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Human Rights

End of the noose?

The long wait
for justice

India's shame

KNOW INDIA BETTER
Alpha City Mumbai

FACE TO FACE
Dr. M.R. Rajagopal



MORPARIA'S PAGE



HMT TO GO ON MAKING WATCHES?



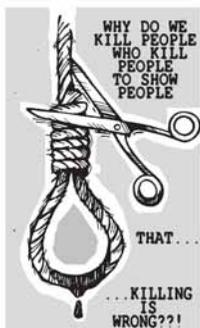
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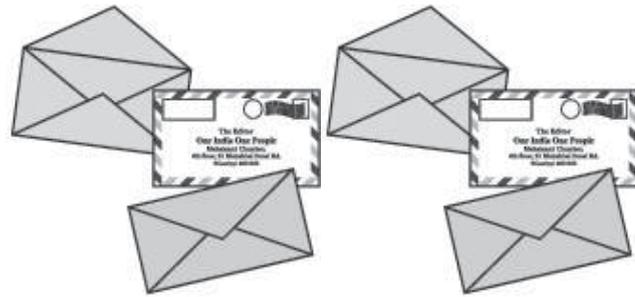
LETTER TO THE EDITOR

"Magazine of substance"

Your latest issue on India's foreign policy under the new government makes one feel that finally someone is doing something right. Modi's 'small beginnings' with respect to our tiny neighbors will go a long way in keeping the country safe from the threat of the not so friendly neighbours. V.Gangadhar's tongue in cheek take was hilarious and Bollywood should definitely take note! I feel that *Son of Jewel Thief* would surely go beyond the 100 crore club.

In 'From Somnath to Pashuparinath', the writer correctly pointed out how the Modi government can actually use the 'Hindu card' to bring about healthy relations with a neighbouring country like Nepal.

I loved the 'Know India Better' section on Nagaland. The history of this proud state and the detailed article including its heritage, its people, their lifestyle, craft, and the beautiful pictures, show the stark beauty this place is famous for. 'The Know your Neighbour' article about Bhutan was wonderful and was of great use for my son's school project work. Again, the pictures made me want to rush to Bhutan during



our next vacation.

Shafique Ibrahim Patel's story was thought provoking. Kudos to A.Radhakrishnan for bringing us an interview where you realize that Shafique's life has changed for the better after he quit his job as a senior captain at a five-star hotel and became an autorickshaw driver. It's heartening to see how the man is singlehandedly trying to change people's perception of auto drivers as being a rude and uneducated bunch of people.

I have just started subscription to this magazine and I am so happy that amongst all the reading matter that comes to my house, there is something of substance in the form of One India One People. Keep up the good work!

– Anuradha S Rajan, Mumbai

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INDIA.

Human Rights is always right

India's earlier independent approach to Human Rights is getting skewed in favour of human rights violators like Israel. Only some serious dunking in the holy Ganges will wipe away our sins, says V. Gangadhar.

All over the country, institutions teaching human rights are sprouting up. Mumbai is no exception. Men and women join these in large numbers because this is a new subject and leads to animated and fashionable discussions. Heck, no one can ignore young men and women who appear dedicated to the welfare of humanity, by flaunting their affiliation to human rights.

Yet, human rights in India is often viewed from unusual angles. Not only in India, but in most other developing nations, the basic belief is that the rich, developed Western nations like the U.S. can never be guilty of human rights violations. Even the Indian media often reported the shooting and killing of innocent, unarmed civilians including school boys by the racist, white local police in the southern U.S. states like Louisiana, South and North Carolina or Missouri. But the western media seldom bothered. Obviously, human rights awareness does not seem to exist in these regions.

But the most despairing human rights violations take place in the Middle East, and perpetrated by Israel. Recently, 3000 Palestinian civilians were shot down and bombed by Israeli militia for protesting against Zionist violence and illegal encroachments. Now the Arab-Israeli dispute, for over 40 years has witnessed the worst kind of human rights violations by the Israeli forces, armed to the teeth by the U.S. Going against world opinion and supported only by Big Brother U.S., the Israeli state has killed, starved, and prevented even water supplies to areas like the Gaza strip, but the conscience of the world remained silent. It is a fact that organisations like the HAMAS had targeted civilian targets in Israel, but the reprisals from Israel have been savage. While we were quick to raise human rights issues over 'Arab and Islamic terrorism', not much is heard about Israeli terrorism.

India, of late has joined the Israeli bandwagon. There

was a time when 'independent' India, which did follow a really independent foreign policy, supported Arabs and denounced the treacherous attacks from Israel. The Arab world appreciated the stand taken by India. The lure of the new economic policy, tilted our foreign policy towards the fat, bloated western nations, and the media chose to highlight that. The injustices, human agony, and the systematic torture of Palestinians were lost on the Indian audiences. Reporting from these regions was meagre because for decades, these human tragedies were covered by ultra right wing Jewish lobbies in the US, whose idea of fairness was, yet another attack on the Arab regions. Indian foreign policy, frightened by the increasing attacks by Islamic terrorism felt that nations like her would be protected only by the U.S. strength. If Israel was willing to provide arms, why not accept them and forget the atrocities inflicted on the Arabs.

Former Prime Minister P. V. Narasimha Rao moved closer to Israel, and entered into an arms deals with them, and the right-wing Modi government seems to gleefully

follow such a policy. Our Home Minister Rajnath Singh, who is incapable of thinking beyond his beloved U.P., recently toured Israel, and one saw his photographs dancing with the female members of the Israeli armed forces. Singh looked embarrassed because it is the traditional belief in U.P. that women should only cook and take care of the children. The Indian leader must have sighed in relief on returning home, and am sure, has taken a bath in pure *gangajal* (water of the Ganges river).

As for human rights, such *gangajal* it is hoped, will wipe away all our sins including our current wrong approach to human rights. ■



The writer is a well-known satirist.

While we were quick to raise human rights issues over 'Arab and Islamic terrorism', not much is heard about Israeli terrorism.

End of the noose?

India has 400 people currently on the death row. **N. Jayaram** argues that however horrible the crime, the perpetrator has the right to a fair trial and conviction, but no one has a right over his life. He further argues that the death penalty is not a deterrent to further crimes, instead, it is often influenced by extreme emotions, which has even led to innocents being put to death.

"This country by and large believes in the principle of non-violence. It has been its ancient tradition, and although people may not be following it in actual practice, they certainly adhere to the principle of non-violence as a moral mandate, which they ought to observe as far as they possibly can and I think that, having regard to this fact, the proper thing for this country to do is to abolish the death sentence altogether."

(India's first law minister and one of the framers of the Constitution, Dr. B.R. Ambedkar)

A total of 140 countries have thus far abolished the death penalty in law or in practice: 98 are abolitionist for all crimes, seven for ordinary crimes, and the rest have not carried out an execution for so many years that the human rights organisation, *Amnesty International*, deems them abolitionist in practice.

All European countries except Belarus are abolitionist in law or practice. Much of Latin America and a growing number of countries in Africa are in that camp too. Contrary to popular perceptions, quite a number of Islamic countries or those with significant Muslim populations – from Albania to Uzbekistan – are also abolitionist in law and practice. It is Asia that is home to a large number of retentionist states, although here too, countries such as Bhutan and Nepal have shown the way by abolishing capital punishment outright.

India and the death penalty

India is among the 58 retentionist states. The list not only includes autocratic ones such as Saudi Arabia, Iran and China, which carry out large numbers of executions every year, but also democracies such as the United States (U.S.) and Japan. However, in the U.S., 18 states and the district of Columbia

have abolished it, and some others have not carried out an execution for years or decades.

Although one of the main authors of India's Constitution, Dr. B.R. Ambedkar was opposed to the death penalty, there was no consensus on the issue. And the authorities in newly independent India went against Mahatma Gandhi's creed by hanging his assassin, Nathuram Godse, just days before the adoption of the Constitution.

As of today, more than 400 people are on death row in India. Never mind that in *Bachan Singh vs State of Punjab*, the Supreme Court of India had set out that: "A real and abiding concern for the dignity of human life postulates resistance to taking a life through law's instrumentality. That ought not to be done save in the rarest of rare cases when the alternative option is unquestionably foreclosed". The "rarest of rare" guideline has been followed more in the breach by Indian courts at all levels, including the Supreme Court, which has even on occasion quashed a lower court's order and increased the punishment to death penalty.

The 'activist' Supreme Court

Indian courts were sadly found wanting in handling the case of Afzal Guru, who was hanged in secret inside Tihar Jail in February 2013, following his highly questionable conviction over the 2001 attack on the Indian Parliament. Many eminent jurists, academics and leading journalists have written extensively pointing out gaping holes in the way his case was handled by the courts and the authorities. The Supreme Court said: "The collective conscience of the society will be satisfied only if the death penalty is awarded to Afzal Guru."

It was strange that a court of law should have pandered to its notion of what constituted "collective conscience", instead of arriving at a decision based on points

That a person be kept alive and given a chance to repent and reform seems alien to many people, going by the volume and content of negative comments that any media discussion of the death penalty in India entails.

of law. That the government did not inform his family, and denied them the right to claim his body and bury it, has been widely condemned.

Afzal Guru's was the second hanging the Indian state carried out secretly. In November 2012, Ajmal Kasab, the 25-year-old sole survivor from a Pakistani group that attacked Mumbai killing 170 people and injuring 300, was hanged in secret without any prior announcement, let alone discussion. With Kasab's hanging, India lost a prime witness who would have been useful in trying to get Pakistan to proceed against Hafiz Saeed, said to be the mastermind behind the Mumbai attacks.

The idea that even people convicted of horrific crimes such as those in Gujarat in 2002, do not lose their inherent dignity is one that might find few takers in India, where despite much bandied about culture of tolerance, there is a great deal of intolerance and unreconstructed medieval attitudes to punishment and reform. That a person be kept alive and given a chance to repent and reform seems alien to many people, going by the volume and content of negative comments that any media discussion of the death penalty in India entails.

Why abolish the death penalty?

There are numerous arguments in favour of abolition.

It is not a deterrent. A comparison of the crime statistics of abolitionist Europe and retentionist United States, as well as that of abolitionist and retention states within the US, will bear this out. Professors Franklin Zimring, Jeffrey Fagan and Donald Johnson, compared two cities with near equal populations and levels of prosperity, namely Hong Kong and Singapore, and showed that abolition of the death penalty does not lead to a rise in crime.

Once convicts are executed, they can never be resurrected.

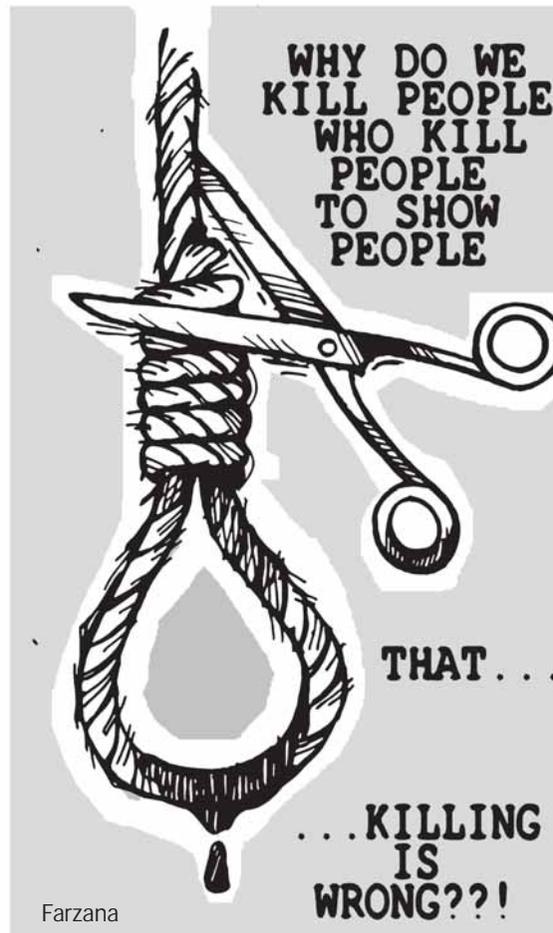
And in each and every jurisdiction, including India, there have been too many cases of the innocent having been put to death by the judiciary and the executive, thanks to their combined failures. Home ministers and other authorities who come under pressure following major acts of crime, make knee-jerk calls and promises of getting tough on criminals, without pausing to think of the causes of crime and the need to tackle them patiently and over time.

One of the oft-aided arguments in favour of the death penalty has to do with the wholly amorphous concept of victims' rights over the life of perpetrators of crimes. In India, especially in recent years, whenever a horrific crime such as rape in urban areas occurs, the media – especially the electronic media – is quick to interview survivors for “sound bites”. Under aggressive interrogation, many survivors call for severe punishment – meaning the death penalty – for the convicts.

Unfortunately, this misses the point that victims or survivors have absolutely no right whatsoever on the life of a convict, howsoever dastardly his or her crime. Once the state authorities arrest a person and that person is tried fairly and is convicted, no one, not even the state, has any right over that person's right to life. Any other procedure would be barbarian or worse.

Incidentally, in the United States, where, as discussed above, a number of states do continue to execute people – mostly African-Americans – under controversial circumstances, there are growing voices from survivors against the death penalty. *Murder Victims' Families for Human Rights* and *Murder Victims' Families for Reconciliation* are among just two of several.

In India too, and in every other jurisdiction, it is the indigent and members of oppressed classes, castes and communities that get the death penalty. Members of the dominant



communities and caste are almost never executed. Dhananjay Chatterjee (albeit a Bengali Brahmin going by his name), who was hanged in 2004 following a shrill campaign by the wife of the then West Bengal chief minister Buddhadeb Bhattacharjee, was a mere security guard, and incidentally, maintained that he was innocent. As noted above, there have been too many cases of innocent people paying with their lives for crimes they did not commit, in India and elsewhere.

Apart from horrific crimes such as rape and murder or multiple murders, acts of terror often lead to calls for speedy trials and executions. But one person's terrorist is another's freedom fighter. Many people deemed terrorists by the British and the Arabs, went on to become prime ministers and presidents in Israel. The *African National Congress* used to be deemed a terrorist outfit. Leaders linked to the *Irish Republican Army*, considered a terrorist outfit by Britain, entered into talks with the Unionists in Northern Ireland and are today sharing power with them. Kurdish leader Abdullah Ocalan, whom Turkey deems a terrorist, was sentenced to death, but then Ankara which applied to join the abolitionist European Union, was obliged to scrap the death penalty. Ocalan's life was spared and he now talks of a peaceful solution to the problem of the Kurds.

Closer home, Maoist violence and unrest in border states is met with brutal force by the Indian state, whereas the need is for long-term political solution to the problems faced by the oppressed *Adivasi* population, who fear losing their lands, forests, water sources and mountains to state-backed marauders from outside.

Two years ago, 14 retired judges signed separate letters to President Pranab Mukherjee, pointing out that death sentences given to nine people by various two-judge benches of the SC were "contrary to the binding dictum of rarest of rare". Justices A.P. Shah, P.B. Sawant, B.A. Khan, Hosbet Suresh, Prabha Sridevan and others called for commuting the sentences to life.

It is not as if India is a stranger to abolition of the death penalty. Throughout history, there have been instances of rulers

showing generosity and mercy in their treatment of criminals. The state of Travancore had abolished the death penalty, only to get it back upon union with India following

independence. A chief judge in Bombay from 1804-1811, Sir James Mackintosh, oversaw a complete halt in executions and later noted: "Two hundred thousand men have been governed for seven years without capital punishment, and without an increase of crime."

The BJP's own leader, L.K. Advani, as home minister in the Atal Behari Vajpayee government, negotiated with Portugal to gain the extradition of Abu Salem, convicted for the 1993 serial blasts in Bombay, by waiving the death penalty. That is because Portugal is part of the European Union, all of whose members are committed to the abolition of capital punishment, and decline extradition of wanted fugitives to countries which retain the death penalty.

Moreover, the BJP has been less strident in demanding the death penalty in the cases of the Tamils convicted for Rajiv Gandhi's assassination, and especially Balwant Singh Rajoana, prime accused in the 1995 assassination of Punjab chief minister Beant Singh. A comparison of these cases leads to the following conclusion: had the Tamils, Rajoana and Afzal Guru, not to speak of Kasab, managed to fly out to an abolitionist country, they could have avoided the death penalty.

This charade ought to end. India's media and civil society ought to apply greater pressure on the politicians to proceed towards a moratorium, preparatory to abolition of the death penalty, so that the country can stand tall in the company of the majority of states that have done so in law or practice. ■

Apart from horrific crimes such as rape and murder or multiple murders, acts of terror often lead to calls for speedy trials and executions. But one person's terrorist is another's freedom fighter. Many people deemed terrorists by the British and the Arabs, went on to become prime ministers and presidents in Israel.



The writer is based in Bangalore after more than 23 years in East Asia and 11 years in New Delhi. He was with the Press Trust of India news agency for 15 years, and Agence France-Presse for 11 years. He now edits and translates for NGOs and academic institutions. He writes a blog: <http://walkerjay.wordpress.com>

(The views expressed in the article are those of the writer.)

Maxim

"and when all the wars are over, a butterfly will still be beautiful."

- Ruskin Bond

The long wait for justice

*The Indian criminal justice system often comes across as inefficient and uncaring, with the most adversely affected being the undertrial prisoners. India has one of the highest ratios of undertrial prisoners in the world. The recent Supreme Court directive could go a long way in providing succour if bolstered by some practical provisions, says **Sulkhan Singh**.*

THE Supreme Court recently gave certain directions regarding release of undertrial prisoners. A huge number of undertrial prisoners is aggravating the problem of overcrowding in jails. In the prisons of Uttar Pradesh, for instance, the average overcrowding was 1.88 times the capacity, whereas maximum overcrowding in a jail was 3.78 times! The Supreme Court order is in respect of releasing the undertrial prisoners of the following two categories:

1. Those undertrial prisoners who are in jail in bailable offences after having been granted bail by the court, because they are too poor to afford sureties under Section 436 of the CrPC.
2. Those who have been in jail for longer than the maximum possible sentence; or have been in jail for longer than one-half of the maximum sentence provided for the offence as per section 436-A of CrPC.

Let us see the data in respect of these categories of prisoners. For the prisons in Uttar Pradesh in 2010, the table below gives the status of prisoners booked under CrPC's Section 436(1) and Section 436A:

Month / Year	Section 436(1) Proviso		Section 436A	
	Total	Released	Total	Released
January 2010	3051	2025(66.4%)	272	89(32.7%)
February 2010	3184	2193(68.9%)	332	131(39.5%)
March 2010	3549	2288(64.5%)	261	29(11.1%)

The case of the indigent prisoners

As for poor indigent people mentioned above, the situation on the ground is that neither the prison authorities nor the court follow due diligence. If a person completes one week in a bailable offence, he is deemed to be an indigent person and has to be released on his personal bond. The court should not authorise his detention for a longer period than one week. Once he is produced before the court after a week, he should be released on his personal bond the same day. He should not go to the prison again. It is also the duty of

prison authorities to move court on the eighth day for his release on personal bond, and the court should order accordingly on the same day. But as can be seen from the table above, even when cases are put up by prison authorities before courts, only about two thirds are actually released.

However, it is pertinent to mention that this provision critical though it is for human rights issue, is not likely to significantly reduce the number of undertrials in our prisons. This number is not very large. In Uttar Pradesh prisons where the total prison population was over 85000, the number of indigent prisoners was only around 3500. If care is taken at the time of first remand, then there would not arise a situation where indigent persons have to languish in jail for want of sureties.

The case of the non-bailable offence

The situation in the case of the persons suffering continued pre-trial detention in non-bailable cases is somewhat complex. It is a wise provision to state that a person should not be in jail as an undertrial prisoner for more than half of the maximum permissible punishment. Normally such a person should be released on his bond or bail. But a provision in Section 436A that the court may not so release if the prosecution raises objection, nullifies its beneficial impact. As is clear from the table above, the success despite strong initiative by prison authorities was about 32 to 39 %, and in one month it was actually 11.1%.

Unless the courts, the prosecutors, the police, the media and the civil society all support the rule of law and civilised democratic criminal justice system, the situation is not likely to improve. In essence, the pre-trial detention should not be inflicted as punishment if the offence is serious or the conviction level is very low.

A failure of our criminal justice system?

It will be of interest to have a look at the position of undertrial prisoners in a few other nations:

Sl. No.	Country	Undertrials as % of total prison population
1	India	66.2
2	Indonesia	32.8
3	France	26
4	Iran	25
5	Malaysia	21.9
6	U.S.A.	21.6
7	Pakistan	66.2
8	Bangladesh	69.0
9	Nepal	58.9
10	Germany	17.1
11	Russian Fed.	17.0
12	China	14.7
13	U.K. (England & Wales)	14.3
14	Japan	10.7

This ought to be an eye opener. A long undertrial detention is a sign of a failing criminal justice system. The Indian figure at 66.2 % is one of the worst in the world and we are in the company of countries like Pakistan and Bangladesh. Our position is much worse as compared to our south-east neighbours like Indonesia and Malaysia. Even China is much better than us in this regard. A large percentage of the prisoners are under detention for periods as long as 3 to 5 years. As a country professing rule of law, pre-trial detention should be only to ensure that the accused does not evade the criminal justice system. To tone-up the system, legal provisions to the following effect are urgently called for:

- A person should be arrested during investigation, only if there are grounds to show that the accused will abscond or commit serious crime.
- Total pre-trial detention in case of acquittal or the detention period in excess of the sentence ultimately awarded to a person should be compensated at an honourable rate; say at the rate of the pay of a group-A central government servant. An order to this effect must be part of the court judgment.
- In case of an acquittal, the compensation should be recoverable from the police officer making the arrest.
- Under-trial period should also necessarily qualify for usual remissions in the sentence ultimately to be undergone.

