

Landscape as Evidence

Time

**Friday, 7th April 2017
5:30 PM onward**

Venue

**Speakers Hall,
Constitution Club of India,
Rafi Marg, Behind Reserve Bank of India,
New Delhi, 110001
011 2332 7337**

A staged hearing before the Commission of Inquiry
under the Commissions of Inquiry Act, 1952

Khoj International Artists' Association
and Zuleikha Chaudhari

Landscape as Evidence: Artist as Witness was born of a long journey. The event being staged is the culmination of many years of work and collaboration between various players. As collaborators, Khoj and Zuleikha Chaudhari have been building this project over the past 18 months.

Since the early 2000's, Khoj's commitment to art and activism around issues of the environment and ecology has continued to grow, while every few years Zuleikha has returned to Khoj, gradually developing and deepening her practice of theatre and performance. The convergence of these parallel concerns has resulted in the proposition that is *Landscape as Evidence: Artist as Witness*. In an urgent moment of global climate precarity, we ask: what can art contribute to the collective decisions we make about our future?

Khoj's roots are in site-specificity, and it is from these roots that a deep relationship with art and environment has emerged. From the very first Khoj International workshop in Modinagar (1997), artists were responding to site – asking questions about people's displacement, development politics and the erosion and destruction of lived environments. As creative practitioners, artists have emerged as critical observers and respondents to the dramatic changes that we have witnessed in the age of the Anthropocene.

In 2004, Khoj organized its first programme specifically dedicated to art and the environ-

ment. The residency focused on the importance of facilitating a sustainable balance between man and nature through restoration, education and multidisciplinary collaboration. From this moment on, there was a recognition of the value of artists becoming actively involved in the political tensions of the environment, whilst also responding to the social and cultural issues which arise from such tensions. The idea was not just to create means to talk about, but to catalyze discourses leading to spaces of action.

Over the years Khoj went on to support dozens of research-based, site-specific projects, including the seminal *Yamuna Project* (2007), with Ravi Agarwal and Atul Bhalla, which explored the multiple ecologies of the river and the self in the context of the contemporary; the first *PUBLIC.ART.ECOLOGY* residency (2010), which featured artists Sheba Chhachhi and Navjot Altaf, among others; and the *Negotiating Routes: Ecologies of the Byways* project (2010-2017), a multi-year public art grant with in-situ interventions at sites of ecological and developmental distress across India.

A turning point was the 2011 *ART+ECOLOGY+SCIENCE* residency, and an introduction to the work of international lawyer Polly Higgins via resident artist duo Heather Ackroyd and Dan Harvey. Higgins' proposal to expand the remit of the International Criminal Court to include Ecocide as an international crime (to stand alongside genocide, war crimes, crimes against humanity and crimes of aggression) became a provocation to think about the intersection of art, law, and the environment in the context of the Indian subcontinent.

In parallel, theatre director Zuleikha Chaudhari has been developing her own research concerned with the structures and codes of performance – the staging and performing of reality. She has been particularly interested in the nature of viewership and her work investigates the tension between 'looking or watching' and 'doing or acting'. Within this context, Zuleikha has been exploring the framework of law as performance, the role of performance in law and the performativity of legal truth-production.

In 2014, Zuleikha was a resident artist in Khoj's *Of Games - II* project, where she first presented *Even Better Than the Real Thing*, based on the Bhawal court case.

At the core of Zuleikha's performance presentation was the consideration that both the domain of the law and performance assert productions and reproductions of truth and reality and the construction of narratives. Law's performativity describes a way of forming, of performing the world through a certain structure of the use of signs that is always at the same time a procedure and a connection of a (historical) sign to a (new) context. The concept of performativity here describes a mode of doing something to the world.

A section of the Bhawal testimonies were those of artists – two photographers, a sculptor and a painter. These artists considered art's (photographs, in the context of the Bhawal Case) relationship to reality and its capacity to reveal truth. These ideas have been a critical impulse that has driven the conversations and questions that led to the formulation of the current proposition and collaboration.

