit the scope of section 124A. Since they were anxious to avoid this, they suddenly, in March 1983, filed an additional counter affidavit saying that on close scrutiny and interrogation, they had decided to drop proceedings."



Thus the Skills group was vindicated, but only after seven months of harassment, involving 21 rounds of police interrogation, some of them six hour long sessions, which disrupted their lives and work completely. It is significant that the police dropped proceedings as they had initiated them, without giving any proper reason for their actions. This case is only one manifestation of the growing tendency of the police, as an arm of the state, to exercise unchecked power over the life and liberty of citizens.

Kriti - A Creative Workshop For Women

FROM May 15 to 21, Saheli, Delhi, and Women's Resource Centre, Bombay, organized *Kriti*, a workshop in creative expression for women, at Aurobindo ashram Delhi. About 170 women came to attend *Kriti*. There were large contingents from Bombay, Pune, Madras and Delhi, and also some women from tribal areas of Maharashtra, from Bangalore, Chandigarh, and other towns. Many of the participants stayed at the ashram and thus interacted with each other over a seven day period. Others came for some of the sessions, or stay the day and went elsewhere at night.

Kriti was organized around a theme conceived by Chandralekha of Madras. It read: "She is tied down to drudgery and domesticity. She is oppressed, mechanized, brutalized. She is not able to see herself— She has an understanding of basic and vital areas of life such budgeting, marketing, accounting, hospitality, hygiene, nutrition, medicine, childcare, relationships, she is not able to see herself ... She is *yoni*, centre of all creation and creativity. Her energies reach out to ever expanding spaces. But she is not able to see herself. Every woman is a capacity. But unless she first recognizes this to be she cannot link it to awareness, appropriate action, directions that she can take, individually, collectively."

In the morning sessions, participants were divided up into seven workshops, conducted by different resource persons—audio visual, screen printing, poster making and exhibition, theatre, creative writing, songs and music, photography. Apart from these workshops, there was also an early morning body workshop and a self defence class each day. Afternoons were given over to presentation of plays, songs, dances, slides and other such shows by different groups, and evenings to films. The shows were followed by discussions. Groups also distributed and sold their materials at

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Demand For Legalization Of Prostitution

ON June 20, 1982, Indian Health Organization held a health camp for prostitutes in Bombay's biggest red light area, Kamathipura. The camp was attended by 142 prostitutes. Gynaecologists, physicians, venerologists, offered their services. Medical social workers collected some information in a special questionnaire. The data showed that 80 percent of all the women who attended the camp had sexually transmitted diseases when clinically examined. After further investigation this rose to 90 percent. Many of them were suffering from more than one sexually transmitted disease. They pose a serious health hazard.*

The major problems are underage prostitution, forced prostitution, and prostitution on religious grounds as in the devdasi system. The women are harassed by brothel keepers, financiers, pimps and police. The majority of them complained that they had to pay a regular share to all these agents. They were very worried about their children.

Indian Health Organization decided to fight for their rights, and since then has been regularly organizing camps for them. Two camps have been arranged for devdasis in Belgaum and Saundatti in January and February 1983. In the course of our fieldwork, minors like the Nepali girls 13 year old Tulasa and 17 year old Shanu, the adivasi girl 16 year old Asha, and the Muslim girl nine year old Begum, were rescued from the clutches of Bombay's flesh trade. These inhuman cases were brought to the notice of the public through the press. However, very few individuals or women's organizations have come forward to help with this vital issue. The Suppression Of Immoral Traffic In Women And Girls Act, 1956, is found to be completely ineffective to ban commercial prostitution.

We intend to work for the legalization

of prostitution because it is not possible to stop prostitution, and even if we proceed in that direction, we will be disturbing our family and society system.* To streamline the world's oldest profession, we feel that there should be a compromise between prostitutes, society and government.

Prostitutes must unite amongst themselves. In Pune about 3,000 prostitutes have formed Pune Devdasi Sangathana. Their unity will help them get their grievances redressed. They should cooperate with medical teams in getting regularly checked up.

Society should accept prostitutes. The people who enjoy prostitutes at night feel ashamed to discuss the issue in the daytime. In olden days prostitutes were used as sex educators. They had a very high respect and even the *mangalsutra* of the bride was tied by the prostitute for an *akhand saubhagya*.

Government should legalize prostitution by issuing licenses and renewing them on the basis of periodical medical check ups. This system will help in control of sexually transmitted diseases. Government should also provide them better living conditions, facilities for educating their children, and occupational rehabilitation for those who are willing to change their profession. They should be recruited in government services on reservation basis or priority basis.

—Dr Ishwarprasad Gilada,
secretary, IHO

** We are printing this report because it is very important that prostitution cease to be considered a crime by women, and that prostitutes not be harassed by police. Therefore the initiative taken by the IHO to demand legalization of prostitution is important, though the implementation of this needs to be worked out in a way that it does not become another means for police to harass unlicensed prostitutes.*

We are however very perturbed by the IHO's statement that "prostitution should not be removed because its removal will disturb our family and social system" Can the cruel and inhuman exploitation of a whole group of women be justified on such grounds? If a family system can be preserved only on the basis of such exploitation, is it worth preserving? Also, when the IHO says that prostitutes "pose a health hazard" it seems to imply that they are a hazard to men, rather than to be concerned about the women's own health and well being.

—Manushi

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trials at a *Kriti* bookshop organized on the premises. The programmes were accompanied by on the spot translation.

After working for six days on developing certain skills of self expression, on the seventh day the seven workshops presented their experiments. The audio visual and exhibition group demonstrated ways of utilizing space for public exhibitions. They also displayed hand made posters. The screen printing workshop had prepared six posters on different themes. The participants had learnt the process of printing posters by alternative methods. The theatre workshop had put together a brief sketch showing the double burden of women at home and at the place of employment. Participants of the creative writing workshop read out the pieces they had written together. Participants of the songs and music workshop had learnt songs from each other in different regional languages like Tamil, Marathi, Hindi. Apart from this exchange, they had also composed some new songs and set to music some poems written by participants. The photography workshop had experimented with taking and developing photographs of women in slums near the ashram, and also of each other. The programme ended with collective singing and dancing.

Travel expenditure, board and lodging was available at no cost to participants. The one and a half lakh budget was provided by Oxfam America and by Christian Aid.