The requirement of rule of law is that the law should be just, reasonable and fair. If it is not so, it is no law.

What is just, reasonable and fair?

Just: - Lexically it means, legally right, lawful, equitable, fair, adequate, right in law or ethics.

Reasonable: - means fair, proper or moderate under the circumstances, according to reason, being in agreement with right judgment, not conflicting with reason.

Fair: - means impartial, just, equitable, disinterested, free of bias or prejudice. It conveys some idea of justice or equity, impartial, free from suspicion of bias, equitable.

From the above we can deduce the working definitions of these words as follows:

Just: - Right in ethics and public perception

Reasonable: - According to reason

Fair: - Impartial and independent

Rule of law and challenges

In a society that is in transition from political subjugation and social inequalities to democracy and social justice, it is but natural for different social groups to put conflicting demands on the system. Besides, the mindset of people especially those in governance and intelligentsia, has not changed with transition from autocratic British rule to democracy.

Unfortunately, this mindset does not change in a reasonably speedy way unless special efforts are made by social and political reformers. We find no worthwhile efforts in this direction. It is a painful process to reform this type of mindset; but there are no options really.

What is a free society?

A free society as Mahatma Gandhi said is a society where people have the *courage to resist the abuse of authority*. This necessitates the rule of law. In order that resisting abuse of authority does not entail state repression by authorities, it is necessary that criminal prosecution and civil liabilities should be ordered only in serious, violent and other grossly anti-social conducts.

In a free society, the virtues of liberty, equality and fraternity have to be firmly established. What does it mean?

- A large volume of unpalatable conduct has to be accepted or tolerated. Some of it could be left as it is and some should be curbed by social and political actions, but not by criminalising non-violent conduct simply because those in authority or influence do not seem to like it.
- Civil action should not entail jail; else it will practically become criminal.
- Only grossly objectionable and violent conduct should be brought under criminal law.
- All civil and criminal laws should be prompt besides being just, reasonable and fair.
- All law making and enforcement should be guided by the feeling of fraternity.



The writer, who is DGP, PTC, Unnao, U.P., has graduated in civil engineering from University of Roorkee (now IIT Roorkee) and has done a PG diploma in structural engineering from IIT Delhi. Thereafter, he joined Indian Railways Service of Engineers (IRSE), which he left in 1980 to join the Indian Police Service (IPS). He headed U.P. prisons from 2008 to 2010, which gave him a totally new and different view of crime, criminals, human rights and civilised society. He also completed his LL.B. from Lucknow University in 2008.

Two women's quest for justice

These are two women with similar destinies. One, facing the might of the Indian state in Manipur in north-eastern India, and the other standing up to the military junta in neighbouring Burma. Dr. N. Vijaylakshmi Brara has a different take on the feminist milieu and culture that Irom Sharmila and Aung San Suu Kyi come from and how it is helping them fight for their people's rights.

ACCORDING to John Walsh, there is a well-known story about the Chinese travellers who were amazed to see Cham women riding horses and taking part in market vending, in what is now southern Vietnam. Those same travellers – most notably the diplomat Zhou Daguan, whose memoir tells us so much about life in the Khmer Empire – were also surprised to see the high status which women enjoyed in Southeast Asia. In nearly all of the states of that region, women have had more freedom to organise and control their own lives, more than in many other parts of the world. That does not mean that they had equality with men, of course, or that they were not oppressed in certain circumstances. However, sexual freedom and the opportunity to work outside the house were much more likely to be found in this area than in most others. The many legends of female warriors support this idea, as also do the various myths and folk tales of strong women taking the lead.

The strong ethos of Southeast Asia

The reason why I am narrating the above account is because the women of Manipur are also the product of such an ethos. And the reason they belong to this ethos is because Manipur, as one can see from the map, borders Myanmar. Traditionally, it has had links with Thailand, Laos, Vietnam, as well as South West China. There have been various studies done on the cultural, linguistic similarities, as well as the migration routes of the people of this region. The Manipuri women are therefore, part of the Southeast Asian ethos.

I will attempt to discuss the spirit of freedom behind Aung San Suu Kyi's struggle and Irom Sharmila's resilience. Are they images of our strong traditions and a peculiar Southeast Asian ethos as mentioned above? Both our iron ladies did nothing out of the ordinary before becoming political stars, but they have been able to change the notions of nation building.



Irom Sharmila

Two women with similar destinies

Aung San Suu Kyi, recipient of the *Nobel Peace Prize* and the leader of Burma's *National League for Democracy*, had lived under house arrest since 1989. She refused to renounce her non-violent opposition of the country's oppressive military *junta*.

Similarly, Irom Sharmila nominated to *Nobel Prize* by the *North-East Network*, a Guwahati-based women's organisation, has been on a fast unto-death against the imposition of the 1958 Armed Forces Special Protection Act (AFSPA) in the Northeastern states of India. She is also called *The Iron lady of Manipur* and *Mengoubi* (The fair one).

However, her decade-long demand to repeal the controversial law that empowers the armed forces personnel to shoot anyone at mere suspicion (under section 4(a) of AFSPA-1958), is yet to be heard by the central lawmakers. The 40-year old living legend is currently in judicial custody at the state-run Jawaharlal Nehru Medical Hospital in Imphal, the capital of Manipur. This is her 15th year without food or water. Her form of protest is unique in the history of the world.

Detentions become much more difficult, when you are



Aung San Suu Kyi

told that you are free to leave. Suu could have any time phoned a friend, packed her suitcase and left for the loving embrace of her husband and kids. But in doing so she knew that her passport would be cancelled, and she would never be able to come back to her own people. She sacrificed the role of wife and mother. This aspect was used ruthlessly against her by the *junta* regime when they didn't even allow her ailing husband to come and meet her.

Sharmila too is free to leave anytime. She can also say that I have done my part, now it is up to the people and the government, and go back to her family to eat all her favourite *eromba* and *sareng* and sleep in the loving embrace of her mother. But she also knows that *that* will be a task left incomplete; the right of her Manipuri brethren to live as dignified citizens.

Ordinary women, extraordinary lives

Both Suu's and Sharmila's impact has been spiritual and emotional as much as political. And for both, their fight for justice has been personal and painful. Both the women did nothing out of the ordinary before becoming political icons. Many biographers have emphasised that Suu insisted on being described as a housewife. Sharmila too has been humble about her long struggle, recorded as the longest fast ever.

This insistence on being "ordinary" has not been very fruitful. It has led many people to underrate them. While Suu was being portrayed as a menace from abroad, a poster girl, Sharmila has been called a dumb girl, being led by others.

Sometimes, the larger than life image of a leader becomes more of a necessity, rather than a choice. To use Weberian terminology, charismatic authority of the leaders help in the fulfilling of goals. Yet again, their insistence on being part and parcel of the people they are struggling for, point to their passion, their devotion and their resolve.

Militarisation and women

Sharmila's struggle can be traced to the tradition of the women's collective fight against injustices called the *Meira Paibi* movement. *Meira Paibis* are the collective mothers of Manipur. They have waged protests against the injustices meted out by the state forces – from colonial times to the present, as well as by the insurgents. *Meira Paibis* have originated more as a spontaneous movement of elderly women who were greatly distressed with the acute problems of alcoholism, domestic violence and human rights issues arising out of the serious law and order situations obtaining in the state.

The way we perceive our women is evident in the mythology, legends and folklore of our region. The popular image of a woman is of an independent minded, happy, hardworking individual, with a sense of justice. There are stories of Imoinu, Panthoibi, Laijinglaibi, Pidonu and others, who asserted their opinions and are today used as complimentary nomenclatures for young girls. It will also not be incorrect to say that the fight against colonial forces has been predominantly women's fight. There is a historical legacy of women occupying a seat of power among the *Nagas*, according to Dr. Jeuti Baruah. She says that in times of war, a woman named Maram Harkhosita was the supreme commander, village Kangpot and Thowai had a woman chief and Tolloi village council members were also women. Women were given the responsibility of the village granary. *Pukhrelas* were the daughters of the village who were given the responsibility of ushering in peace between two warring villages. This has been therefore, Sharmila's background.

Historically, women in Burma had a unique social status. According to research done by Daw Mya Sein, a renowned Burmese scholar, Burmese women for centuries, even before recorded history, had high independence and retained their legal and economic rights within the established religions of Buddhism and Hinduism. A matriarchal system was also evident in early times, which gave exclusive right over inheritance of

Did you know?

The Indian wild dog also called dhole, is one of the endangered species of animals in India due to habitat loss, depletion of prey base, and diseases. The dhole is a highly social animal, living in large clans, which occasionally split up into small packs to hunt. It primarily preys on medium-sized animals, which it hunts by tiring them out in long chases, and kills by disembowelling them. Interestingly, dholes let their pups eat first at a kill. Though fearful of humans, dhole packs are bold enough to attack large and dangerous animals such as wild boar, water buffalo, and even tigers.

oil well, and the position of village head. However, the social scenario has undergone a dramatic change with the ongoing civil war and the rule of the military junta, which has added to reducing the position of its women to an extremely vulnerable situation. Women of Burma face unthinkable violence, limited educational, economic and political opportunities. Another limitation on women's involvement in public life is rampant sexism, enforced by militarisation, which forces many women to take on domestic duties instead of leadership roles.

Identity, nationhood and women

In Suu and Sharmila's case, the issue of their family becomes an essential attachment to their political struggle; unlike in the case of male leaders, where such an issue remains in the background. There has been Gandhi, there has been Nelson Mandela; but barring their autobiographies, their family life and their choice of lovers has never overshadowed their ideologies and their political struggle. Kasturba as well as Winnie Mandela have not been part of the major discourse in the ideological debates of the two. In the film *The Lady*, the times when Suu's husband could visit her, dominated the theme of the movie and Irom Sharmila's 9th, 10th and now 15th year entering her fast was given small coverage by the

newspapers, but the news about her love was given big bold front page prominence by a leading newspaper.

Now, from one perspective, there is nothing wrong in highlighting the personal side, but the point of this discussion is, doesn't this familial framework get focussed on more, when it comes to women leaders, especially women leaders who are on the other side of the fence trying to bring in an alternative discourse? Bringing out something which is personal is nothing but a subversive attempt to declare them to be the aberration, from what is the held ideal of a woman. Nothing changes in the realm of patriarchies, epistemologies and paradigms of political discourses. Hence, the struggle of women's movement has to go hand in hand with the struggle towards an equal and just society. ■



The writer is Associate Professor at the Centre for Manipur Studies, Manipur University. She is a sociologist and specialises in gender as well as culture. Her field area has been the Northeast region of India for the past two decades. She has over 20 publications in journals and has authored a book, "Politics Society and Cosmology in India's North East", which is widely read by students specifically interested in this part of the region.



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India's shame

The reprehensible practice of manual scavenging still exists in India, whether we like to acknowledge it or not. A recent report by the international rights group Human Rights Watch talks about this issue through the life of a 'freed' manual scavenger Lalibhai. We reproduce below the report authored by Amy Braunschweiger, in which she profiles Lalibhai and her efforts to free others like her from the Dalit community.

LALIBAI's parents had her married off at age eight, at which time she moved away from her home state of Rajasthan to Madhya Pradesh. At 12, her mother-in-law passed down to her the traditional job of manual scavenging.

People from her caste were "untouchable" in the eyes of the other villagers. She was forbidden from handling vegetables at the market and from taking water from the village tap. No one would cut her hair, and if she attempted to pray at a temple, she would be turned away. Her caste was forbidden to have wedding processions or even music and dancing at weddings. When walking into the village, women were forced to go barefoot and wear distinctive clothing that identified their caste.

In 2002, Lalibai met the activists from the *Rashtriya Garima Abhiyan* – the National Dignity Campaign – and decided to quit collecting excrement. "I liberated myself," she likes to say. But the people around her didn't see it that way. "People from the houses where I used to clean, would come to my house every day for months and demand that I return to this work," Lalibai said.

Lalibai regularly traveled to attend activist meetings, and when she stood at the tempo stand waiting for a ride, an elderly upper-caste man who lived nearby would warn her not to challenge her caste-designated role. "He would taunt me, and even told me that if I kept going this way, one day I would not return home," Lalibai explained. "It is hardest to change the minds of the eldest people in our village."

For Lalibai, one of her greatest victories was securing the right to access the village's cremation grounds for people from her caste. People who worked as manual scavengers were forbidden from using them, despite the importance of last rites in Indian life. Most had to ask permission of landowners to burn their dead in fields; some burned their dead in tires on the road.



Lalibhai, who had the courage to give up manual scavenging work

For Lalibai, one of her greatest victories was securing the right to access the village's cremation grounds for people from her caste. People who worked as manual scavengers were forbidden from using them, despite the importance of last rites in Indian life.

Lalibai's father-in-law passed away in 2003, and she wanted to perform the last rites ceremony in the village cremation grounds. Her family hoped to overwhelm tradition with numbers, and a group of 100 people – both from their village and other villages – accompanied them to the grounds. But several men considered to be higher caste met them on the road, threatening violence if they proceeded. They chose instead to burn his body in a field.

When her mother-in-law passed away in 2011, Lalibai's family was again stopped from burning her body in the village cremation grounds. This time she fought back. She chose to cremate her mother-in-law in the fields of one of the people who had turned her away from the cremation grounds years before. The field's owner reported her to the authorities.

Still she fought, this time together with an organisation dedicated to ending caste-based discrimination, *Jan Sahas* (People's Courage).

Legally, these grounds were also hers to use. "We made a video showing that we had nowhere to cremate our dead and filed a police complaint against the village council leader for discriminating against us," she said. Within eight days, the case against Lalibai was withdrawn.

She spoke with pride when she said that the next time a man from her caste died, the village council leader accompanied them to the cremation grounds to ensure that they could do the last rites without harassment.

"Any time untouchability is practiced, I raise my voice and fight against it," she said. "There is no end. It starts from the house to the market to the water pumps."

Over the next decade, Lalibai grew into her role. She has helped liberate 163 other women from manual scavenging. "I make them understand how I left the work, and I say, 'Now you can also leave it.'" She helps them to resist pressure to return to manual scavenging by encouraging women to form support groups and stand together against any harassment they face.

In 2012, Lalibai helped organise a march of 10,000 women who had left manual scavenging that traveled through 18 Indian states. Their goal: to share the message of their freedom with 50,000 other people from their caste and show that it was possible to break out of excrement cleaning. The march ended in Delhi, India's capital, where the women knocked on the doors of lawmakers, ultimately helping push forward a new, stronger law in 2013 that provides assistance to those leaving manual scavenging.

But the constant activism has taken a toll on Lalibai. Her vulnerability is only caught in glimpses, but it's there when she speaks of the death of her 20-year-old daughter-in-law, Bina Bamma. In a community where daughters-in-law are handed a basket to clean human excrement upon marriage, Lalibai refused to pass the burden of scavenging work onto her. She broke the cycle. Then, Bina Bamma fell dangerously ill while Lalibai was planning the march, and it threw Lalibai into a situation where she could no longer change the course of Bina's life. Lalibai's family took Bina Bamma to the hospital. She never received a diagnosis, but passed away 15 days later.

"She was very young," Lalibai said. "Not the age to die."

As Lalibai told this story, her voice never changed, but



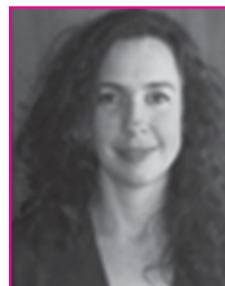
An elderly manual scavenger

tears ran down her face.

Despite her growth into a prominent activist, Lalibai and her community still face discrimination in her village. She doesn't like to attend village council meetings because of the shame she feels in not being allowed to drink water from a cup like the others, and in being made to sit on the floor rather than on rugs. The elected village council leaders do not let her speak in the meetings.

At first after quitting manual scavenging, Lalibai earned a living working in slate mines and in the fields, like many of India's rural poor. Now, she works fulltime for *Rashtriya Garima Abhiyan* to free other women from manual scavenging. At the launch of the 10,000-woman march she helped to organise, Lalibai and other activists stood on stage with the then rural development minister and the chief minister of Madhya Pradesh. Everyone onstage put their hands together to hold the flag they would wave to send off the march. For a woman forbidden from touching fruit at her

village market, it must have felt like an important victory not only to push forward a new law, but also to literally join hands with government ministers in the struggle to end manual scavenging. ■



The writer works for *Human Rights Watch* and wrote this report, which was part of the package produced around the issue of manual scavenging.

Health

The pomegranate is known to have plenty of antioxidants and immunity-boosting vitamin C. A recent study by the researchers from the University of Huddersfield, UK, suggests that pomegranate has a miracle antioxidant compound, punicalagin, which can prevent Alzheimer's, and can also slow down its onset and progression.

The fruit is also recommended by nutritionists in the diet for weight reduction and cholesterol control. Regular inclusion of fruits in the diet boosts immunity, improves circulation, and offers protection from cancers.

Human rights for human wrongs

The British left behind the draconian Section 377 which is still being used in India as an intimidatory tool against the LGBTIQ community. Harish Iyer explains why this section is so wrong and how, if interpreted as intended, even 'non-procreating' heterosexual couples can be labeled as criminals!

WE have got it all wrong. India is a country where marital rape is not illegal, but having consensual sex within the confines of our bedrooms is. I mean the non-procreating variety of sex. Section 377 was invented by the British; they invaded India and left behind a legacy of prejudice with this draconian law. What the law states is pretty simple, "carnal intercourse against the order of nature" is a punishable offence. Now, let us dissect this further and highlight the various implications and understanding of this law.

Now, no one knows what "order of nature" is. To me, the love of a man for a man or that of a woman for a woman and all permutations and combinations of genders and sexualities, is the order of nature. But in the legal parlance and interpretation of it, one could say that any kind of "carnal intercourse" which is non-procreatory, is against the order of nature.

Effect on the LGBTIQ community

How does this law affect the LGBTIQ (lesbian, gays, bisexuals, transgender, intersex, questioning) persons? When same sex people have sex, but their sexual relations don't lead to a progeny, this section can be applied against them. While this law has not been used directly against LGBTIQ persons much, this is used as a tool to discriminate. This law is an open shop for extortionists. "I will tell the police you are gay, if you don't give me money", is the new trade secret. And no one wants to go to jail for making love. Do they? So they cough up money and allow the world to bask in the glory of their snatched dignity. Actually, being LGBTIQ has never been illegal. What's illegal is the act of carnal intercourse against the order of nature. So, it is like saying, you can be what you want to be, but just don't act on your desires. There is an old cliché that says "make love not war", this one law stands against that cliché. I read the law as, "wage a war whenever you see someone making love".

Again speaking about the order of nature, considering that this law is also called "unnatural sexual offenses act", this

law is not only about homosexuals having sex; it implies that it is "natural" when a couple can make a baby." India has been famously infamous for its prejudice against infertile couples. The couples who don't bear children are vilified and ostracised in our world. The man who doesn't bear children is called a *na-mard* (impotent man/ sterile) and his wife can even seek divorce from him on these grounds. The woman on the other hand has to face spite from the community and is called *baanj* (barren) if she cannot bear children.

As mentioned earlier, the law in itself doesn't discriminate against LGBTIQ persons. While the law stands against carnal intercourse against the order of nature, it doesn't mention man having intercourse with a man explicitly. This means, that even if a man and woman have consensual sex without the intent or probability of procreation, they could be booked under this law. If we look at it very broadly, it would mean that heterosexual couples are all criminals under this law, because clearly men and women don't just have peno-vaginal sex, and they for sure don't look at ovulation cycles and have sex according to that! So is the law going to be enforced on heterosexual couples? Like, all of them? No. But it is used to victimise gay men by the very prejudiced society.

The bizarre enters the picture

A bizarre argument that is thrown at us is that people will start having a lot of sex if section 377 is removed. Sadly, the total amount of lust or love or affection is neither directly nor inversely proportional to the law. Those who wish to make love, shall still continue to do so in the confines of their bedrooms. Anyway, one cannot really say who is gay and who is not, nor can they say whether a person is straight or not.

In my opinion, what Section 377 does is, it infringes on human life. It adds another layer of prejudice to our society that is already multi-flavoured. While laws alone cannot change societal mindset, the existence of such draconian laws is treated as an example of the deplorable state of affairs that we are in.

(Continued on page 21)

Future imperfect



*The Nobel Peace Prize for 2014 has been awarded jointly to the young Pakistani activist Malala Yousafzai and Indian social activist **Kailash Satyarthi** “for their struggle against the suppression of children and young people and for the right of all children to education”. Satyarthi is the fifth person from India to win a Nobel Prize (though there are others of Indian origin who have won), and the second to win the Nobel Peace Prize after Mother Teresa.*

Originally named Kailash Sharma, Satyarthi was born on 11 January 1954, in the Vidisha district of Madhya Pradesh. After finishing his post-graduation in engineering, he joined a college in Bhopal as a lecturer, which he quit in 1980 to join the Bonded Labour Liberation Front. Subsequently, he founded the Bachpan Bachao Andolan (Save Childhood Mission), which has so far freed over 80,000 children from various forms of abuse and helped in successful rehabilitation and education of these children.