As Khoj moved into its 20th year, it invited Zuleikha to collaborate and marry these two concerns Zuleikha's in law and performativity, and Khoj's in art and ecology. This invitation led Khoj to re-look at its archive and draw from it some of the key projects which it has supported over the years.

Since 2015-16, Zuleikha and Khoj have been engaged in an ongoing conversation about the possibilities of bridging these adjacent methodologies as a way to foreground the merit of an artist's practice as a way of making sense of the precarious contemporary condition of the world.

What we present before you is an experiment, a leap of the imagination: the dismantling of an established status quo. We are grateful for early conversations with activist lawyer Lawrence Liang, the teachings of legal scholar Dr. Upendra Baxi, the inspirational writing of late legal scholar Robert Cover, the guidance and participation of lawyers Anand Grover and Norma Alvares, and above all the perseverance of all artists committed to an active role in civic society.

Thank you for coming.

Pooja Sood

Zuleikha Chaudhuri

Note

Landscape as Evidence: Artist as Witness stages a fictionalized hearing before a Commission of Inquiry requesting that it consider the recently cleared River Linking Project under the Commissions of Inquiry Act, 1952. In the performance, the matter has been referred to the commission by a direction of the Lok Sabha pursuant to a petition. The petitioners, Khoj International Artists' Association and Zuleikha Chaudhari oppose the River Linking Project on the basis of the devastation caused to the environment. This staged hearing before the Commission will look into the merits of an enlightened perception of justice and how to measure loss, premising art as valid evidence and artists as valid witnesses.

"I want not land for land but a running brook for a running brook, a sunset for a sunset, and a grove of trees with shade for a grove of trees with shade. So my right to life is a right to my specific civilizational mode of being in the world. And I cannot be rehabilitated or compensated outside a recreation of what life means to me."

In the early 1970's, legal scholar Dr. Upendra Baxi submitted a preliminary petition against the Narmada Sardar Sarovar project, as referenced in the above quote, which coaxes us to revisit and re-consider fundamental questions about justice and loss.

The performance considers reinterpreting the language of the law through art, by positing that contemporary art is capable of inventing creative and critical approaches that analyze,

defy, and provide alternatives to reigning political, social, and economic forms of neoliberal globalization.

The domains of law and art both assert productions and reproductions of truth and reality; the construction of narratives; a historical frame of reference; and the creation and possibilities of alternate conditions and visions of the present. It is this parallel between law and art that mandates an exploration into how art can fortify jurisprudence and legal mechanisms with truthfulness and function as an integral factor in preserving justice.

Cast

Petitioner 1: Khoj International Artists' Association

Petitioner 2: Zuleikha Chaudhari

Judge: Justice Yatindra Singh

Counsel representing the State:
Anand Grover

Counsel representing the petitioners:
Norma Alvares

Artist/Witness 1: Navjot Altaf

Artist/Witness 2: Ravi Agarwal

Artist/Witness 3: Sheba Chhachhi

Court Master: Zuleikha Chaudhari

Stenographer: Poonam Sharma

Credits

Conceived by Khoj International Artists' Association and Zuleikha Chaudhari and developed with lawyer Anand Grover.

Direction and dramaturgy:
Zuleikha Chaudhari

Text for Screen: Rehaan Engineer

Legal Consultants: Upendra Baxi, Shantanu Sood and Arpitha Upendra

Petition: Mihir Samson and Seema Kumar

Biographies

Anand Grover is a designated Senior Advocate, the Director of Lawyers Collective and was the UN Special Rapporteur on the Right to Health (2008-2014). He is a practicing lawyer in the Supreme Court of India. He has argued several well known cases as lead counsel including: the Bombay Pavement Dwellers case; several environmental cases including the Bhopal Gas Disaster case, the Goa Zuari Agrochemicals case; animal rights cases, etc. He also argued as lead counsel the first HIV case in India relating to the HIV activist Dominic D'Souza (in the Lucy D'Souza case); successfully argued as lead counsel the first HIV case in India relating to employment law in the Bombay High Court (MX v ZY); first case on blood transfusion in the Calcutta High Court (P v UoI); the Right to Marry case for HIV positive persons (Mr X v Hospital Z); rights of sex workers (in Mumbai, Surat, Hyderabad, Goa and Delhi); and the Mumbai Bar Dancers case. He created history in first starting the litigation and successfully arguing, as lead counsel in the Delhi High Court, the challenge to Section 377 of the Indian Penal Code, (Naz Foundation v Government of NCT, Delhi), which was overturned by the Supreme Court in the Koushal case. He argued the landmark case for transgender rights in NALSA v Government of the NCT Region, Delhi, establishing the right to self-identification of gender. He also successfully argued the constitutional challenge to Section 31A of the NDPS Act before the Bombay High Court, which held that the mandatory death penalty violates Article 21 of the Constitution. Along with the others in Lawyers Collective he drafted the HIV Bill at the request of the Government of India. The Bill has recently