Satyarthi has also been involved with the Global March Against Child Labour and has also served as the President of the Global Campaign for Education, from its inception in 1999 to 2011, having been one of its four founders along with ActionAid, Oxfam and Education International. In addition, he established GoodWeave International (formerly known as Rugmark) as the first voluntary labelling, monitoring and certification system of rugs manufactured without the use of child labour in South Asia. Satyarthi has always highlighted child labour as a human rights issue.

While congratulating him on winning the Nobel peace prize, we reproduce a still-relevant article on child labour written by him for the July 2011 issue of One India One People.

DESPITE several constitutional provisions and laws that safeguard the rights of all children, India has the dubious distinction of having the largest number of child labourers in the world. If one were to believe Government's estimates, there are about 1.20 crore economically active children below the age of 14. However, non-governmental sources estimate a staggering 6 crore children engaged as labourers across the country. Almost 70 per cent of these children work in the agricultural sector, while the rest continue to languish in the informal and unorganised sectors like garment, embroidery, carpet weaving, glass bangles, brass ware, shellac jewellery, sporting goods,

leather, plastic goods, stone quarries, mica and coal mining, tea plantation, brick kilns, construction sites, roadside restaurants and domestic work.

Breeding ground for cheap labour

India is the breeding ground for worst forms of child labour. At least one crore or one out of every six child labourers is trapped in slavery as bonded labourer. Tens of thousands of children are trafficked from one state to another on tall claims and false hopes of a decent life. Several others are trafficked across the national borders. India is known to be a destination for a large number of Nepalese and Bangladeshi children. Child prostitution,



Child labour crushes the future of the children

child marriages, *Devdasis*, forced amputation and beggary, children misused or abused by militant groups, are some of the many forms of contemporary slavery that widely persist.

The push factors behind this social evil include abject poverty, illiteracy, lack of awareness, gullibility of parents, child un-friendly mindset prevailing in the communities, socio-cultural discrimination, gender bias, poor outreach of legal safeguarding and ensuing development, absence of or poor educational facilities, State's incapability to effectively handle natural disasters like flood, earthquakes, droughts and famines, development disasters like deforestation, mining and displacement, are largely responsible for children falling prey to child labour. On the other hand, the insatiable greed on the part of employers who always scout for vulnerable, docile and cheap workforce, prevalence of corruption and apathy among the law enforcement agencies coupled with connivance between traffickers and employers, are some of the key factors that pull children towards labour.

Children are preferred over adults because they are unable to unionise, they do not demand decent pay and never do they resort to strikes despite all sorts of abuses and exploitation. We should remember that each child is employed at the cost of an adult's job. India has 6 crore child labourers and about 6.5 crore unemployed adults. Several studies have revealed that most of the jobless adults are the very parents of full time child labourers. This is a vicious cycle. No country could ever possibly solve the problem of poverty, unemployment and illiteracy without eliminating child labour.

Globalisation, privatisation and liberalisation have fuelled the massive demand for cheap and docile labour in production supply chains. Similarly, the ever-expanding middle class is always on the watch out for a poor and docile child to employ them as domestic help for looking after their own children,

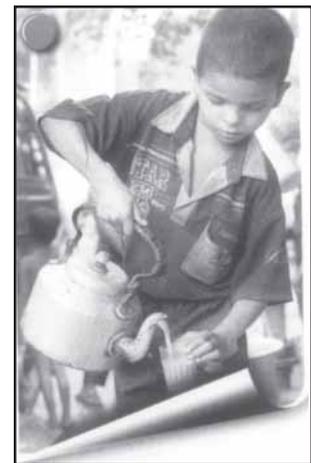
besides performing the usual household chores without a whimper.

A common notion that ubiquitously prevails is that poverty is the root cause of child labour, but it is a half baked truth because the fact of the matter is, that child labour creates and perpetuates intergenerational poverty. Child labourers are cursed to reel under poverty for the rest of their lives. In most cases, inhuman working conditions severely affect children's tender organs thereby drifting them towards occupational diseases. Children engaged in agriculture are exposed to pesticides, insecticides and heavy machinery. Such children gradually acquire incurable ailments and often meet with accidents that render them physically crippled. Many children handling toxic chemicals in factories and workshops are susceptible to similar risks. Children producing fire crackers to amuse and entertain others more often than not meet with devastating accidents. Sivakasi, Virudnagar and Sattur are infamous for such accidents. Similarly, children working in stone quarries and mines are diagnosed with tuberculosis and silicosis. Thousands others are compelled to work under inhuman conditions in glass bangle factories of Firozabad and brass and metal workshops in Moradabad, Aligarh and Delhi, only to burn their lungs and little fingers.

I have personally come across thousands of cases where children weaving carpets in Mirzapur-Bhadoi belt were diagnosed with incurable lung diseases that cut their lives short, unfulfilling their dream to sit on the plush carpets that they produced. Children stitching footballs and other sporting goods seldom get an opportunity to play with them. Those slogging endlessly in garment sweatshops never get to see their mothers and sisters adorning the beautifully and intricately embellished ensembles produced by them. What a shame!!!

Gross violation of laws

Prevalence of child labour is nothing short of utter disrespect not only towards the Constitution but also towards all the International Declarations, Treaties and Conventions that have been promulgated in the past. Child labour and slavery are the worst of human rights violations. It is a crime and a social stigma. Child labour is the biggest obstacle in the way of education and development. It is a slap across the face of civilisations, cultures and religions. Child labour is an



He provides solace to many through his hot tea, but he remains deprived

evidence of serious lack of political will and social concern. Child labour denies freedom, justice, dignity, equal opportunities and fulfilled childhood, simultaneously endangering child's present and future.

India has several legislative provisions aimed towards children. There is a specific law: Child Labour (Prohibition and Regulation) Act, 1986, which is highly objectionable and incomplete. It does not prohibit all forms of child labour, thereby posing serious contradiction to the recently passed Right to Free and Compulsory Education Act, 2010, which calls for compulsory schooling for all children up to the age of 14 years. How can one law be in contravention to the other law that allows children to remain at work places instead of classrooms?

Juvenile Justice (Care & Protection of Children) Act, 2000, is yet another law aimed at safeguarding the interests of children by guaranteeing freedom and childhood up to the age of 18 years which again locks horns with Child Labour (Prohibition and Regulation) Act, 1986, that defines a child as a person who has not completed 14 years. Similarly, the Bonded Labour System (Abolition) Act, 1976, prohibits any person from being employed as bonded labour. There are a plethora of other acts like The Factories Act, 1948; Shop and Establishment Acts, The Minimum Wages Act, 1948; The Contract Labour (Regulation and Abolition) Act, 1970; The Mines Act, 1952 and so on that make references about child labour. Additionally, several landmark judgments have been pronounced by the Hon'ble Supreme Court and State High Courts bearing implications on the issue of child labour.

Ironically, there is a gross violation of all these provisions across the length and breadth of the country. Enforcement continues to be the biggest challenge which directly stems from political/administrative will and competence and capacity of the Labour Inspectorate System. Inadequate resources and the issue of non-assignment of responsibility and accountability further wreak havoc on account of feeble enforcement of laws.

There is hope ahead

There are many success stories and vicarious experiences towards eliminating child labour that are worth applauding. It is heartening to see that the civil society is highly proactive in challenging the statutory authorities and businesses thereby holding them accountable for their actions or inactions. The Government as a result of surmounting pressure exerted by the public on various occasions has been compelled to amend



When will the wheels turn in his favour?

the existing laws, enacting new legislations and launching new welfare schemes specifically aimed towards the well-being of children. Consumer campaigns have brought the mighty multinationals on their knees for implementing effective CSR strategies. The carpet industry is a good case in point, where successful interventions such as social monitoring and labeling, community awareness and legal actions could bring down the number of child labourers from over 300,000 to as low as 80,000. Initiatives like school enrollment drives and mass mobilisation have created a new demand for education among the poor even in remotest areas. Raid and rescue operations by *Bachpan Bachao Andolan* have generated unprecedented mass awareness and media interest besides judicial intervention and unrelenting pressure on the Government.

India has tremendous potential and possibilities to eradicate child labour only if a concerted and integrated approach is adopted with a genuine political will. As mentioned above, there exists a vibrant and agile civil society and there are significantly effective and important welfare schemes like MNREGA, *Sarva Shiksha Abhiyaan*, midday meal provision etc., that are aimed towards the wellbeing of children and the greater good of the communities. It is therefore the dire need of the hour to build and institute a strong, collaborative, and integrated approach that can take on the issue of child labour with an utmost sense of urgency. ■

Festival

The Konark Festival, organised by Orissa Tourism Board is held from December 1-5 every year. It features a range of classical Odissi, Bharathnatyam, Manipuri, Kathak and Chau dance performances. Added attractions are an exhibition of Orissa's temple sculptures, and a crafts fair. The festival has been taking place since 1989. Held to coincide with this is the International Sand Art Festival which sees renowned international and local artists competing to create the best sand sculptures. This is held at the Chandrabhaga beach in Konark.

Sex work – legalise or decriminalise?

*The debate over legalising sex work in India is a long-standing one. There are many supporters for the legalising option, though **Kamayani Bali Mahabal** thinks differently. According to her, it is more prudent to bring sex work under the purview of the labour department and decriminalise it. She gives the reasons why.*

SEX work has traditionally been seen as a form of violence against women. Over the last two decades, however, the global sex workers' rights movement has consistently argued that while there is violence within sex work, the exchange of sexual services for money is not in and of itself, violence. Consensual adult sex work does not constitute violence. The present law is meant for prevention of trafficking and makes no sense for adults voluntarily working as sex workers. There is no relation between solicitation and being forced into the trade. When these women are forced to evacuate their houses, they go to 'rehabilitation centres' or undergo medical tests which amounts to violation of basic human rights.

While sex work has traditionally been seen as the most extreme manifestation of patriarchy, sex workers rights groups argue that sex work also challenges patriarchy. In deconstructing patriarchy, it is vital to talk about institutions that control sexuality. We also need to talk about the sacred space of sex. The engagement of feminists on the so-called 'sacred space' of sex is very limited. Sex is looked down upon, but anything in the name of love is considered kosher.

Legalising sex work

The National Commission for Women (NCW) chairperson, Lalitha Kumaramangalam, is advocating legalising sex work to regulate the trade and ensure better living conditions for women engaged in commercial sex work. According to her, it will also bring down trafficking and lower the incidence of HIV and other sexually transmitted diseases.

But what will really happen?

Sex work is often seen through binary lenses - sex work out of necessity is considered legitimate, but not sex work for any other reason. Everything around sex work has been so maligned and stigmatised that violence around it is very high. Violence exists in both marriage and sex work, but marriage is not itself seen as violence—sex work is. Neither are married women maligned the way sex workers are.

Women in sex work cannot be put into a box. The fact

that a majority of adult women in sex work consent to it, is disbelieved and ignored. The understanding that trafficking is synonymous to sex work has also dodged the strategies by policy makers, who insist that all women in sex work are victims of trafficking. Not all the women in sex work are trafficked and not all trafficked women are in sex work.

A regulated framework permits some forms of sex work, but not necessarily all forms of sex work. It requires sex workers to register with the government and have licenses to do sex work, but many sex workers choose to work privately instead of registering because of the social stigma attached to it. This will result in a separate class of sex workers who continue to work without licenses and are thus denied access to redress when faced with violence, abuse and rights violations. India has a vast number of home-based, part-time, and hidden sex workers who will become criminalised in such a regulatory regime.

Only certain forms of sex work will be permissible under the law. Law enforcement will be tasked with the process of licensing and monitoring of sex work practices. For instance, a study on the legalisation of sex work in the Netherlands concluded that the police play the most important role in monitoring the licensed sector, and in carrying out inspections. In the context of India, such a regime can only lead to further rights violations for sex workers, especially those who wish to work in private without the license.

A licensing system will also result in curbing the right of sex workers to move freely for their work within the country. Since licenses will be issued only for a specific area or zone, any sex worker working outside the designated zones will be liable for prosecution.

Mandatory health checks required in a regulatory framework will further perpetuate the stigma against sex workers, while failing to address the HIV epidemic in a meaningful manner. Singling sex workers for compulsory HIV testing or health check-ups will perpetuate the stigmatising notion that sex workers are vectors of disease. Mandatory health check-ups have been recognised by UNAIDS, and the Office of the High Commissioner for Human Rights as a bad

public health practice and a rights violation. It is well-known that such coercive practices alienates vulnerable populations and drives them away from the resources that they need, to safeguard their health and the health of their partners.

Sex work under the purview of the labour department?

In conclusion, sex work should be treated as work and brought under the work schedule of the labour department. Sex workers from both the brothels and the streets should be recognized as workers, and the Immoral Traffic Prevention Act (ITPA) should not be applied to them.

Decriminalisation will actually make sex work safer, sex workers argue. Punitive laws that criminalise and punish sex work act as instruments through which sex workers are harassed and regularly have their human rights violated by law enforcement agencies, health authorities and clients.

In many countries, sex workers are a primary means by which the police meet arrest quotas, extort money, and extract information. Police wield power over sex workers in the form

of threats of arrest and public humiliation, and use condoms as evidence of illegal activity, undoing years of effective public health promotion and campaigning around STIs and HIV. Forced testing for HIV is commonplace, along with breaches of due process and privacy.

Decriminalisation will help sex workers organise and address all forms of exploitation, including abusive, sub-standard or unfair working conditions instituted by both state and non-state actors. Sex work must not be equated with sexual exploitation or sex trafficking. Also, decriminalisation is not an



attempt to legalise 'pimps', nor does it increase exploitation of sex workers. Such arguments are made with a limited understanding of the sex trade and undermine sex workers' struggle for the right to health and justice. ■

The writer is an expert in gender, health and human rights issues.

Human rights for human wrongs

(Continued from page 16)

There are many cases of gay men being forced to marry women. One could scream foul and speak about women's rights, but till there is a law like this, it will breed a culture where women are subjugated. The question here is not whether gay men should be punished, the question is, do we have a society where a gay man can be himself without being forced into a marriage, with a gender he would rather not.

Section 377 protects religious sanctimony?

How funny, that we rely on something that is not even Indian, to "protect" religious sanctimony. The law is remnant of the Victorian mindset that is draconian and wayward as compared to the texts and subtexts of Indian mythology. We never really had a closed culture, and definitely not a closed mind. At least, in Hindu scriptures, we have many interpretations of gender interchangeability, homosexuality, bisexuality, intersex etc. While it was never termed sexuality *per se*, the scriptures are peppered with such understated examples if you look deeply. With the British invasion, not only did India get bereft of her wealth, but also of our open minds.

Another absurd argument I have heard is, if everyone turns gay, wouldn't the population come down? So Section 377 keeps a check on them, goes the argument. Now, this is one clichéd statement that has no scientific validation. How

do people turn gay? Which turn is that? Right or left? Jokes apart, people don't turn gay or straight, they are but broadminded or narrow.

Homosexuality and other forms of sexualities apart from heterosexuality, is found in over 450 species of animals, humans are just one of them. And anyway, how does a law stop anyone from having sex. Are we going to doubt every two men who hug each other and arrest them? I have been gay since birth, and out as gay since a decade and a half, and I can say for sure that the general public cannot tell who is gay and who is not, just as one cannot tell who is straight and who is not.

Again to reiterate, no one chooses a life where they would be discriminated, will have to "come out", fight for equal rights and acceptance. Being gay or lesbian or bisexual is not a choice people make, yes, some make the choice of being open and outspoken about their sexuality and gender.

With great oppression comes the stirring of big movements. Section 377 is a tool for oppression. The British left their sins for us in the form of Section 377, and they themselves got rid of it. Time that we eliminated Section 377 from our lives and law books too!

Humein chahiye azaadi, hum nahi hai apradhi (We demand freedom, we are not criminals). ■



The writer is an active voice for child sexual abuse and equal rights for women and the LGBTIQ among an ensemble of other causes. He is just in his early 30s and his life has inspired a biography and 2 critically acclaimed films - national award winning *I AM* and *Amen*. He blogs at www.hiyer.net and tweets as @hiyer.

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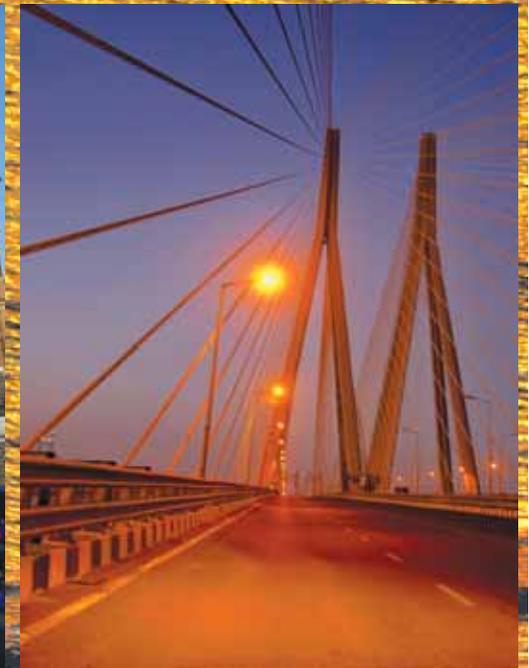
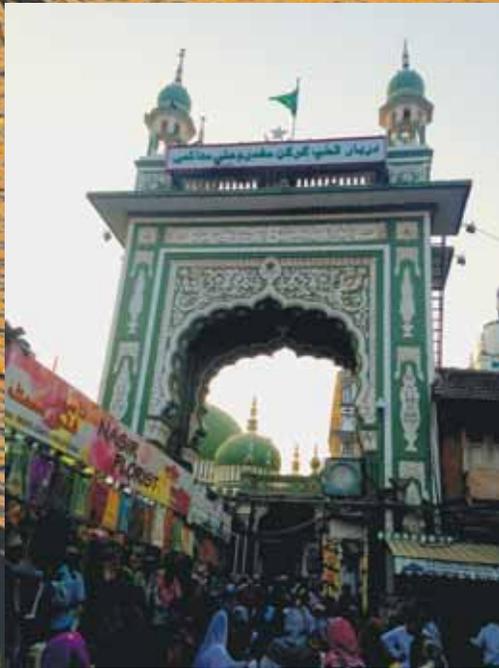
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KNOW INDIA BETTER



Alpha City Mumbai

Human beings often play God. When we give life to ideas that shape mammoth cities, we also craft and mould aspirations and dreams of millions of people. Just like the city of Mumbai. It was just seven islands to begin with. With time and necessity, we found ways to join the islands into one large landmass, which is truly an exhilarating peninsula of possibilities. Here, lives are lived in ways beyond imagination. In this concluding part of his series on Mumbai, Akul Tripathi takes us on a well-guided hike across northern Mumbai, and what he conveys is not just the sheer sweep of the city, but the sheer audacity of men who made this monumental swathe of a megapolis, a reality.

Text and photographs: Akul Tripathi



Prabhadevi temple

"From a certain point onward there is no longer any turning back. That is the point that must be reached."

–Seneca (Roman Philosopher)

THEY teach that it is not prudent to bring about the subject of God at the beginning of an article as it might alienate the readers. I thought on that hard, but then the notion came to me like a cool summer breeze that the word 'prudent' was never really given much thought to by the city I am writing about. The city I am from.

So I choose to continue with my take on the much debated analogy regarding whether it was humankind that modelled God on its desires and perceived ideals, or God who modelled them in His image? Some point out that the one thing that separates the two is the inability of humans to create life. Others argue that this is just a temporary differentiation. With the steadily exponential growth in both artificial intelligence and genetic understanding, the day is not far when humans will possess that power too.

Personally, I see this discussion as very uni-dimensional. It is based on that fickle need to classify as life only that which is bound in flesh and bones, while continuing to have a modicum of control over its growth. While for millennia, we have had the power to breathe life into ideas and make them real, to imagine the unseen and then ingeniously force it into existence. To take barren or overgrown thickets and in their stead build cities modelled on dreams.

It was just such a germ of a dream that King Bhimdev planted when he set up his capital in Mahim

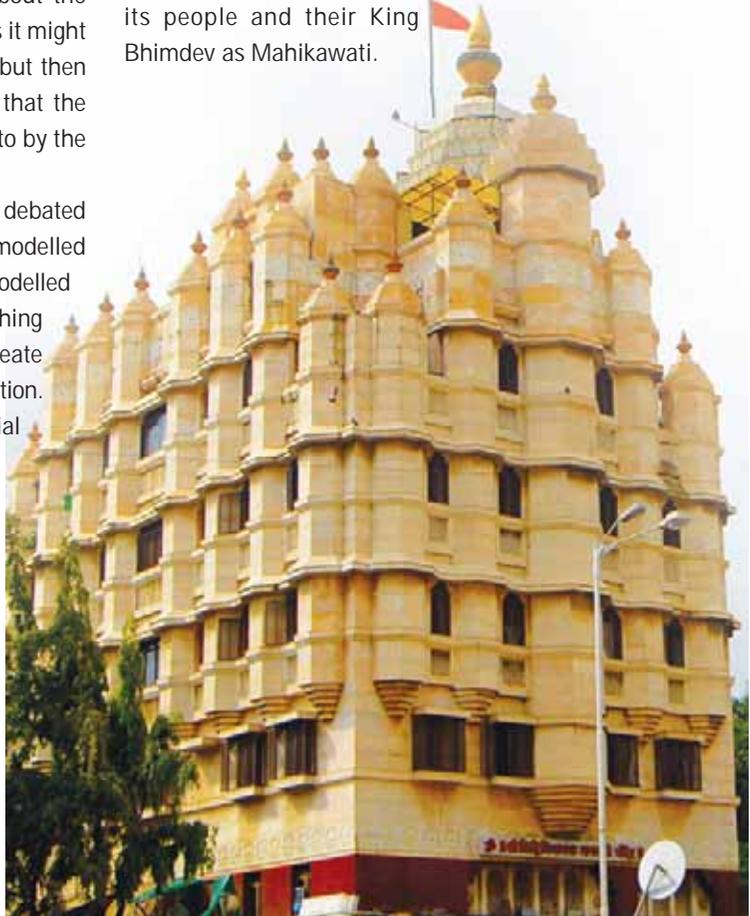
- one of now fabled seven islands of Mumbai, towards the end of the 13th century. Such is the nature of life we humans breathe into the places we inhabit, that it flows unbridled once the seed is sown, and then as endeavour and chance nourish its roots and aspirations, it grows strong into a force pulsating with life. Living many lives through its inhabitants.

Rome represents conquest, New York the embodiment of the modern world, faith is what triumphs at Mecca and in Jerusalem. Art rules supreme in Athens, fashion and food liven up Paris.

Mumbai is far too young to achieve such romanticised titles. It is in the phase of grit, resilience and persistence. In its vigour, it has bounded across its limitations as we saw in the earlier two instalments of *One India*

One People (May 2012 and April 2013 issues) and forged from the seven islands, one almost perennially continuous landmass on which beats the fiery heart of a nation that draws strength from this minuscule peninsula of pandemonium.

Continuing our journey from its southernmost tip moving northward, we begin at the island of Mahim, known then to its people and their King Bhimdev as Mahikawati.



Siddhivinayak temple



Mahim dargah

Mahim - The crucible of Mumbai

With generous broad strokes, one can divide the history of the islands of Mumbai prior to independence in roughly five time periods - from the stone age to the advent of King

Bhimdeva, during which time it was a part of various indigenous dynasties, the Hindu period of King Bhimdeva, the ensuing Islamic period, followed by the Portuguese and the British periods. Of all the islands of Mumbai, the one island which has seen the ebb and flow of these suzerains, has been the island of Mahim. In days gone by, this area which accounts for present day Mahim, Matunga and Dadar, was also known as Majim and Mejambu.

It is believed by many that the present day Prabhadevi area was where the king built a palace, a court of justice and the temple of Prabhadevi. During his reign, many of his followers coming from Gujarat and elsewhere settled here. A community from these initial settlers, that is little talked about is that of the *Pathare Prabhus*, an educated, industrious, liberal and soon influential community, which in the years since have contributed tremendously to the development of the city through their active involvement in government administrative processes, social movements and unflinching philanthropy, besides adding their thread to the social kaleidoscope that is Mumbai.

In the 16th century, the area of Dadar was known as Salvesong and Lower Mahim. The oldest surviving (though rebuilt and extended several times) monument in Dadar is a church built in 1596 called the *Nossa Senhora de Salvação*, which is today a familiar Dadar landmark, and amongst the oldest churches in the city.

Undoubtedly, the most popular landmark in Dadar is the Shivaji Park ground in the heart of Dadar. A large open space, it is swamped with cricket nets and other sporting activities and holds the honorific of being India's 'Cricket Cradle', as it



Mahim Causeway over Mahim Creek at the Mithi river estuary



A view of Mahim Fort, Mahim Bay and Sea Link

has been the first ground to witness the wizardry of greats such as Sachin Tendulkar, Sunil Gavaskar, Sandip Patil and Vinod Kambli, amongst a long list of cricketing icons. This iconic landmark was once called Mahim Park before being renamed after the Maratha warrior king in 1927.

Not too far from the park is the much revered Siddhivinayak temple dedicated to the obstacle remover elephant God, Ganesha. The temple had humble beginnings at the very location, when it was completed by Laxman Vithu under the commission of Deubai Patil, a wealthy lady who was bereft of children and had the temple built so that Lord Siddhivinayak (*avatar* of Ganesha, who grants your wishes) would bless other barren women. From being a 3.6x3.6m shrine, it has today

grown into one of the richest temples of the country, and definitely the richest in the city, with estimated donations of close to \$2.5 million annually.

Neighbouring this beacon of faith, in comparatively surprising seclusion, lies a temple dedicated to Prabhadevi. Some believe this to be at the same place where King Bhimadeva had built the original temple and the idol for the temple is also believed to be from the same time period. Local lore around this temple built by Shyam Nayak of the *Pathare Prabhu* community in 1715 tells a tale of centuries of feared persecution, which compelled the *Prabhus* to hide the idol first from the Islamic rulers, and later from the Portuguese, who according to several accounts, embarked on a temple



Koli fishermen off Bandra coast



Walls of Mahim Fort

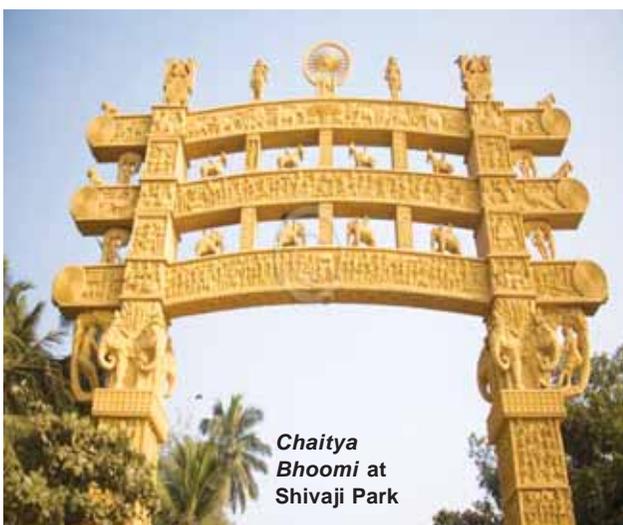
demolition spree in order to show the natives the 'one true faith'. Hidden first in the Mahim creek and then in a well, it was finally pulled out and reinstated after Shyam Nayak saw the deity in a dream and realised that it was time to reinstate her in the temple. The main deity of *Prabhadevi* was once known by the now forgotten name of *Shakambaridevi*.

In Mahim proper, or the northern side of the island, is the oldest monument of the island - the Mahim *dargah* - venerated since 1431, following the death of the Muslim *pir* Makhdoom Ali Mahimi (1372-1431), a Muslim scholar from Konkan of the lineage of Arab travellers from Iraq. He was appointed *Qazi* (head cleric) by Ahmed Shah, the Sultan of Gujarat. He soon came to be known for his scholarly treatises, liberal views and

humanist ideals. Mahimi was the first Indian scholar to write a critically acclaimed exegesis on the *Quran* amongst his nineteen authored books. For his prolific writing, he was given the moniker *Outb-e-Kokan* or Kokan's Pole Star. Revered by Hindus and all sects of Muslims, this 500-year old shrine is still frequented by many who come to seek his blessings.

A stone's throw from the *dargah* is the St. Michael's Church. Built in 1534, it is one of the oldest Catholic churches in Mumbai. The current structure, however, was completed in 1973. As is the unusual but exhilarating way in India, not only Christians, but adherents of all faiths congregate to pay their respect to Virgin Mary and attend mass, especially on Wednesdays - the day of the Novena - an act of pious devotion, with the belief that the special prayer on nine consecutive Wednesdays will grant their wishes. On 8 September 1948, the birthday of Mary, concurrent with a Wednesday that year, Fr. Fernandes as the vicar held the first Novena services. Fr. Fernandes had observed a similar custom in Belfast, Northern Ireland, and brought with him a picture touched to the original Our Lady of Perpetual Succour picture, at Rome.

During the time of the Portuguese, the island of Mahim was second in importance only to the island of Bombay, the island with the good bay. It was the outbreak of the plague epidemics of the 1890s that infused new life into the island. The Dadar-Matunga-Wadala-Sion scheme put in place in 1899-1900 was the first planned scheme in Mumbai, designed by the Bombay Improvement Trust, to relieve congestion in the centre of the town, thereby relieving pressure off the then



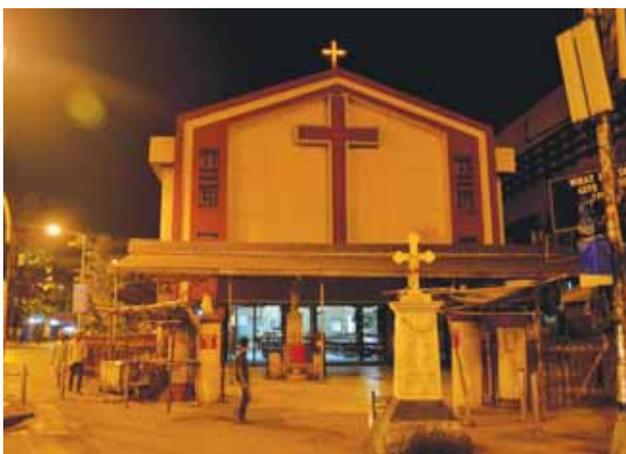


Mount Mary Church

island city and contributing to a general improvement in sanitation levels. The plan looked to provide housing for over a 100,000 people, and was the spark that led to the growth of Dadar as we know it today.

Other places of importance on the island of Mahim are the *Chaitya Bhoomi* at Shivaji Park - the cremation ground of Dr. Babasaheb Ambedkar, the Mayor's bungalow opposite the Park and the office of the Shiv Sena political party.

At almost the northernmost extreme of the island of Mahim



St. Michael's Church



Mount Mary Basilica

lies perhaps the most ignored and least acknowledged monument of the Mahim Island, the Mahim Fort. Overlooking the Mahim Bay, it was the scene of an important battle in 1772, 111 years after Bombay was squarely in British hands and the Portuguese had attacked the fort. Repelled surely by the garrison of about 100 soldiers and 30 cannons, this landmark is in a state of utter neglect, and not visible unless one scrambles right to the edge of the water through encroachments and a beach path littered with human waste. There are few tragedies more heart wrenching than the pitiable condition of this once noble fort.

The great divide

The rapidly spinning wheels of circumstance were catapulting Mumbai towards the point Seneca speaks of - the point from where there is no turning back. The fusing together of the seven islands via the grand Hornby Vellard in 1838 was the nudge on Mumbai's shoulder that pushed it over the line to that singularity. Land - the biggest constraint to the growth of the city had just been solved. All seven islands were now a single landmass. The seven islands of Bombay were transformed to the city of Bombay.



St. Andrew's Church

Dimensions : 20 x 27 cms



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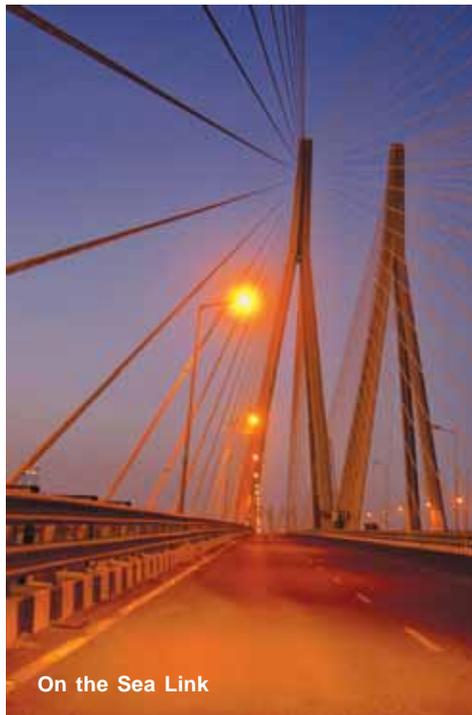
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Bandra-Worli Sea Link

The islands fused together up to this point constitute the Mumbai City District. To the north of the island of Mahim lies a creek that separates the city from the much bigger island of Salsette. The swampy area between the city and Salsette made travel dangerous and cumbersome. The ambitions of the city of Mumbai could never have reconciled to just seven islands and the next logical step of expansion was hence, into the island of Salsette, which by many old accounts was known as the 'granary'; implying that there were once large tracts of fields and fertile soil.

The British East India Company, which was then in control of Bombay refused to fund what was essentially an expensive project, but served no great purpose for them. Considering the importance of the causeway, especially to the locals, Lady Avabai Jamsetjee Jejeebhoy, wife of the first baronet Sir Jamsetjee Jejeebhoy pledged to donate the entire amount for the construction of the Mahim Causeway, linking the two islands and in the process, creating a new



On the Sea Link

world. The ₹. 1,57,000 required for the construction had one condition attached to it. She stipulated that no charge or toll would ever be collected by the government for the use of the causeway. The construction of the causeway, in a sense, anchored the freely floating island city of Bombay. Besides giving it much needed room to expand, it brought it in closer land contact to the Indian mainland and laid the groundwork for the arrival of the rail network which would raise the importance of this port town to a completely different level. One can safely analyse that this labour of philanthropy provided the boost that would propel Bombay into the league of a global city.

The island of sixty six villages

Salsette is believed to be a name derived from the Sanskrit number *Shatshashti*, or sixty-six, that being the number of villages the island housed. Another mention of the origin of the name claims of it being derived from the word 'salt' owing to the many salt pans on the island. Topographically, the island



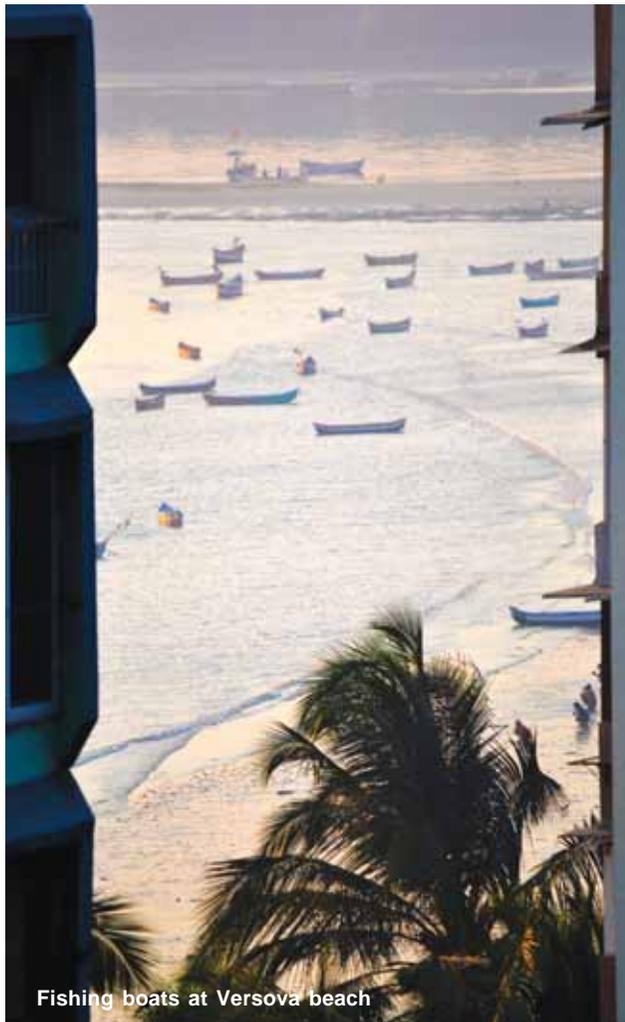
Bandra Fort

was a central mass of hills surrounded by tidal flats. The island itself was once smaller with many small islands around it, like the islands of Trombay and Bandra, the sandbars of and Versova, and other islands like Gorai, Marve and Madh amongst others. Old gazetteers indicate that one could wade across to the islands during low tide.

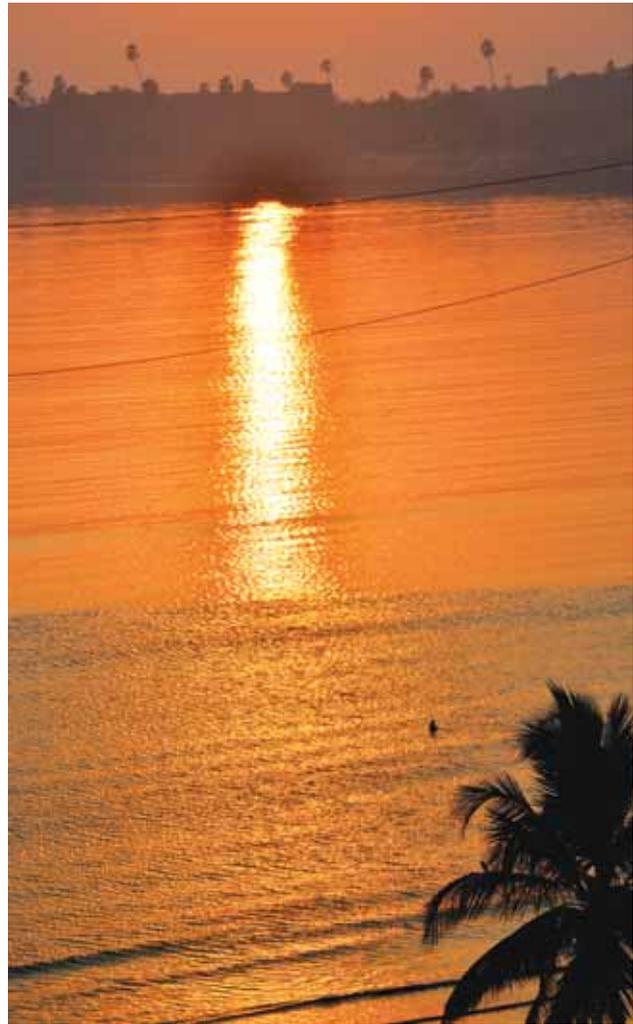
The island of Salsette is bounded on the North by the Vasai creek, on the Northeast by the Ulhas River, on the East by the Thane creek and Bombay Harbour, and on the South and West by the Arabian Sea. With an area pegged at 619 sq. km., it is almost four times bigger than the Mumbai City District which administers 157 sq. kms of area. It houses the Mumbai Suburban District along with the cities of Mira-Bhayander and Thane on its northern shores, which are administered under the Thane District that extends farther into the mainland as well.

The story of Bandra

Amongst the islands, the history of Bandra is particularly interesting. In Marathi, Bandra is called *Vandre*, which also means 'port', and is possibly derived from the same Urdu/Persian word. It came into Portuguese possession when they defeated



Fishing boats at Versova beach



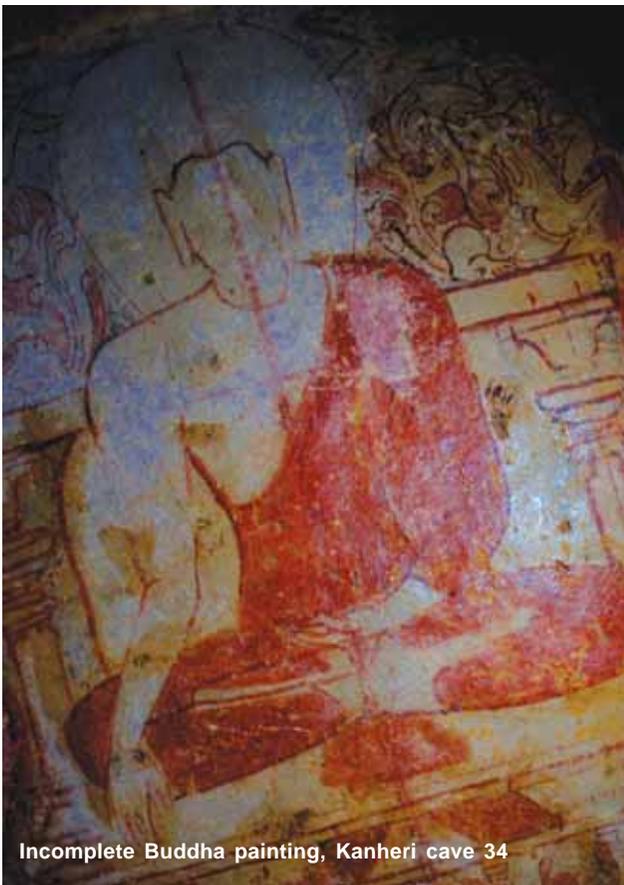
The sea as seen from Versova beach

Bahadur Shah of Gujarat. Bandra along with some other villages were given to a Portuguese national Antonio Pessao as a reward for his military service for a period of 'two lives' or two generations, after which they returned to the crown. Anticipating this time period, the Jesuits petitioned for these villages and received them in 1570. They went on to befriend 'Rosa', an Armenian Christian woman, who was part of the Mughal harem and endowed the Jesuits with funds to secure sole ownership of Bandra and three other villages.

The Jesuits built the Santa Anna (St. Anne's) College and Church in 1570 - the first church on the island of Salsette. While the Portuguese ceded the islands of Bombay to the British as dowry for the wedding of King Charles of England and Catherine of Portugal in 1661, the island of Bandra was not part of the dowry. The Jesuits continued to build more churches including the St. Andrew's in 1575, and the Chapel to Mount Mary built in 1640. The Jesuits were successful in this period in attracting many converts to catholicism and ruled over the area till 1739, when fearing attack by the Marathas,



Rock cut *vihar* at Kanheri



Incomplete Buddha painting, Kanheri cave 34

they appealed to the English for help.

The English Sappers on their part destroyed substantial Jesuit buildings including the St. Anne College and the fortress Aguada to prevent the rampaging Marathas from using these against the English possessions on the island of Mahim. As the Jesuits feared, the Marathas invaded and ruled the region for the next two decades, during which they destroyed various churches and Jesuit buildings including the St. Anne Church and the Chapel of Mount Mary. The statue of the Virgin Mary originally brought from Portugal was recovered from the sea by fishermen and housed in the St. Andrew's Church before Mount Mary's Church was rebuilt in 1761.