been passed by the Rajya Sabha. He was nominated as the Special Public Prosecutor by the Supreme Court of India in September 2014 and so appointed to conduct the prosecution in the 2G case, one of the biggest anti-corruption cases in India.

Arpitha Upendra is a legal researcher focusing on environmental justice issues. She is presently a senior research associate at the Ashoka Trust of Research in Ecology and the Environment where her work focuses on understanding the conflict of laws in forest areas. Prior to joining ATREE she worked as an environmental lawyer with Natural Justice, supporting adivasi communities in their struggle for rights over resources in Rajasthan and Odisha. She has also explored the intersections of environmental law and design as the co-founder of the design+environment+law laboratory at the Srishti School of Art, Design and Technology. She has a master's degree with a focus in Environmental Law from UC Berkeley Boalt Hall School of Law as a Fulbright Scholar and a bachelor's degree in law from ILS Law College in Pune.

Mihir Samson is an independent lawyer practicing in Delhi. He graduated from Symbiosis Law School, Pune in 2010 and worked in the chambers of Mr. Anand Grover, Senior Advocate, assisting on a range of cases in the Supreme Court and the High Courts of India, including environmental cases, protecting the rights and entitlements of hawkers, industrial workers and survivors of domestic violence. Over the last two years, Samson has also assisted in the prosecution of the 2G Spectrum Scam cases. Samson has also worked with Lawyers Collective, during which time he focused on issues of discrimination, access to healthcare and the rights of sex-

ual minorities. Samson has worked on the Naz Foundation case, challenging the constitutional validity of Section 377, Indian Penal Code, the anti-sodomy law in India as well as the NALSA case, relating to the legal recognition of transgender persons in India.

Since the mid-1970s, **Navjot Altaf** has created an oeuvre which constitutes a growing flow of video, installations, sculptures and site-specific works that negotiate various disciplinary boundaries. Altaf continues to work with people from other disciplines and simultaneously since 1997 has been working in collaboration with indigenous artists and communities in Chhattisgarh in central India. Some of her participations include: Stretched Terrains, Kiran Nadar Museum of Art, New Delhi (2017); Why Not Ask Again, 11th Shanghai Biennale (2016); Making Sense of Crisis - Art as Schizoanalysis, KHOJ, New Delhi (2015); Dead Reckoning: Whorled Explorations, Kochi-Muziris Biennale, Kochi (2014); Is it what you think?, Kiran Nadar Museum of Art, New Delhi (2014); Rewriting the Landscape: India and China, MMCA Korea (2013); IN CONTEXT: Public. Art. Ecology, KHOJ, New Delhi (2010); Lacuna in 'Testimony', Frost Art Museum, Florida, USA (2009); 48c Public Art and Ecology, New Delhi (2008); Public Places Private Spaces, Newark Museum, Newark, USA (2007); Tiger By the Tail - Contemporary Indian Women Transforming Culture, Brandeis Museum, Boston, USA (2007). Altaf has participated in national and international artists' workshops / residencies and seminars including Anthropocene Curriculum at the House of World Culture, Berlin (2014 and 2016).