The European era

Of all the places on Salsette, Bandra has the most number of European era structures. Prime amongst these are the St. Andrew's Church and Mount Mary Basilica - two of the oldest churches in Bombay. Unlike the Mount Mary Church which was rebuilt, the St. Andrew's Church has been continuously active since 1575 when it was built. Over the years it has seen repairs and refurbishment, yet the construction and architecture style remain true to its construction era.

A 150 years after the building of Mahim Causeway, a different government finally built another bridge running roughly the same course to ease the commuter traffic – the Bandra-



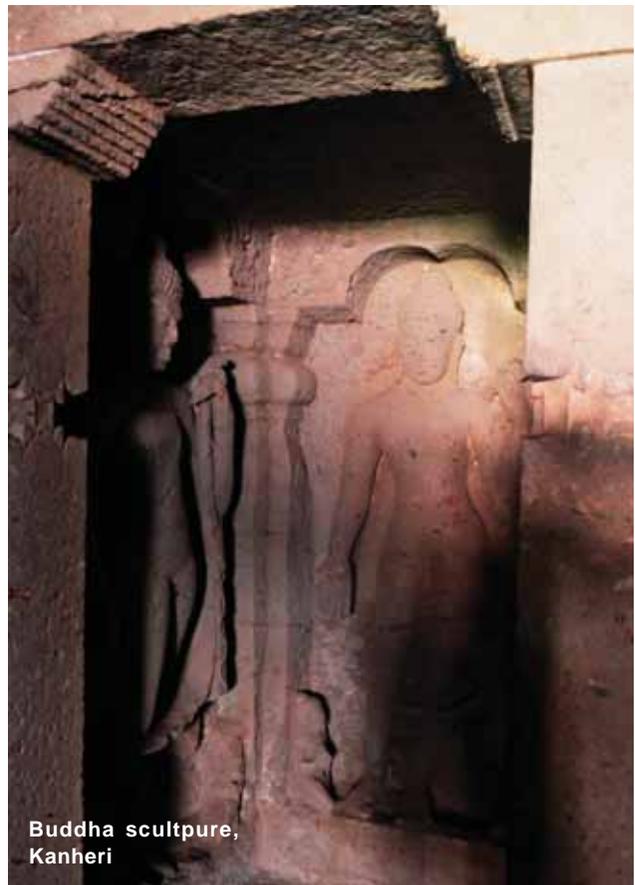
Carvings on cave walls

Worli sea link. Ironically, unlike its 19th century counterpart built for the same purpose but with altruism at heart, each round trip on this 8 km stretch can set you back by almost ₹100 in toll charges. On more cynical days, with the worsening traffic conditions, all this architectural marvel of our century seems to succeed in accomplishing, is helping you arrive at your next traffic jam faster.

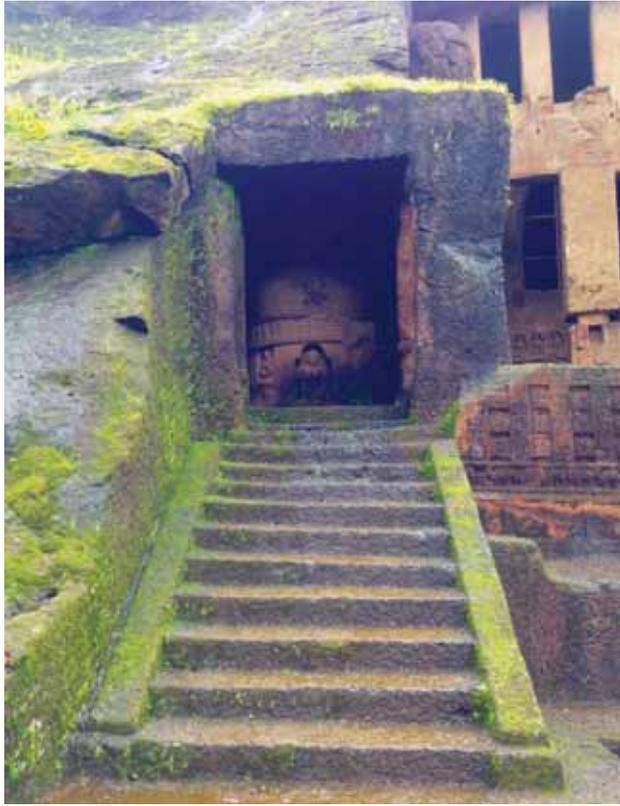
It is a strange bridge, this sea link. In some ways, it seems a bridge built to hide away the past under its swanky steel and cable. The bridge virtually runs over the Worli Fort and on looking intently, one can make out the contours of the Mahim fort from it. Closer to Salsette, it provides a glimpse of a rock structure which is the Bandra Fort.

The other surviving monument from the Portuguese era is the Bandra Fort, known also as the *Castella de Aguada*, and *Forte de Bandora*, which is located at Lands' End, the southernmost point of Bandra, and was built in 1640 as a watch tower overlooking the Mahim Bay, the Arabian Sea and the island of Mahim. 'Castella' is a corruption of the word 'Castello' meaning castle in Portuguese and Aguada which means a water fountain, indicating there was at some point a source of fresh water on the island.

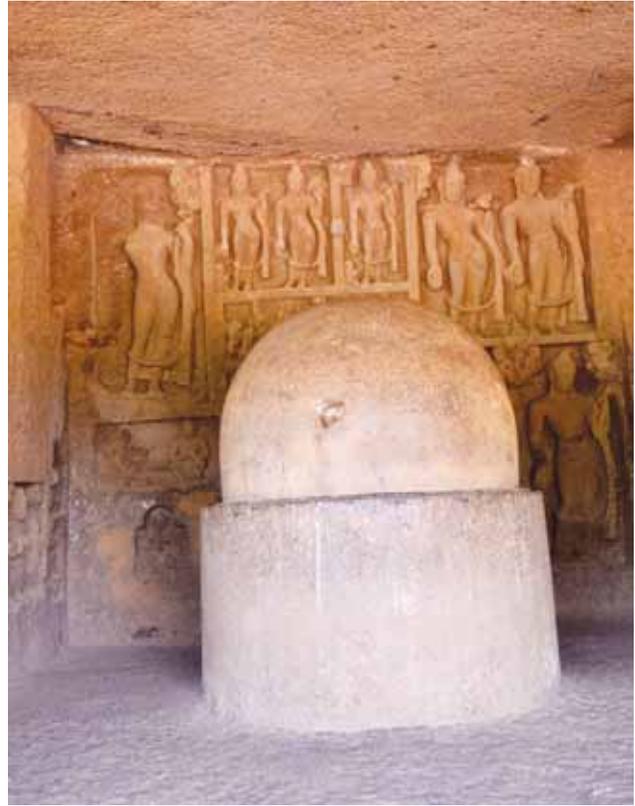
The fort had great strategic value till the 19th century, when the British secured complete control over India. Eventually, its importance declined and post independence, it joined the



**Buddha sculpture,
Kanheri**



Stupa outside chaitya at Kanheri



Stupa at Kanheri

large number of 'foreign' monuments condemned to ruin as India vehemently tried to absolve its past by ignoring it. It's only recently that a citizen's movement along with some conscientious local politicians have made some restoration possible to keep alive this landmark at Land's End.

As the English gained might over India, all of Bombay too came within their control once the Marathas ceded Bandra to the British according to the Treaty of Bassein in 1802. The British were lucky to find in Bandra a large community of native Christians converted by the Portuguese, many of who

were conversant in the Roman script. It was from these families that the British drew their supplies of clerks, assistants and secretaries. These native Christians later organised themselves as subjects of the British East India Company, calling themselves East Indians. Interestingly, when the British came in possession of Salsette, 90 percent of the population was Christian with a few Hindu and Muslim pockets.

A parched city

It is for a very practical reason that all of the world's greatest



Tulsi, Vihar and Powai lakes

cities were built along the course of a river or at its estuary. More important than any other resource in the flourishing of a city, is the need for fresh water. The islands that made Bombay had their own fresh water sources, but these were under great strain with the mushrooming of the population. Soon, the wells started drying in summer and there were protests on the streets in 1845.

The British East India Company took cognisance of the matter and the committee appointed for its resolution found the riverine network on Salsette as a suitable solution for the problem. The Mithi River was closest to the city of Bombay. It is the estuary of the Mithi River that forms the Mahim Creek. The committee identified sites upstream to construct dams and create reservoirs to store the monsoon flows of the Mithi River. The 'Vihar Water Works' commenced in 1856, and was completed in 1860. The various stages of this project resulted in the creation of the Tulsi, Vihar and Powai lakes. This was the first piped water scheme of Bombay.

Of the three lakes, Tulsi and Vihar are still operational as sources of water to Bombay, though a majority of Bombay's fresh water now comes from lakes on the mainland. Most of the water from the various lakes passes through the water filtration plant at Bhandup, which is the oldest and largest such plant in Asia. The water through here is sent to various underground tanks in the suburbs and the city, where it is stored before distribution.

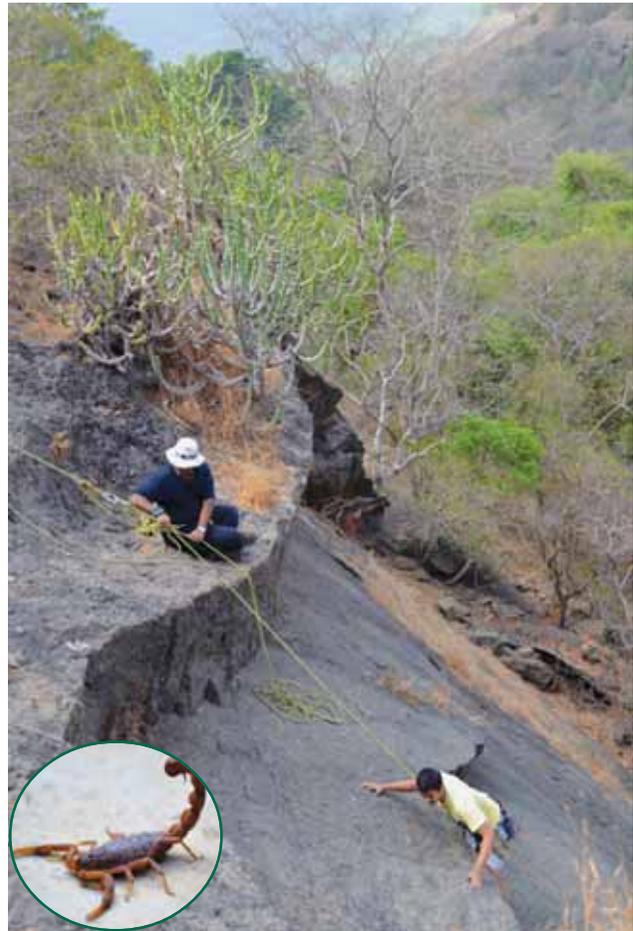
Years of neglect and abuse has led to the water of the Powai lake to become unpotable. Unfortunately, it is the same bleak scenario with the rivers of Bombay. Waters of all the rivers that originate on Salsette - Mithi, Poisar, Oshiwara and Dahisar - along with their various smaller streams are unfit for consumption due to incredibly high pollution and sewage levels.

For a city with such numerous sources of water available within its limits and from the mainland, it is appalling to see its callous attitude towards efforts to optimise this potential. Year on year, the frequency and acuity of water shortage have been increasing. Even more alarming are the stories of locals around these water bodies, not having access to the water, as it is being piped to meet the demands of the city's residents. The situation is grave and though there have been efforts by the concerned few who can visualise the apocalyptic situation following a couple of bad monsoons, I sincerely hope that the people and authorities tackle this problem before it takes a disastrous turn.

A magical forest

Mumbai is blessed with something very few cities in the world have - a forest within city limits.

Earlier known as the Borivali National Park, it is a dry deciduous forest with significant bio-diversity. The park stretches



Rock climbing activity at SGNP; (inset) scorpion at SGNP

into the neighbouring Thane district and the forest area around the Vasai creek is at sea level and has mangrove patches, which unlike at other parts of the city, are still in good condition. A short walk into the forest can give one an idea of the kind of forest that must have once enveloped the entire island, and just how charming that scene would have been to behold for the early settlers who called it home.

It is magical not just for the many species of flora and fauna it nourishes, but also because of the significant role it plays in providing fresh air to the city. The Tulsi and Vihar lakes are situated within its boundaries and it is also the source of all the rivers that run their course across Salsette island. The highest point in Mumbai - *Jambul Maal* (1480 ft.) - is situated within the forest from where, on a clear day, one can see all three lakes and even the Thane Creek. It is one of the most visited parks in the world, and tourists flock the park in heavy numbers, especially on weekends and during the monsoons. The forest department has recently marked out trails which tourists can walk on securing permissions. Once, it was possible to walk an aqueduct trail within the forest tracing the aqueducts built by the British to supply water to the city. After the 1993 Bombay bomb blasts, this area was



SGNP trail to highest point over Kanheri caves

declared sensitive, and visitors are no longer allowed to walk those trails.

The park was once home to the Royal Bengal Tiger. In fact, there are records of tiger sightings even on the seven islands of the city before they became a unified land mass. However, the last tiger in Mumbai was shot down 80 years ago and the leopard is the largest predator now found in the forest. In 2003, pug marks and droppings of a tiger were found in the park, but it was not widely seen.

The Sanjay Gandhi National Park (SGNP) in the suburb of Borivali is quite simply a small patch of paradise amidst the concrete monstrosities springing up rapidly around it. There are many environmental issues in Mumbai and even the SGNP has its fair share of challenges. Encroachments are a constant worry and so is poaching. Various indigenous communities dwell within the forest. Human-animal conflict at the peripheries is a constant challenge and so is the thin line that defines sustainable tourism. Yet, the very fact that such a park exists is kudos to several generations of citizens, activists and far sighted administrators, who post independence increased the 20.26 sq.km park to its current area of 104 sq. km. Quite frankly, the idea of Mumbai without SGNP is unimaginable and well, scary!

A hidden city of caves

On the same land that supports this mega metropolis,

sediments of the Pleistocene era (approx. 25 lakh to 11,700 years ago) have been found, indicating inhabitation from at least the Stone Age. The *Koli* fishing communities are the earliest known settlers of the island. From the 3rd century BCE, Salsette was part of the Maurya empire and became then a centre for Hindu and Buddhist activity. The earliest of these centres are the Kanheri Caves located within SGNP.

It is wondrous to know that over 2400 years ago, Buddhist monks began carving caves for prayer and meditation and over the course of centuries carved out a cave complex of 109 caves from the hard basalt rock. It is from this hard black rock that the caves got their name of *Krishnagiri* or 'black mountain', which over time was shortened to Kanheri.

The cave complex consists mainly of *viharas* - caves meant for studying, meditating and living. Larger *chaityas* - the halls of congregational worship were also carved, and these have superbly sculpted pillars, reliefs and sculptures. An elaborate and ingenious rain water harvesting and underground water storage systems were also carved out of stone. It is believed that Kanheri was also a centre for imparting Buddhist education, and the great Buddhist teacher Atisha is believed to have studied here.

Along with the Kanheri group of rock-cut monuments, two other cave complexes are hidden away amidst the hustle and bustle of the city - the Mahakali Caves and the group of caves at Jogeshwari. The Mahakali Caves, also known as the

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Bank Aisa Dost Jaisa



Kondivite Caves are a group of 19 caves which were built at the same time as the Kanheri Caves (beginning in the 1st century BCE).

The ones at Jogeshwari are of a later time period (between 520-550 CE) and contain both Hindu and Buddhist temples. Some believe the cave temple to be the earliest major Hindu cave temple in India and among the largest. It is stupendous that even the name of this cave temple dedicated to Shiva with intricate and ornate carvings of the Gods, seems to have been lost to memory and perhaps to history. Though some caves have new idols installed and are visited infrequently, a majority of the cave complex is lying in various levels of disrepair, infested with bats and endangered due to sewage, waste and encroachers. Anywhere else in the world, these caves would have been tourism mainstays. It is only in India, where our abundance of history, religion and architecture can make for such astounding apathy.

The city of dreams

It is an intriguing island, Salsette, when you put things in perspective. The now amalgamated landmass, a testament to the Portuguese and British periods, while not too far inland, is a veritable 2000 year old city.

There followed an appalling lack of infrastructure in most parts of the country immediately post-independence, with successive governments trying to cope with the huge nation they had suddenly found themselves in possession of. The colonial facilities put in place by the British contributed to almost unsustainable growth for the next half century in Mumbai. With people from across the country coming to seek their fortunes in the island of destiny, the city grew in a mad frenzy, devouring whatever land it could find, while accommodating peoples from across the subcontinent, and providing all it could for their myriad obsessions - from cotton mills to cinema studios.

If you happen to be in Mumbai, footloose and fancy free, with a mind to ferret out the little known details of history waiting to be noticed, there is plenty more to find than can ever be incorporated in an article or even a book. For the time

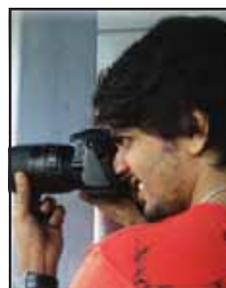


Mahakali Caves

it takes to uncover one thing about it, the city has already created ten more that are absolutely worth knowing. These are odds unbeatable in one lifetime.

And for this, we must thank the innumerable faceless people who carry Mumbai on their shoulders, and in their hearts. For, no one person or people or even country can claim to have made Mumbai. It is that star which has risen from the horizons of unreal expectations, shining through the dark clouds of limited real estate, and with sheer grit and dream, risen above every eclipse it was not supposed to have overcome, to realise this thriving megapolis.

I have a friend from Syria who describes in these words the glory of his home, one of the oldest inhabited cities in the world: "When you come to my country and see the buildings of Damascus and how the city functions, my dear friend, you will believe once again in God and His miracles."



Well, my dear friend, when you come here and immerse yourself in this covenant of chutzpah that is my home, you will place your faith once again in Man and His dreams. ■

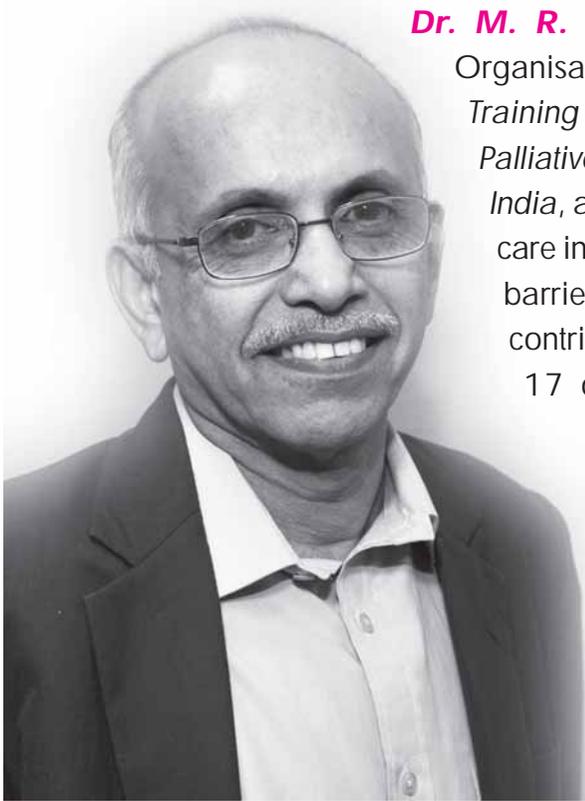
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Foreign Relations	Tribal	New Government	Agriculture	Activism	Institutions

“In India, the poor and the rich all suffer such cruelty and indignity at the end of life.”



Dr. M. R. Rajagopal is the director of the World Health Organisation or *WHO Collaborating Center for Policy and Training on Access to Pain Relief*, at *Trivandrum Institute of Palliative Sciences (TIPS)*, and the founder-chairman of *Pallium India*, a trust that was founded to improve access to palliative care in India. Dr. Rajagopal's initiatives to remove regulatory barriers in availability of oral morphine for pain relief have contributed to the simplification of narcotic regulations in 17 of India's 29 states and more recently, to the amendment of the NDPS (Narcotic Drugs and Psychotropic Substances) Act of India. His initiative has also contributed to the development of a government policy on palliative care in the state of Kerala in 2008, and Government of India's National Palliative Care Strategy, in 2012.

It was while working as Professor and Head of Anesthesiology in Calicut Medical College that Dr. Rajagopalan and his colleagues founded the

Pain and Palliative Care Society in 1993, offering free pain management and palliative care to poor patients. In 1995, this was declared a WHO demonstration project and grew to the present *Institute of Palliative Medicine* and a network of palliative care centers in the state of Kerala. This initiative resulted in palliative care reaching a whopping 50% of the needy in Kerala compared to the national average of less than 1%!