Norma Alvares is an advocate of the Bombay High Court and an activist and campaigner on social and environmental issues of public concern. For close to three decades Alvares has argued entirely free of cost over two hundred Public Interest Litigation (PIL) cases in the Bombay High Court, the National Green Tribunal and in the Supreme Court on environment issues, human rights, women's equality, animal welfare, etc., for Goa's NGOs and citizens groups. Alvares has also been appointed as Amicus Curiae (Friend of the Court) by the High Court in several public interest petitions. Alvares is also a well-known animal welfare activist. She is the Chairperson of the all-India 'Federation of Animal Protection Organisations' and Founder Trustee of People for Animals-Goa, which has established several animal shelters in Goa to provide relief to homeless, abandoned and injured animals. Alvares is also a trustee of Lawyers Collective, an NGO devoted to legal reform for improvement of women's status in India and founder trustee of The Other India Bookstore Society, an NGO dedicated to the marketing of socially relevant books and publications in India. For her publicly acknowledged work in relation to the protection of the environment, women's empowerment and animal welfare she has received several accolades, including: the Padma Shri from the Government of India in 2002; the Yashadami Puraskar from the Government of Goa in 2003; the Vincent Xavier Verodiano Award for Social Justice in 2003; the Goa Sudharop Award for Environmental Justice in 2008; and the Sanctuary Lifetime Award in 2015.

Rehaan Engineer trained as an actor in London and worked in the theatre in Mumbai and now lives in Delhi where he makes drawings.

Ravi Agarwal has an inter-disciplinary practice as an artist, environmental activist, writer and curator. His work explores key contemporary questions around ecology, society, urban space and capital. He works with photographs, video, installations, and public art and has been shown widely in events, like the Kochi-Muziris Biennale, Kochi (2016), Sharjah Biennial, Sharjah, UAE (2013) and Documenta XI, Kassel, Germany (2002). He co-curated the Yamuna-Elbe Indo-German twin city public art and ecology project in 2011 and is curator for an upcoming international public art and ecology event in Chennai. Agarwal is also the founder of the Indian environmental NGO Toxics Link, which has pioneered work in waste and chemicals in India, and campaigns on conserving the river and the forest in Delhi. He serves on several high level policy committees, and writes extensively on sustainability issues in journals and books. He was awarded the UN Special Recognition Award for Chemical Safety in 2008 and the Ashoka Fellowship for social entrepreneurship in 1997. He is an engineer by training.

Seema Kumar is a human rights and environmental legal specialist, currently contributing toward inclusive development and good governance in India.

Shantanu Sood is the managing Partner and founding member of Quest IP Attorneys. He has over fifteen years of experience in civil, intellectual property and commercial laws and is a qualified attorney in India and the United States (New York). Apart from practising in India, he spent four years as a practicing attorney in a prominent IP boutique law firm in Washington, D.C. where he represented clients in trademark prosecution, enforcement and litigation before the USPTO, the Trademark Trial and Appeal Board

and Federal Courts. Shantanu routinely represents clients in civil, commercial, trademark, copyright and patent litigation before the Supreme Court, the Delhi High Court and also handles a variety of matters before the High Courts in Mumbai, Chennai, Kolkata and the Intellectual Property Appellate Board in Chennai.

Sheba Chhachhi's lens-based works investigate contemporary questions: about gender, the body, the city, cultural memory and eco-philosophy, through intimate, sensorial encounters. Chhachhi began as an activist and photographer, documenting the women's movement in India. By the 1990s, she was creating collaborative staged photographs, eventually turning to large multimedia installations. Her works retrieve marginal worlds: of women, mendicants, forgotten forms of labour, and often draw on pre-modern thought and visual histories, interweaving the mythic and the social. She experiments across the spectrum of durational mediums, from animated light boxes to virtual reality interactivity, creating immersive environments which bring the contemplative into the political in both site-specific public art and independent works. Chhachhi has exhibited widely and her works are held in significant public and private collections, including the Tate Modern, London, UK; Kiran Nadar Museum of Art, New Delhi; Bose Pacia, New York, USA; Singapore Art Museum; and National Gallery of Modern Art, New Delhi, India.

Professor **Upendra Baxi** has served as Professor of Law in Development, University of Warwick, as Professor of Law, University of Delhi (1973-1996) and as its Vice Chancellor (1990-1994). He has also served as Vice Chancellor, University of South Gujarat, Surat (1982-1985) and as Honorary Director (Research), the Indian Law

Institute (1985-1988). He was the President of the Indian Society of International Law (1992-1995). Professor Baxi graduated from Rajkot (Gujarat University), read law in University of Bombay, and holds LLM degrees from University of Bombay and University of California at Berkeley, which also awarded him with a Doctorate in Juristic Sciences. He has been awarded Honorary Doctorates in Law by the National Law School of India University, Bangalore, and the University of La Trobe, Melbourne. Professor Baxi has taught various courses in law and science, comparative constitutionalism and social theory of human rights at Universities of Sydney, Duke University, The American University, the New York University Law School Global Law Program, and the University of Toronto.

Justice **Yatindra Singh** is the former Chief Justice of the Chhattisgarh High Court, in which position he served from 2012-2014. During this time, he revamped and modernised the computerisation at the Allahabad and the Chhattisgarh High Courts. Prior to this, Justice Singh served as Additional Advocate General for the State of UP from 1997 to 1999. Among other important cases, he was the main counsel at the Allahabad High Court in the case where Kalyan Singh was reinstated as the Chief Minister of Uttar Pradesh, after his removal by the then-Governor Romesh Bhandari. He was appointed as a permanent judge of the Allahabad High Court in 1999. He was appointed Visiting Professor in 2014 in the Faculty of Law, University of Allahabad, where he taught 'Information Technology and IPR'. Justice Singh has written three books, entitled *A Lawyer's World and Childhood Dreams*, *Cyberlaws*, and *Musings of a Judge*.

is a theatre director and lighting designer.

Her ongoing research considers the structures and codes of performance as well as the function and processes of the performer as reality and truth production. The performative implies action and opens up questions of agency - how we live and take action - centering on this, her work investigates the tension between personal lived experience and larger historical events and narratives.

Her current research uses archival documents (texts and photographs) to develop theatrical performances as a way of thinking about the relationship between production of memory and the role of the archive and how this pertains to the retrieval and reliving of an event. The Bhawal Court Case (1930-46), the Trial of Bahadurshah Zafar (1858) and the India National Army Trials (1945-46) are three projects through which she continues her investigation through various iterative presentations.

Her works have been shown at theatre festivals, galleries and exhibitions in the United States, Germany, France, Belgium, Austria, South Africa, South Korea, China, Japan, the Netherlands, Pakistan and India, including the Kochi-Muziris Biennale, 2016; *KunstenFestivaldesArts*, Brussels; *Weiner Festwochen*, Vienna; *Festival d'Automne*, Paris; and *Seoul Performing Arts Festival*.

She is currently developing the theatre archive at the Alkazi Foundation of the Arts, New Delhi.

Khoj International Artists' Association is a not-for-profit contemporary art organization based in New Delhi, which provides physical, intellectual and financial support for artists and creative practitioners. Through a variety of programs including workshops, residencies, exhibitions, talks, and socially engaged projects, Khoj has built an international reputation as an outstanding alternative arts incubation space. Since its inception in 1997, Khoj has developed itself as a unique art lab, and has supported the experimentation of many leading Indian and International artists. It plays a central role in the advancement of alternative, interdisciplinary, and critical contemporary art practice in India - constantly challenging the established thinking about art and art making.

By bringing together a diverse range of artists and art practices, Khoj aims to facilitate change and awareness of vital global issues and concerns through active and engaged audience participation

Khoj aims to connect creative practitioners and catalyze interdisciplinary collaboration and experimentation to create new possibilities of art and art-making. It also seeks to build networks and informed audiences who engage critically with contemporary art in India. In its uncompromising commitment to support creative thinking by building an institutional infrastructure in India for making, exhibiting and researching contemporary art, Khoj is creating a unique legacy for the future.

Khoj Team

Pooja Sood, Director
Radha Mahendru
Mario D'Souza
Sitara Chowfla
Mila Samdub (Khoj Fellow 2017)
Sukaina Husain (Khoj Fellow 2016)
Manoj VP
Suresh Pandey
Adil Akhtar
Arun Chhettri
Manohar Bhengra

Acknowledgements

PRODUCTION

Sumant Jayakrishnan

DOCUMENTATION

Blue Ant Digital Intelligence

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