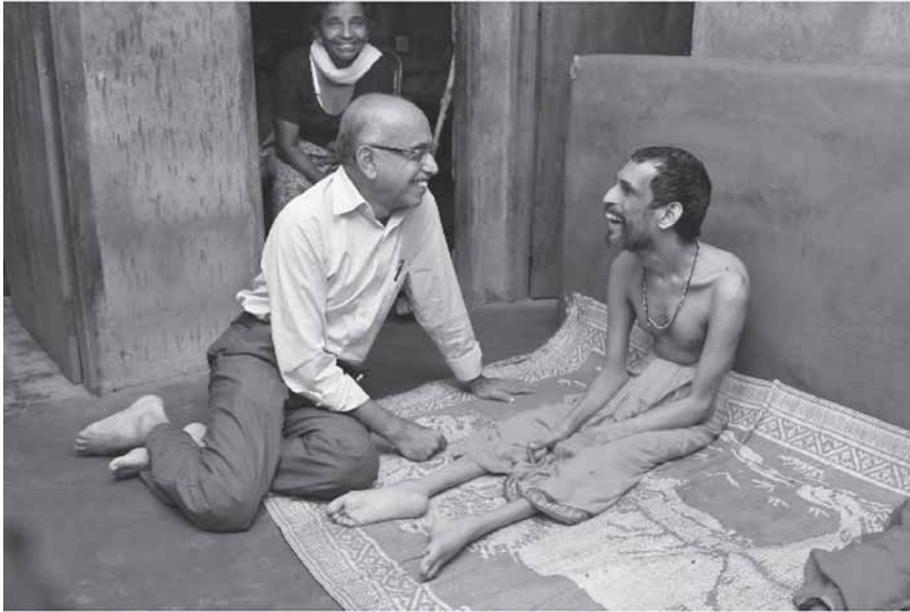
Dr. Rajagopal was recently awarded the *Human Rights Watch's Alison Des Forges* award for being a “global force behind efforts to promote and put into practice palliative care as a human right”. Here are excerpts from an email interview done by **E. Vijayalakshmi Rajan** with Dr. Rajagopal who was in the United States to receive the award.

What does one mean by “the right to die with dignity”?

The right to die with dignity is closely linked to “life with dignity”, which is guaranteed as a fundamental right in the Constitution of India. True, this is violated in many manners. But in the context of life-limiting diseases, the violation is totally unnecessary. The *Economist Intelligence Report* published a few years back, after studying the way people live

and die with disease in 40 countries, found that India came 40th, after Uganda, in the way the dying are treated.

The poor, often, are rejected by the medical system, when disease is incurable, saying, ‘There is nothing more we can do.’ Before the rejection, all their resources are exhausted by the treatment costs; the last months of their life are often spent in agonising pain, or other physical discomforts associated



Dr. Rajagopal with a patient

with psychological, social and spiritual suffering. Pain is one of the commonest problems. Pain is often excruciating, especially in cancer, and the intensity is beyond comprehension. The loving father or mother is converted by pain to a self-centered being with no consideration for others, often their behaviour changes, agitation or hallucinations occur.

The rich have a different, sometimes worse kind of death waiting for them. Even when the disease is incurable, even though everyone knows that death is the inevitable consequence of life, they are still treated in Intensive Care Units (ICU). The normal biochemical or electrical changes in the function of vital organs are so aggressively treated that the person finds himself with a tube in every orifice and cables covering his body. The family is kept away, except possibly for a few minutes, once or twice a day. At least one-third of people (two-thirds, if elderly), lose their minds. When they get agitated and start pulling out tubes, their hands and feet are tied. The tube down the throat offers the worst kind of suffering. In India, the poor and the rich all suffer such cruelty and indignity at the end of life.

How and when do we decide life is 'unsalvageable'?

Medicine is not an exact science. Medical science cannot enjoy the precision that an electronic equipment can expect to have. Therefore, there is always the possibility that any medical diagnosis or prognosis can be inaccurate. In the context of deciding on unsalvageability of life, this imprecision does come into place. There have been very, very rare reports of unexpected "miracles", but please think of the person on the ventilator, subjected to intensive torture, prior to death.

The promise of a very, very rare miracle is meaningless to that person at this time.

In practice, what is considered right by the international medical and lay community is to seek the opinion of two expert medical specialists (the *Medical Council of India* recommends three), who together look for "reasonable" chances of recovery or of restoration of quality of life.

What is passive euthanasia? How different is it from active euthanasia and physician assisted suicide?

A word can be used by different people to mean different things. The scientific community led by intensive care specialists and palliative care specialists have arrived at precise definitions which, unfortunately, do not necessarily agree with the way the word was used by the Supreme Court of India in their landmark decision on the Aruna Shanbaug case in 2011.

The term euthanasia should be used (whether active or passive) only when there is the deliberate intention to end a life by an act of commission. Death is the inevitable end of life. Permitting natural death should never be called euthanasia. If artificial life support measures have already been instituted, withdrawing them is still allowing natural death, and by the unanimous understanding of the knowledgeable medical community, does not become euthanasia. In euthanasia, typically, a lethal medicine is injected into a person, to end life. This has been legalised in a few countries and in some states in the United States of America. In every country that it has been legalised in, it is done with the patient's written consent.

While in active euthanasia, a medicine is injected by a medical professional, in passive euthanasia, the professional connects up the lethal concoction of medicines, connects it with an intravenous catheter placed inside the patient's vein, and allows the patient to open that infusion himself. This is assisted suicide. Ethically, the difference would be negligible. Practically, this offers a safeguard that in case the person wants to change his decision at the last moment, he is still capable of doing it. Very often, the layman and sometimes misguided professionals use the term passive euthanasia to describe withdrawal of artificial life support. As given in the guidelines provided by the *European Association of Palliative Care, Indian Society*

of *Critical Care Medicine* and other bodies, withdrawal of artificial life support and allowing natural death should not be called passive euthanasia.

What is a 'living will'? Is it the same as 'Do Not Resuscitate' or DNR? What in your opinion should be done in the absence of such a will?

Typically, DNR is an instruction left by a doctor on a patient's file. By doing this, the doctor is practically announcing that the patient's condition is unlikely to be restored to reasonable quality of life and therefore, further treatment will be futile. Again,

typically, such a decision is taken with the patient's expressed wishes or if the person is incompetent to take such a decision, by the next of kin.

A living will is a document left by the person when mentally competent to do so. This can be done now when one is reasonably well and perhaps before one gets a disease. The *Medical Council of India* has given guidelines for this, which were applicable only for specific instances. *Pallium India* has modified it and created a sample living will, which you can find at <http://palliumindia.org/resources/end-of-life-care/>.

In the living will that I have prepared for myself, I have said that if I have a disease which is unlikely to get cured or with which, in the event of a deterioration of my physical and mental condition, I am unable to be restored to reasonable quality of life, I should not be treated in an ICU and that I should be kept in a place where my family can have easy access to me and to care for me as they wish. In it, I have left clear instructions that in such events, aggressive life support measures like the artificial ventilator should not be used on me and that I should be offered palliative care for relief from any pain or suffering which I may feel at that time.

What is equally important is that in addition to this, I have conveyed this clearly and got my wife and my sons to agree to this. This conversation is not always easy, and loving family members are likely to reject the suggestion of such a discussion. Now, my family understands my wish and is willing to go by my decision. But even then, I fear that the medical system may cause emotional suffering to my family by asking them to sign papers. In its effort to protect itself, the medical system writes unnecessarily cruel words like "I accept responsibility for my husband's death" etc. To avoid causing such agony to



The Pallium India team

my family, I have talked the matter over with my nephew, who, I hope can be a little more emotionally detached, and I have named him my proxy in my living will, authorised to take such decisions.

In the absence of such a will, the *Medical Council's* recommendations of 2003 were well-thought out and reasonable. That is, if the condition is unsalvageable, the doctors must discuss it with the next of kin and with the consent of the family, three specialists should examine the person independently to decide on "futility of treatment". This was a reasonable procedure and it is our hope that the Supreme Court will allow a similar system to come into place when they hear the review petition by the *Indian Society of Critical Care Medicine*.

What are the Law Commission and Medical Council of India guidelines with regard to "withdrawal of life support"?

The ethical committee of *Medical Council of India* had given recommendations which were passed by the Council in 2003. More recently, the *Law Commission of India* also has provided clear recommendations. Unfortunately, neither is Law. In the absence of a Law, the courts are likely to go by the decision of statutory bodies like the *Medical Council of India* or the *Law Commission of India* or of professional organisations. But now that the 2011 verdict has come, its decisions about withdrawal of life support in the context of the person being incompetent to take a decision, stands. That means even if the doctors and the family agree, the ventilator can be withdrawn only if that state's high court gives an order to that effect.

What is palliative care? How important is it?

Palliative care is aimed at quality of life. It is not something only for the end of life; it is something that should start with any disease-related suffering and should go hand-in-hand with curative treatment. It aims to prevent, identify and assess pain and other elements of physical suffering as well as psychological, social and spiritual issues arising with life-limiting diseases by removing those problems that are amenable to solutions and by offering to “walk with the patient and family”, it offers a support system.

In 2012, the Ministry of Health, Government of India, formed a *National Programme for Palliative Care*. In February 2014, the Indian Parliament removed the regulatory barriers to access to pain medication. In May 2014, the *World Health Assembly*, the decision-making body of the WHO, passed a resolution declaring that palliative care should be integrated into all health care.

What is the extent of palliative care available in India?

Unfortunately, palliative care is available only to a tiny minority of the needy in India. Different authors, using different criteria, have worked out the access to palliative care as reaching from 0.4% to 4% of Indians.

On the positive side, Kerala, though occupying only 1% of India's landmass, has become the leader in palliative care. Not only that, Kerala has shown the world how the community needs to be involved. This fits in well with the concept of making use of the social capital – the power of the community – in healthcare. The Kerala community, at large has accepted that disease is not the responsibility of one person or one family alone, and that when our fellow citizens are suffering, the community has the responsibility to chip in.

You had a big role to play in bringing the Parliament of India to amend the NDPS Act of 1985 last February. What impact does this have on palliative care in India?

The amendment of the NDPS Act, as a consequence of 19 years of our efforts, does mark a huge positive change. But, by itself, the impact is feared to be negligible unless we are able to work with state governments to ensure efficient and effective implementation. Many of the regulatory hurdles are removed; but it still requires action by the drug controllers of

states and even if it is efficiently implemented, it would still be meaningless, unless doctors take pain management seriously. Unfortunately today, modern assessment of pain and management are not taught to medical and nursing students. Having said that, the fact remains that one major hurdle has been removed with the amendment of the NDPS Act.

The term euthanasia should be used (whether active or passive) only when there is the deliberate intention to end a life by an act of commission. Death is the inevitable end of life. Permitting natural death should never be called euthanasia. If artificial life support measures have already been instituted, withdrawing them is still allowing natural death, and by the unanimous understanding of the knowledgeable medical community, does not become euthanasia.

You are often referred to as ‘father of palliative care in India’. What made you pursue this branch of medicine?

The real father of palliative care in India is Dr. Lusito De Souza, an onco-surgeon in Mumbai, who created the first “hospice” in India – the *Shanti Avedna Sadan* in 1985. I am among the many people who helped palliative care grow in the country.

I am an anesthetist by training. As a medical student, and later as a doctor, I found that people with pain were too often ignored. My training as an anesthetist gave me the power to treat pains even outside the operation theatre. I could not turn away from that suffering when I had the power to relieve some of it. Later, I realised that pain was only one part of the problem, and then I came across the concept of palliative care.

What do awards like the *Alison Des Forges* mean to you and the work you are doing?

The *Alison Des Forges* award is a huge honour. It is recognition of the right of the human being for humane treatment, vis-à-vis high-tech disease-focussed treatment that ignores human suffering. For me, the fact that three things came together this year is remarkable: The amendment of the NDPS Act of India, the declaration by the World Health Assembly that palliative care should be an essential part of

health care, and the recognition that the developments in Indian palliative care are important for the global human rights activism as a whole, are reassuring. If the palliative care work in India had one major fault, it is that we activists were not sufficiently effective with our advocacy. Till the man on the streets understands that he has a right to receive pain relief, and to live and die with dignity, no medical system will be adequately effective. This award will be a major boost to palliative care advocacy. I am very grateful to *Human Rights Watch*. ■

The humble cycle – ride it and you have arrived!

While many developed countries are encouraging the use of bicycles, cycling is still considered a poor man's vehicle in India. But this trend is set to change, says **Shoma A. Chatterji**, citing the nascent pro-cycling movements in a few Indian metros including Kolkata, which had become infamous last year for banning cycles on city roads.

THE bicycle as a form of non-motorised, inclusive transport is one of the most environment-friendly vehicles in the modern world. It supports the greening of the environment and cuts across the rural and urban worlds. It also cuts across social and economic classes and is a democratic way of mobility in cities, towns and villages. It does not distinguish between age, sex and background. Gradually, the man on the street has realised its significance in the preservation of the environment, preservation of one's own fitness and reducing the level of fuel emission from cars, buses, and so on. It is also cheap on the pocket if one chooses to buy an ordinary bicycle. It can also become a fashion statement for people who love to spend on expensive bicycles.

Bicycling evolved into a revolution in Kolkata when the Kolkata traffic police banned the use of cycles on roads and streets. On 29 May 2013, through a gazette notification, the traffic police passed an order banning cycles, hand carts, pull carts and tri-cycles from 174 major and minor streets in the city. The order was in violation of the National Urban Transport policy of 2006 that encourages non-motorised forms of transport. Millions of poor and working class people in Kolkata are dependent on this transport commute within the city.

On 10 September 2013, the National Alliance of People's Movement, New Delhi, addressed a petition to the chief minister of West Bengal to have the ban withdrawn. The petition signed by leading and notable crusaders of environment, pointed out the benefits of non-motorised transport in general, and cycling in particular.



A pro-cycling gathering

"Bicycles and non-motorised transport are socially inclusive, directly support livelihoods, are inexpensive, take much less space, are good for the environment and health, and are least likely to cause jams and accidents", the petition underscored. A group of environmental activists in the city had already begun a revolution in bicycling in the city. In September 2013, 500 people - members, supporters, and the public - came out on the streets to urge the Kolkata police to lift the blanket ban in 174 thoroughfares and initiate a dialogue to develop new infrastructure,

and steps to support non-motorised transport. This campaign was initiated by *SwitchON* and supported by *Ride 2 Breathe*, *Public Relations Society of India*, *PUBLIC*, *Greenpeace*, *WWF-India*, and *South Asian Forum for Environment*.

Vinay Jaju, an active co-founder of *SwitchON* says, "For a large number of people in the city, cycling is indispensable - from minor traders and suppliers to carpenters and masons, from the milk man and newspaper vendor to office clerks and courier delivery boys, the city depends on it. Nearly 2.5 million cycle trips are made every day! Such a ban is thus socially non-inclusive, inequitable and environmentally hazardous, and is a suicide note for our beautiful city of joy. Hundreds

will be forced to convert to motorised transport and push to the brink the over stretched infrastructure of the city." On 2 October 2013, thousands of people from all walks of life came out on the streets of Kolkata in support of *Chakra Satyagraha*. In an artistic representation of the ban, the activists showed the transformation of *Gandhi ji ke teen bandar* (the 3 monkeys of Gandhi ji) – people with feet, hands and mouths tied - symbolising loss of mobility due to the ban on non-motorised transport, subsequent loss of livelihood and ability to feed themselves and their family.



A protest rally in Kolkata against abolition of cycles

The movement began in April 2009, when over 60 cyclists rode from Victoria Memorial to the *maidan* to demonstrate to people that cycle as a mode of transport was sustainable. This was backed by a theatre performance by rural artistes to highlight the plight of the Earth due to unsustainable practices and insatiable consumption patterns. This was organised by *Vivekananda Shakti Kendra and Kolkata Cycling Club, supported by Earth Day Network, Public Relations Network of Indian, and Environment Press.*

It is ironical that when the world is on an aggressive and charged movement to encourage non-motorised transport such as cycling, Kolkata had decided to favour motorised transport in an already polluted environment. The rest of the world, especially people in European and Scandinavian countries believe that cycling is very good, both as a fitness regime and an easy mode of transport that does not raise emission levels. Amsterdam for instance, has 880,000 bicycles for a total population of 800,000. Most cities in Germany, like many other countries in Europe, have segregated their roads including highways, with separate slopes for cyclists, zeroing the possibility of conflict with motorised transport.

The United States *Bicycle Route*

System helps educate travellers, increases awareness and builds appreciation of the natural, cultural, historic and environmental resources of the nation. In Denmark, the tradition of using cycles by people from across social classes is very strong. Most Danes associate the bicycle with positive values like freedom and health and

today, they consider cycling as a symbol of positive energy.

According to B.R. Rohith, an environment journalist, Bangalore got its first cycle track project on public roads in September 2012. Tracks were developed along 22 roads in Jayanagar, with the Department of Urban Land Transport (DULT) investing ` 2.5 crore. Seventeen months on, the tracks are of little use for cyclists as they have been taken over for vehicle parking. R. Visharada, a cyclist, says the tracks run on to bus bays too, which is dangerous. "If the project was implemented properly, it could've been of great help to many schoolchildren in the area," he adds. According to H.R. Murali of *Ride A Cycle Foundation*, who was instrumental in pushing for the project, lack of a single agency to deal with such a project is the major problem. "Right now, DULT does the planning, BBMP implements the work and traffic cops enforce the project on the ground. When there is little coordination between these agencies and in the absence of leadership to oversee them, projects like cycle tracks end up in limbo", he adds.

Rohith adds, "In March 2013, BBMP initiated another cycling track project in Madiwala area, along Hosur Road, with an investment of ` 3.6 crore. However, no concrete action has been taken in this regard so far. While there

are over 47 lakh vehicles in Bangalore, the share of non-motorised vehicles like bicycles, *tongas* and bullock carts is eight percent. A rough estimate says there could be around two lakh bicycles in the city."

A cycle rally organised to inaugurate cycling tracks in Diu on August 4 this year demonstrated overwhelming participation by both tourists as well as the local population. The rally saw the active participation of more than 300 cycling enthusiasts, who had gathered to promote green mobility, sustainable living, and was also a boost to tourism in the island of Diu in the presence of the administration of the Union Territories of Daman and Diu.

China is famous for its massive cycling population where rural ownership of bicycles is around 100%, whereas in our country, it is 50%. Chennai leads in the manufacture of bicycles in the country, but there is hardly much space for willing cyclists to pedal around. According to a study by TERI (The Energy and Resources Institute) released in August this year, Pune, noted for its high cycling population for more than five decades, has shown a sharp decline in the ownership of bicycles among its residents since 2001. The percentage of bicycle owners in Pune has come down from 48 in 2001 to 33 in 2011. Chennai has a slightly higher percentage of ownership at 37 in 2011. It is still much below the national average of 46% in 2011. ■

The writer is a freelance journalist, film scholar and author. She has authored 17 published titles and won the National Award for Best Writing on Cinema twice. She won the UNFPA-Laadli Media Award, 2010 for 'commitment to addressing and



analysing gender issues', among many awards. She is currently Senior Research Fellow, ICSSR, Delhi, researching the politics of presentation of working women in post-colonial Bengali cinema 1950 to 2003.

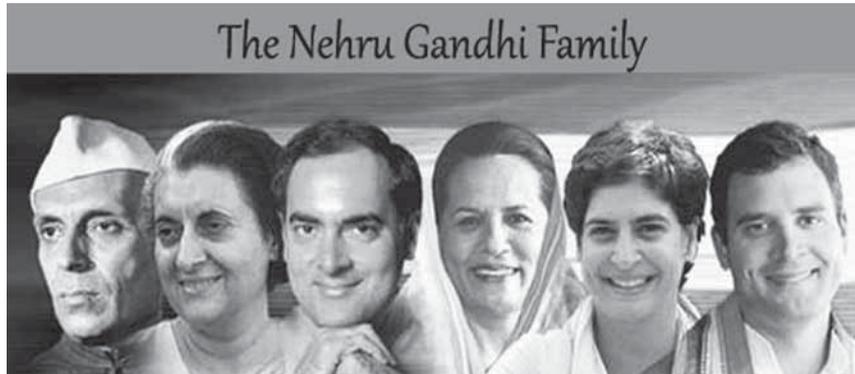
End of the dynasty?

*The Congress party has outlived its dynastic politics, says **B. Ramesh Babu**. It should now gracefully accept the role of providing constructive opposition to the Modi government, which has a practical agenda for the country.*

THE pervasive idealism of the era of the freedom struggle disappeared with the passage of the great stalwarts from the national scene. The many positives of Nehruvian legacy (secularism, socialism, and modernisation) were conceptual. His equally large negatives (taking Kashmir issue to the United Nations, trusting China till he was stabbed in the back), were concrete. The country is still paying for them. In the hands of his dynastic successors, the twin ideals of secularism and socialism degenerated into vote bank politics, and licence and permit *raj* respectively. Indira Gandhi used the twin slogans of *garibhi hatao* (abolish poverty) and bank nationalisation for personal aggrandisement. Power by hook or crook was her goal, and in the process she destroyed all norms and values in public life. The Emergency was indeed the most shameful chapter in our history.

Ushering in of pragmatic policies

Coming quickly to the present, people got fed up with the avalanche of huge scandals and the debilitating policy paralysis of the Sonia-Singh non-functioning diarchy. The coalition *adharma* of the UPA Government was the proverbial straw on the camel's back. The anointed legatee of the dynasty, Rahul Gandhi failed miserably. His contribution to the decline of the dynasty and the near decimation of the Congress party cannot be exaggerated! As the 2014 elections drew near, despair and disillusionment with the Singh-Sonia rule was comprehensive



and widespread. No wonder an overwhelming majority of Indians voted in favour of the development and security agenda placed before them so effectively by Narendra Modi. The focus hereafter will be on economic development, employment generation, and training and skill enhancement. Empty rhetoric is to be replaced by zeroing in on "little things" like cleanliness, toilets in schools, drinking water, and preventive health care etc., which are life and death issues for an overwhelming majority of the people.

The nation needs correction against the long era of monopoly of wisdom, leadership, sacrifice, and national honour bestowed on and extracted by one family since Independence.

Unless these long neglected important "little things" are taken care of, a business friendly environment is restored and the entrepreneurial spirit of the people is unleashed, the country cannot get back on the track of high and sustained economic growth. The Modi alternative is the only viable choice before the nation at this juncture. The mandate he received and the promise of a stable and functioning government for the next five years to begin with should be seen in that spirit. He should be held accountable for transforming promises into performance, i.e. "delivering goods" as they say.

Historic correction underway

The nation needs correction against the long era of monopoly of wisdom, leadership, sacrifice, and national honour bestowed on and extracted by one family since Independence. Jawaharlal Nehru, Sardar Patel, and Pattabhi Sitaramayya were the three acknowledged national leaders at the beginning of the new nation. Sitaramayya was sidelined quickly

and his name is not mentioned even in passing. It took a while to downsize Patel. But, it was accomplished by the family in two ways: Ignoring Patel at the official level consistently, and building up the chosen members of the Nehru-Gandhi family systematically. Sanjay, Maneka, and Varun belong to the wrong branch of the dynasty. Almost all government-funded projects and programmes at the national, state, and local levels are named after Indira Gandhi or Rajiv Gandhi. It is high time that the monumental contribution of Sardar Patel to the unity, integrity, and governance of the country is recalled and celebrated all over again. The "Iron Man" deserves no less. The ruling family always schemed to put down the outsiders, whatever may be their achievements. For example, former Prime Minister P.V. Narasimha Rao,

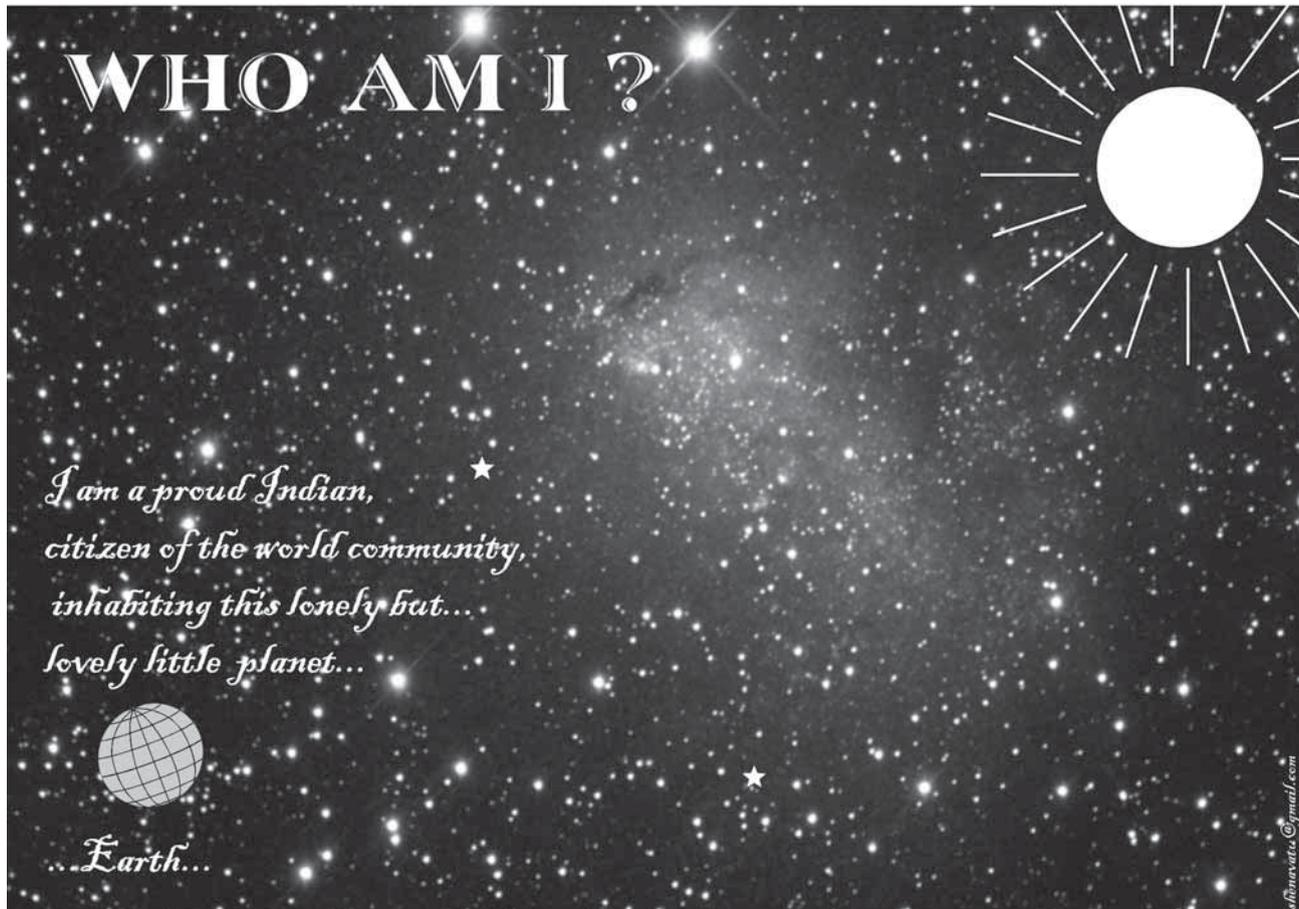
the *Apara Chanakya* of Indian politics, who led the minority government of Congress for the full term of five years, never received the honour due to him. He was the architect of the economic reforms of the 1990s, and the "Look East" policy, the two most important turning points in the country. Let us not forget that powers that be in Delhi denied even a burial place for him in the nation's capital! The indecent hurry with which his body was bundled out of Delhi is a testament to the pettiness in high places! The then Chief Minister of Andhra Pradesh, Y. S. Rajashekhar Reddy was a willing accomplice to the shameless charade.

Correction of the excesses of the past and consolidation during the present is the way history moves forward. India will have to go through this painful process. Let us hope that the Congress

party will have the courage and wisdom to choose a young and brave leader from outside the family. Sonia and Rahul can help the process by stepping aside at this critical juncture. End of the dynasty can give a new lease of life to the party. Fortunately, there is plenty of choice within the party. Our system of government needs a strong and viable opposition, a party of all-India nature. Congress alone can fill the bill. Emergence of the so called "Third Parties" is, and will continue to be a mirage for the foreseeable future. ■



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Yakshagana - A true folk art

The Yakshagana is a distinct folk art of Karnataka, which is uniquely performed after midnight in the midst of paddy fields. This vigorous folk performance has been a medium of entertainment and dissemination of knowledge in Karnataka's coastal and rural areas since centuries past, says Dr. Kanak Rele.

PRESENT-day *Yakshagana* is basically an open-air theatre. Even those who have been exposed to the truncated performances in urban theatres are struck by its compelling beauty and vigour. It is altogether a different experience to hear the *Yakshagana* drums, the *chande* and the *maddale*, sound through the night air and be drawn to a clearing in the paddy fields fringed by swaying coconut and areca palms, then to surrender oneself to the grip of the *Yakshagana* actors for six or seven hours, mingling dream and reality, and finally return to the routine of life towards the break of dawn. Generations of villages of west and north-west Karnataka have become familiar with the epic heritage



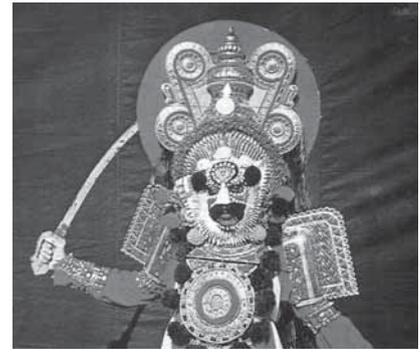
Yakshagana - Ishwara

and the traditional system of values through *Yakshagana*, as well as the Mahabharata recitations.

A distinct folk art

Yakshagana is a distinct folk art of Karnataka. In spite of being a folk art, it has retained several classical elements. This is known also as the *Bhagavatara Aata* (a play performed with the help of a Bhagavata) and the *Dashavatara Aata* (a play representing the ten incarnations). The term *Yakshagana* is used in a wide connotation representing several allied forms. There was a time when it had flourished in the entire length and breadth of the Kannada country in one form or the other. This art, ancient and rich as well, with roots firmly established in the coastal region of Karnataka, has even today retained its natural form and popularity. This has for hundreds of years continued to be the medium of entertainment and dissemination of knowledge in Karnataka's rural areas.

The present theatrical form of the *Yakshagana* play consists of three different mediums of expression - language, music and dance - besides costume and make-up. Its spoken prose, never learnt by heart, but always improvised on the spur of the moment, has vanished. Even with regard to its musical form, a lot seems to have changed. In the matter of dance too, which had to be learnt by assiduous practice, much has probably been lost. At the same time, it is possible to assume that the dance has also gained,



Yakshagana - Rakshasa (like Ravana)

for a number of highly individual creative artistes must have surely contributed to its development. By the sixteenth century, if not earlier, the *Yakshagana* dance-drama must have come to occupy a prominent place among the folk plays of Karnataka.

During the period mentioned above, most of this area was ruled by the kings of Vijayanagara (A.D. 1336-1565) with their capital at Vijayanagara, in the present Bellary district. An inscription found in the Lakshminarayana temple at Somasamudra of this district, mentions a land grant given to two Brahmins for arranging the performance of *tala maddale* in honour of the deity. This grant is dated 18 June 1556.

The play begins with a prologue called *Sabhalakshana*. By the time the *Sabhalakshana* comes to an end, the village audience would have all gathered and it would be time to start the *prasanga* proper. The performance lasts till the break of dawn. If the theme chosen is a short one, another theme is staged after the first. In some cases, three short themes may be presented during a single night.

Staging the performance

The stage is constructed in a paddy field or a temple yard, at a place easily accessible to all. Behind the stage, a raised bench, or a table or two are placed for the *Bhagavata* and his accompanists. Some more space is left on either side for the entry and exit of the characters of the play. The characters enter the stage from the *Bhagavata's* left side and exit from his right. At the right hand corner sits the man who plays the *chande*. This is a high strung drum played with two sticks, and it can be heard to a great distance. Another drum, the *maddale* is played by a drummer who usually keeps standing to the left of *Bhagavata*.

Custom ordains that the stage should not face east on Sundays and Thursdays, west on Tuesdays, and north on Wednesdays and Saturdays, for it is believed that *Rahu*, the evil planet, haunts these directions on those days, rendering them unpropitious. Temple yards are an exception to this rule, and in case the place chosen makes it impossible to observe these taboos, *Rahu* has to be appeased through some prescribed ritual or the other.

In *Yakshagana* it has been the custom from time immemorial for the males to play both the male as well as the female roles. Before they begin their make-up, the artistes who play the male roles put on black pajamas and those who play the female roles put on skirts. They tie up their hair and proceed to paint their faces. The make-up is usually simple in the case of female roles, but intricate in the case of special roles like those of a *kirata* (hunter), a *gandharva* (celestial being), a *rakshasa* (demon), or a *rakshasi* (demoness).

The *Bhagavata*, along with the musicians who provide him instrumental accompaniment, emerges from the *chauki* (green-room) and arrives on the *chauka* (the stage). He is followed by the *Hanumanayaka*, the *Hasyagara* or clown, and his tribe of *kodangis*.

The *Hanumanayaka* is the

counterpart of the *Vidushaka* of the Sanskrit dramas. The chief difference is that the *Vidushaka's* role is quite specific, for he follows the written text; no such written text is binding on the *Hanumanayaka*. Even when he plays a role in the main *prasanga*, his speech is unbridled.

His traditional dress consists of a red-bordered white *dhoti*, a loose white upper garment, and a red and white turban of large proportions. Beneath his *dhoti* he wears the usual black pajama. His gait is easy and his manner of speaking witty. His followers, a few boys who are called *kodangis* (monkeys), come half clad, with mango leaves tied to their body, to signify their simian role.

Speech, music, extensive gestures

Yakshagana plays are often likened to *Kathakali* plays of Kerala or *Kuchipudi* plays of Andhra. *Kathakali* of Kerala has its own musical style, but it eschews the spoken word entirely. Instead it uses a gesture language of its own to express the meaning of its songs. *Kuchipudi* has a similar gesture language. But *Yakshagana* employs the speech medium extensively in depicting its dramatic situations. Here, the function of dance is not total but only partial, though all the characters that appear on the stage do dance, as the *Bhagavata* sings his songs to the accompaniment of the *maddale* and cymbals. The musical structure of all the songs, and sometimes of the verses too, lends itself to rhythmic dance. The essential difference between the *Yakshagana* drama and the other two systems is the role of speech.

Yakshagana dance form consists mostly of the *nritta* aspects of footwork and rhythmical body movements—including those of the neck, arms and palms. It contains some fine postures, body flexions, as well as a few squatting, jumping and reeling movements. What it lacks is a stylised gesture language employing symbolic



Yakshagana - Bhishma

hastas to depict parts of speech. The few gestures and symbols used are the ones that one normally uses in day to day conversation.

For the sake of simplification we can split the *Yakshagana* characters into a few definite categories. Valiant heroes or warriors like Karna, Arjuna etc., Gods and God incarnates that come to the Earth and toil with or for such heroes, also belong to this group. There is another similar group, but with a little slant in its nature. They too are valiant, but quite often flamboyant, vain or even silly. Under this category, we may include persons like Indra and Gaya. Another such type is a combination of the valiant type with rustic behaviour. In this class comes the *kirata* or the hunter. There is another class of a different type altogether consisting of *rakshasa* and *rakshasi* who signify strength, valour etc., but are evil and cruel by nature. They are personalities that strike terror into the hearts of people. ■



The writer is Director, Nalanda Dance Research Center and is a recipient of Padmabhushan award, Akademi Ratna (Fellow of Sangeet Natak Akademi)

The brand confusion

There are several medicines in the market with deceptively similar names, though manufactured by different companies. Sometimes, these drugs are similar in composition, while often they are completely different. Is this deliberate? Dr. T.D. Rajan suggests a national branding code for medicines and the role that doctors, drug manufacturers and drug controllers must play in preventing this confusion, which could have disastrous consequences.

- Recently, the New Delhi High Court ruled that medicines having the same composition, but produced by different manufacturers cannot have deceptively similar names. The order was passed in July this year in a trademark infringement suit filed by Stiefel Laboratories Inc. Stiefel which owns the trademark Clindoxyl, had dragged Ajanta Pharma Ltd. which had launched a me-too brand initially under the name Clinoxid, and later christened as Clinoxide and Clinoxide – A.
- Earlier, in January 2008, the Bombay High Court in another matter between Wyeth Holdings Corporation (Folvite) v/s Burnet Pharmaceuticals Pvt. Ltd. disallowed the latter's move to change the name of its medicine from Folacid to Fol-V. The judges ruled that the brand 'Fol-V' being deceptively similar to their brand Folvite, it infringes on the latter's trademark. Relying on a Supreme Court judgment, which held that deceptive similarity in the case of medicinal products must be dealt with a greater degree of strictness in order to protect public from the serious consequences that may ensue, Justice D.Y. Chandrachud restrained Burnet from using the mark Fol-V.

THESE above cases are a mere representation of the total number of suits filed across various courts in the country relating to confusing brand names of drugs. In spite of these judgments, several brands are available in the market even today with barely a few letters differentiating one from the other. It also brings into sharp focus the sorry state of drug branding and registration in our country.

Very often, when a pharmaceutical representative introduces a new brand to a physician in his clinic, the former is immediately able to recall a similar (spelt or sounding) brand already in the market. Yet, the manufacturer seems to be surprisingly unaware of the existence of the other brand. Under the circumstances, one can safely conclude that, either the regulatory or the licensing authorities are sitting with blinkers on. Every year around 25% prescriptions are erroneously dispensed globally.

The Clearz case report

In 2005, a case report published in the Journal of Postgraduate Medicine vividly highlighted the pathetic scene that unfolded in a doctor's cabin. The report mentioned the case of a 52-year old lady who visited a private skin clinic complaining of intense itching, redness and swelling of both cheeks of three days duration. Enquiry revealed that she had applied an ointment for a harmless, dark patch on the cheeks on the recommendation of her dermatologist. The physician diagnosed her current state of allergic contact dermatitis to the suspected local medication and treated with appropriate medicines.

When the lady returned to the clinic the subsequent week, the skin specialist noted that the offending agent was clindamycin phosphate 1% w/w in a gel base, which the patient had rubbed vigorously into her ageing, dry skin. A close scrutiny of the original dermatologist's prescription revealed no mention of clindamycin gel at all!



She was in fact prescribed a totally different cream as a fading agent. From a comparison of the dispensed gel and the prescription it was concluded that she had been erroneously dispensed the phonetically similar brand (Clearz cream instead of Clear gel)!

Fortunately for the patient in question, the confusion in brand names resulted only in an allergic rash on the skin and not any life-threatening drug reaction, like Stevens-Johnson's syndrome.

Perilous twins

A general browsing of any of the drug indices available in the country will unravel the shocking similarities between unrelated generic compounds. It is incredible that the manufacturers concerned were unaware of the prior availability of drugs with similar sounding names before their own brand was launched. According to a study published in the March 2005 issue of *Journal of Postgraduate Medicine*, there are more than 8000 brands of drugs available in the country. A very large number of them have similar sounding or similar looking names, which is a reason for major concern among the prescribing

physicians. There are several look-alike brands: for instance, Rinitrin and Ranitin; Coxid and Coxib; Eltocin and Eltroxin. It would be shocking for patients to know that these pairs of drugs are for totally distinct illnesses. For instance, while the first brand is an anti-allergic drug, its namesake is used for acidity! Similarly, Clear gel is a cream for treating pimples while Clearz cream is for removing dark patches from the skin.

The Indian scene

Most patients in our country accept drugs dispensed by the chemist. Most chemists' counters are managed by school-dropouts who fill in for the mandatory pharmacist, and are barely in a position to make sense of the prescription. To make matters worse, most physicians do not bother to write prescriptions neatly – lest people hold him in low esteem!

Practicing doctors are deeply perturbed by our system of registration of pharmaceutical brands. One expects that any manufacturer desirous of marketing a new brand would apply to the authority concerned who would verify the existence of the proposed name or an identical sounding brand from the list of registered brand names. One wonders whether the appropriate officer at the Trade Marks Authority or Drugs Controller General of India verifies whether a new name allotted to a drug is either similar looking or similar sounding to an existing brand.

Under the currently laid out procedure, the company desiring to get a name for a drug simply sends the proposed brand name to the registering authority of the state, and if no objections are filed within a stipulated period, the manufacturer is free to use the brand name. Very often, after the brand is launched by the company, they learn that a similar sounding/looking drug is already marketed from some other state. Eventually, it is the unsuspecting

patient who is at the receiving end.

The Ministry of Commerce and Health & Family Welfare should own up responsibility for their *faux pas* and have a nationwide registry of brand names of drugs. In addition, as a first-step towards remedial action, it should take a close look at all recently launched brands, and insist that the manufacturer register afresh the confusing brands. There is also a definite need for a procedure to be put in place where a physician or a medical association can recommend alteration of a brand name if there is genuine similarity.

Corrective measures

For a long time now, patient's rights have been taken for granted. It is for the physicians' associations to take up issues on behalf of the patients to get the entire naming procedure streamlined. Most physician associations are "welfare associations" for their members and the office-bearers are usually preoccupied with meeting the health minister for increasing the number of question papers for the medical graduate exams. Their main aim is to get their speciality or sub-speciality into the spotlight! It would be worthwhile for these bodies to act as watchdogs and recommend discrepancies in the branding exercise.

It needs no genius to point out that a great chunk of our population is illiterate, living in rural areas, and it is these unfortunate ones whose health will be at stake if we do not strengthen the foundation of our drug industry. In one of the cases, the judge held that "public interest lies in protecting the consumer against an unwary purchase of a deceptively similar product. The consumer must be protected against a reasonable possibility of confusion arising out of a deceptively similar mark." In light of the above, it would only be appropriate for the pharmaceutical industry to take a close, hard look at all the available brands that could give

Proposed branding code for drugs in India

- In a single generic category, no drugs should have any more than first three alphabets similar.
- If the brand name is of five alphabets or less, not more than two alphabets should be similar.
- Irrespective of generic names, not more than three brands should be permitted with similar 'beginner' alphabets.
- If names of more than one generic category begin with somewhat identical spellings, the subsequently launched drugs should have distinctly different spellings, including the first three.
- The above system should also be followed for the last five alphabets in different generic classes. (e.g. Ketoconazole / Metronidazole / Miconazole)
- If brand extension is launched, the added suffix should be highlighted and the generic name should be bolder than the brand name. Its presentation, packaging and colour scheme should make it look different from the original brand.
- Unless the generic compound is identical, oral agents, inhalants, injections and locally applied medicaments should not have identical brand names.
- In addition to similarity in spellings no two brands should have identical phonetic (similar sounding) names.

rise to such confusion, and formulate a branding code for drugs in India (see box). The Drug Controller General of India could issue a directive to recall all such confusing brands within a reasonable period of time if the manufacturers fail to alter their brand names under the common code. ■

The writer is a senior skin and sexually transmitted diseases specialist, practising in Mumbai. He advises pharmaceutical companies on drug branding, promotion and marketing.



He is a writer on social topics in the print and electronic media, as well as in pharmaceutical magazines. Dr. Rajan is also an hon. consultant to ONGC, Larsen & Toubro and Air India.

Philately, the king of hobbies

The delightful hobby of stamp collection has not waned despite the decline in the use of postal services worldwide. A. Radhakrishnan takes us on a stamp collecting spree and tells us why this hobby should be cultivated.

THE word 'philately' was devised as early as 1864 by a Frenchman M. Herpin, who coined it from Greek words – *philos* (love), 'A' (negative) and *telein* (to tax). Since the postage stamp was evidence of a letter's coming free of charge to the recipient, the postage stamp rendered it untaxed. Earlier, the hobby was called *Timbromania* (from *timbre* in French, meaning stamp).

Philately is the collection and study of postage stamps, postal stationery, postmarks, stamped cards and covers etc., usually as a hobby. If indulged in a big way, it is pretty expensive, but limited to select subjects and themes, it can be enjoyed without undue effort or expense. Philately is distinct from other hobbies in that it is a safe investment, and an attractive aid to learning, in addition to being an absorbing pastime.

Types of stamp collectors

There exist two types of stamp collectors – the philatelist, who gathers all possible knowledge about the stamps that he collects and appraises their value on the basis of their design, quality, topicality, novelty and scarcity, knowing it to be the only hobby yielding fast dividends. And the second type is the mere stamp collector, who acquires all the stamps that he can get hold of, and sticks them in his albums, without an iota of knowledge about their value in the market. Sooner or later, he tires of it, and in turn passes it on to his younger sibling or friend, and the process continues.

Often, under such situations, stamps of great value are damaged to the point of becoming valueless. Unfortunately for philately, most collectors in India fall under the latter category. Furthermore, with advanced technology, the

dependence on the postal system is on the wane and the writing habit at its lowest ebb; but nevertheless, this interesting and engrossing hobby is catching up.

With thousands of stamp clubs worldwide, this is a fascinating hobby for people of all ages. All you need, for a start, are some stamps purchased for a few rupees and a stock book to keep them in. Great collections are started with a treasure hunt, searching among old letters or correspondence stowed away in the attics of homes, or from friends who save them, or purchased from a dealer.

The best and less expensive way is to buy a 'world packet' of stamps, an excellent foundation for building your collection. Very old and rare stamps found 'once in a blue moon' are likely to be worth more if left on their original envelopes, but generally all stamps should be cleanly separated from any attached paper before sticking into the stock books.

There are some great online resources which give you the worth of stamps. Apart from price comparisons of 'like' stamps online, there are also industry-standard price guides, like the 'Standard Postage Stamp Catalog', the Scott Postage Stamp Catalog, Stanley Gibbons Commonwealth and British Empire Stamps Catalog or sites like <http://www.indianstampghar.com>

Interesting trivia

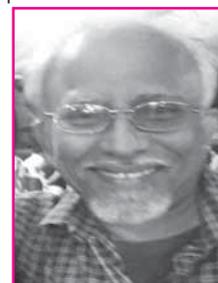
The most valuable stamp in the world is the one cent British Guinea 1856 that was sold for US \$ 2,60,000 in 1970. The Mauritius first day cover with copies of the 1847 'Post Office', fetched US \$ 1,58,000 in New York in 1971, a world record for any single



cover. The world's first perforated stamp was issued by England in 1854.

Harrold G.D. Gisburn opines, 'Collecting stamps without the aid of philatelic literature is much on a par with endeavouring to learn music minus a tutor; in both cases it is an example of 'so far, but no further'.

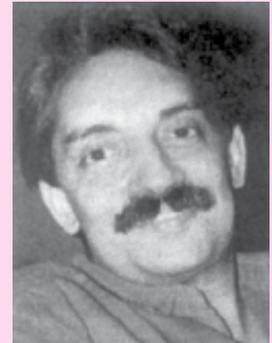
C.S. Ernst cautions you, "Do not speculate in stamps, get what you like and only to the extent that you can afford. Keep them over a period of years and enjoy them as any collector will enjoy them". In conclusion, have you heard this story? Every day for a year, a man wrote to the girl he loved, asking her to marry him and when he came home to ask her personally, to his dismay, he learnt she had married the postman who delivered his letters! ■



A. Radhakrishnan is a freelance journalist, poet and short story writer based in Pune. He was Editor of the now-defunct *Philatelic Bi-Monthly*.

Green city blues

Protecting our trees has never been more important than it is now. Ironically, the more the city planners cut trees in the name of development, the more we need them. Given the increasing air and sound pollution, trees are perhaps our last hope for a healthy environment.



Bittu Sahgal

Editor, Sanctuary magazine

ASK your parents, or grandparents. They will confirm from personal experience that our cities are becoming less habitable. Walking or cycling even short distances to work has become such a dangerous affair, what with undisciplined traffic, fumes and all manner of garbage to negotiate, that scooters, cars and taxis have become the order of the day. There is never any one single reason for good things to turn sour. As in life, so with the environment around us; the slide starts with small things and then turns into an avalanche of despair.

One reason for the falling environmental standard in our cities has been the hacking down of grown trees over the past few years.

In Mumbai today, the process of widening roads continues to take its toll of trees. Yet, traffic congestion gets worse. Unfortunately, urban planners presume that cutting trees in cities is an issue concerning aesthetics. Of course it is, but the issue goes way beyond into the realm of the falling quality of our lives. Here is how:

* Trees and green plants are the most effective atmospheric quality control mechanisms known to science. They absorb poisons from the air. Tree-lined avenues can be up to 70 percent more dust-free. If that statistic does not mean much, ask your doctor what would happen to your lungs if they had to cope with double the amount of dust! Trees, of course, also help make the air, which we are so bent on polluting, more breathable through the release of oxygen.

* Trees – nature's air conditioners – reduce the temperature of the city and thus improve the microclimate, which has so much to do with our quality of life. Their roots absorb moisture from the ground, which is then transported upward to be released into the atmosphere by evaporation.

The hotter it gets, the harder trees work to make our environment livable.

* Trees, particularly broad-leafed varieties, are the only permanently effective sound buffers (apart from ear plugs)

available to the urban public. In this mega-decibel age of loud horns and motor engines, construction noise, electioneering, blaring religious discourses and bhajans, not to mention amplified stereophonic music, such a service cannot possibly be overrated.

* Every single tree acts as a home for birds, lizards and other predators, which help keep cities free of pests such as mosquitoes and rats.

Fortunately, city green spaces can be restored, despite the acts of vandalism inflicted on them, provided they are not constructed upon. Dilapidated parks can be replanted and nurtured. Birds will soon nest in these trees, squirrels will colonise their branches and office-goers will share a moment of respite in their shade, at lunchtime. At another level, several polls reveal that the most attractive feature of cities, in the minds of tourists and residents alike, is the presence of dense greenery, open spaces and cleanliness.

To conclude: what good our multi-crore businesses, our high-stepping lifestyles and our imagined high society ways, if we cannot sustain something as elementary as the safety and health of the areas in which we live? It is certainly within our means to create this ambience, but until the intimate connection between our health and environment is recognised and accepted by those who wield power nothing will be done. You can help. Here is how:

* Bring home to corporators, executive engineers and politicians (particularly when they come for your votes) that you want a greener city to live in.

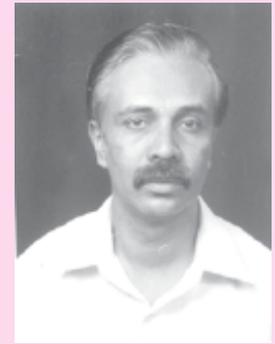
* Write to editors of newspapers protesting the cutting down of trees, storage/dumping of industrial wastes of which you are aware.

* Involve local children in conducting a census of the trees of your neighbourhood.

* Join a conservation body and consult botanists and naturalists in your city to help identify species of trees, which lend ambience and protection to the street where you live. ■

The rape of innocence

The city of Bangalore has undergone many changes in the last few decades, not all of them salutary. The recent series of assaults on young children in schools has focussed attention on the lack of proper security safeguards and norms, which makes children so vulnerable to abuse. It is time to address this issue very seriously.



C. V. Aravind

is a Bangalore-based freelance journalist.

BANGALORE, now rechristened Bengaluru, has over the years had a number of sobriquets tagged to its name, with 'Garden City' and 'Tech City' being just two of them. However, in recent times, the reputation of the city is in tatters and there have been snide references in the media on how the city has become a 'suicide capital' and a 'rape capital'.

A very disconcerting development in this regard is the rise in the crime graph in the city, especially sexual assaults, where the targets of the perpetrators of the heinous crimes are minors, especially students in schools, some just three or four years old. School managements, as is their wont, have been doing their best to sweep such incidents under the carpet, as it is their reputation that is at stake.

In what can best be described as classic cases of the fence eating the crop, more often than not, these assaults on children are allegedly being perpetrated by the staff employed by the schools themselves. With a vigilant media breathing continuously down its neck, the state government, pilloried by the opposition and worried parents alike, has been hard pressed to not just bring the guilty to book, but also to avoid recurrences. The High Court of Karnataka, hearing a petition on the issue, has squarely placed the onus for the safety of the children on the schools concerned. This should prod the educational institutions to shed their lackadaisical approach, and beef up their security apparatus, and further, exercise care while checking the antecedents of the staff they employ.

Children, both minor girls and boys, constitute one of the most vulnerable groups in society and become easy prey for pedophiles on the prowl. Often, the children not aware of what is happening to them, and can be terrified into silence on threat of bodily harm. Hence, unless there are external injuries detected by parents of the victims or acute physical discomfort due to the assault, there is every chance that the

crime might go undetected, leaving the child open to abuse all over again.

There is every possibility that the child could go through extreme trauma, might even retreat into a shell, and develop a dislike and fear for men. Unless the psychiatric distress is treated with sensitivity, it could stunt the growth of the child as well. It is keeping all this in mind that the Union Government passed the POSCO (Protection of Children from Sexual Offences Act) Act in 2012, which apart from other things, also paves the way for speedy trial of those accused of sexual assaults on children, in separate fast track courts. There is an increasing clamour for awarding capital punishment for those convicted of raping minor children, but with the government contemplating the abolition of the death penalty, there is little chance of such marauders facing the noose.

The decision of the *Nobel Prize Committee* to award the *Nobel Peace Prize* to two eminent child rights activists Kailash Satharthi of India, and Malala Yousafzai of Pakistan, is a clear indication of the world's concern over children.

It is therefore imperative that the state governments keep an eagle eye on schools functioning in their states. Schools often have a tendency to cut costs and maximise profits by compromising on the security apparatus, and this is a tendency that should be deprecated. The governments also have the duty of pursuing every single case of sexual assault on children to their logical end.

Opposition politicians who often try to leverage such events, should bury their differences and provide unstinted support to the government's efforts to curb crime. The need of the hour certainly is to protect children from molestation and rape, and the seriousness of the issue should percolate down to every single layer of society. This rape of innocence cannot be allowed to go on under any circumstances. ■



FESTIVAL

YOUNG

Merry Christmas!



THE festival of Christmas celebrates the birth of Jesus Christ. Jesus was the son of Joseph, a carpenter, and Mary. They lived in the town of Nazareth in Palestine. Joseph and Mary travelled from Nazareth to Bethlehem to record their names in a Census. Mary was expecting a child, but all the rooms at the inns were taken, so the couple spent the night in a stable. It was here that Jesus was born at midnight. Some shepherds tending sheep nearby noticed an unusually brilliant star. They followed it curiously. The star stopped over the stable occupied by Joseph and Mary. So shepherds were



the first to recognise Jesus as divine. Palestine was ruled by King Herod at that time. Just after the birth of Jesus, three wise men or Magi from the Orient or the East visited his court. They bore gifts of gold, frankincense and *myrrh* (scented oil and herbs).

They had heard that the King of the Jews had been born in Palestine. Herod was furious because he was the King of the Jews. He ordered his soldiers to kill all the baby boys in Bethlehem below the age of two. An angel warned Joseph to flee. He took shelter in Egypt along with Mary and the infant Jesus and returned to Nazareth only after Herod's death.

AMAZING LIVING WORLD

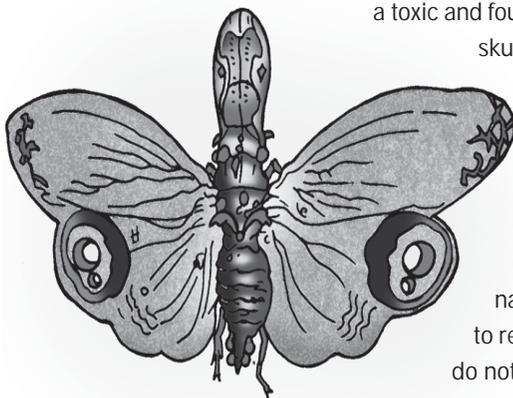
Multiple defence

THE peanut-head bug found in the rainforests of Central and South America is so named because its large head looks like an unshelled peanut. The insect can only suck juices from plants as it lacks teeth.

However, nature has made up for this deficiency by equipping it with multiple weapons to fight predators.

The insect has a set of extra-large eye-spots on its hind wings. When attacked, it opens its wings and flashes these 'giant eyes' at the enemy. If this doesn't scare the attacker, the bug releases

a toxic and foul-smelling spray, skunk-style.



Scientists also believe that the bulbous head, which resembles that of a lizard, is a natural camouflage to repel animals that do not feed on lizards.

SPARKLR

The Overflowing Cup

ONE day, Nan-in, the Japanese Zen master, had a visitor who wanted to know what Zen was about. But before Nan-in could explain he began to talk about his own ideas and experiences.

Nan-in began to pour tea into his tea cup. The cup became full and began to overflow but he continued pouring. Finally the visitor felt compelled to stop talking and point this out to him.

"The cup is full," he said. "It won't take any more."

"Just so," said Nan-in, getting up to go. "Like the cup, you too are full of your own ideas. You cannot take in any more."





HALL OF FAME

Pied Piper

THOUSANDS of children who worked as bonded labourers owe their freedom to a modest kurta-clad activist, Kailash Satyarthi. He shot into the limelight after being named as a joint winner of the Nobel Peace Prize along with 17-year-old Malala Yousufzai of Pakistan.

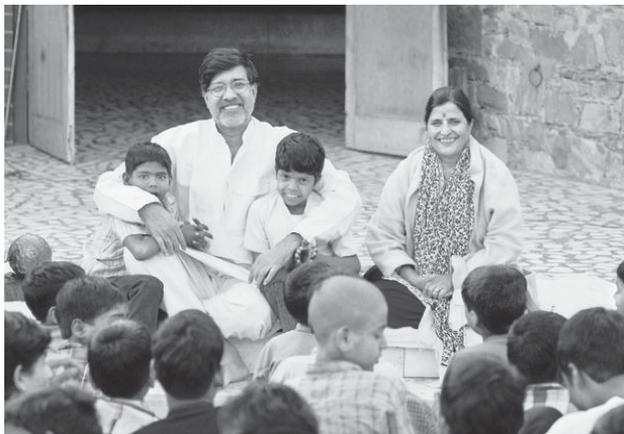
Satyarthi was in his twenties when he gave up a promising career as an electrical engineer to dedicate his life to fighting against child labour. He founded *Bachpan Bachao Andolan*

(BBA) in 1980. The organization started with rescuing hapless children from brick kilns, stone quarries and the carpet industry. To rehabilitate such rescued children, BBA set up the Mukti Ashram in Delhi.



Kailash Satyarthi

Satyarthi founded the *Global March Against Child Labour* in 1998, which started off with a 80,000 km-long physical march from Manila to Geneva, covering 103 countries, to highlight the plight of exploited children. One of BBA's ongoing campaigns is the *Mukti Caravan*, which travels across villages in U.P., Bihar, Delhi and Rajasthan to spread awareness of the evils of child labour and trafficking through folk art and street theatre. The organisation has rendered yeoman service in strengthening the legal rights of victims of child labour and trafficking.



ART BEAT

Verve of *Dhamal*

THEIR dark faces are emblazoned with bold war paint as the lithe dancers move across the floor to drumbeats that resonate with African rhythms. This is *Dhamal*, a unique lively folk dance form of the Siddhis of Gujarat.

The Siddhis are an ethnic community that traces its origins to the Bantu-speaking peoples of Southeast Africa.

They were supposedly gifted as slaves by the Portuguese to the Nawab of Junagadh. The Siddhis adopted the local language and customs, but they also preserved some of their African traditions, one of which is *Dhamal*.

Dhamal portrays the joy of hunters who are returning from a successful expedition. The dancers wear typical African tribal costumes with shell ornaments, belts and a headdress. The grassy skirt is made up of peacock feathers — a local touch. While the music is unmistakably African, the songs are sung

in a mixture of Hindi and Gujarati. Originally known as *Mashira Nritya*, this dance features supple acrobatic moves and is performed by men only. In one stunt, they throw up a coconut in the air and crack it on the head when it falls!



U. R. ANANTHAMURTHY

Literary giant (1932-2014)

DR. Udupi Rajagopalacharya Ananthamurthy, the *Jnanpith* award winning Kannada novelist who passed away recently, wore many hats during his lifetime. He was a celebrated writer of novels and short stories, literary critic, academician, poet, translator, essayist, thinker, journalist and mentor. Considered as one of the pioneers of *Navya* a new modernist movement in Kannada literature, URA as he was known, burst into the literary scene with his hard hitting novel *Samskara*, a scathing, no holds barred attack on Brahmin orthodoxy. The novel equated tradition with an obsolete set of beliefs and rituals prevalent in Hindu society as mirrored in the Brahmin community. The novel also created ripples when it was adapted to the silver screen with noted actor and playwright Girish Karnad essaying the title role of Praneshcharya. While *Samskara* remained his *magnum opus*, his other novels like *Bhava*, *Bharathipura* and *Avasthe* were no less popular and hard hitting. He revelled in depicting inter-personal conflicts between family members and also loved to touch on socio-economic issues with great flourish. URA's short story collections too endeared him to readers with *Sooryana Kudure* and *Mouni* being outstanding works of fiction. His novelette *Bara* and his autobiography *Suragi* too won him critical acclaim.



Ananthamurthy who was born in the Tirthahalli taluka in Shimoga District in Karnataka, had his early education in his native district before doing his Masters in English literature from the Mysore University. He was later to head the department of English in the same University. He obtained his doctorate from the Birmingham University in the UK where he had emigrated on a fellowship. A prolific speaker at seminars and conferences around the world, URA also served as a visiting professor to several universities in India and abroad. In the 1980s he was appointed as the Vice Chancellor of the Mahatma Gandhi University in Kottayam, Kerala, and he cherished his association with the state dearly. Although extremely proficient in English, Ananthamurthy chose to write in his mother tongue and with his early *oeuvre*

proved that he was far ahead of his times. Among several distinctions was his nomination to the Man Booker Prize in 2013, the only Indian to be on the shortlist that year. He also held pivotal positions in the *Kendra Sahitya Academy*, National Book Trust and the Film & Television Institute of India. Ananthamurthy was awarded the *Jnanpith*, the highest national award for contribution to literature in 1994, and the *Padma Bhushan* in 1998. The Karnataka Government had honoured him with the *Rajyotsava* award way back in 1984.

Just as he won the hearts of a legion of fans for his writing and oratorical skills, Ananthamurthy also had his share of critics largely because he took extreme positions on issues. He often took pot shots at fellow writers and his scathing criticism of an equally famous writer S. L. Bhyrappa elicited brickbats galore from several of his contemporaries. Among URA's pet hates was the right-wing organisation the RSS and the political party, the BJP. So vehement was he in his criticism of Narendra Modi that he asserted he would leave the country if Modi became the Prime Minister. Right-wing activists got even with him after Modi became PM by sending him a one-way ticket to Karachi. URA however backtracked by observing that he had no intention of leaving the country and that he had spoken thus in a moment of emotional stress. PM Modi was however magnanimous in a twitter tribute to the writer immediately after his death.

Yet he is someone who breathed life into Kannada literature and contributed to its enrichment by penning six novels, thirty five short stories and ten collections of essays apart from critical appraisals and poems. Ananthamurthy always stood head and shoulders above most of his contemporaries. Multiple national award-winning director Girish Kasaravalli's documentary on the writer, *U. R. Ananthamurthy – Not a documentary but a hypothesis*, is a sterling tribute to the man and his work that spanned almost five decades. ■

– C V Aravind is a Bangalore-based freelance journalist.

MUKUL SINHA

Our conscience-keeper (1951-2014)

CAN a person, doggedly fighting injustices wherever he found them, be so polite and humble? This rare combination was in Mukul Sinha who breathed his last on 12 May 2014. Mukul Sinha's journey from a science teacher, to a scientist in the prestigious Physical Research Laboratory (PRL) in Ahmedabad, to a trade unionist, and finally as an advocate fighting to establish truth behind the torching of the S-6 compartment of Sabarmati Express on the fateful day of 27 February 2002, and the riots that followed, was tedious and eventful.

I first met Mukul Sinha in the year 1989-90 when I was a young activist working among tribals in the Dangs district. We were persecuted by the forest department and the police, as we were exposing their corruption. Mukul took me to a senior advocate and not only provided the necessary legal assistance, but also offered his house whenever I needed to stay in Ahmedabad. He took me to Gandhinagar to meet the officials whose case he was fighting. Those officials couldn't help much, but it shows the role he wanted the unions to play – not to fight only for their immediate benefit, but to take up the problems of other oppressed sections of society as well. He desired that the forest workers union should not only fight for their permanency and promotions, but should also extend solidarity and help to the *adivasis* (tribals) fighting against corruption and for conservation of the forest.

From a scientist in PRL, Mukul took on the role of a trade unionist when 133 workers of PRL were sacked. Mukul expressed his solidarity with the workers and was eventually removed from PRL himself during the struggle. He did his law during that period and fought for the workers. Along with others, he formed the Gujarat Federation of Trade Unions, organising the workers in various industries, particularly the unorganised and small-scale industry. He also organised the marginalised in other fields, and in 1990 he formed the *Jan Sangharsh Manch*. He was a socialist and believed in

economic justice and equity, however, he was not dogmatic and doctrinaire in his approach.

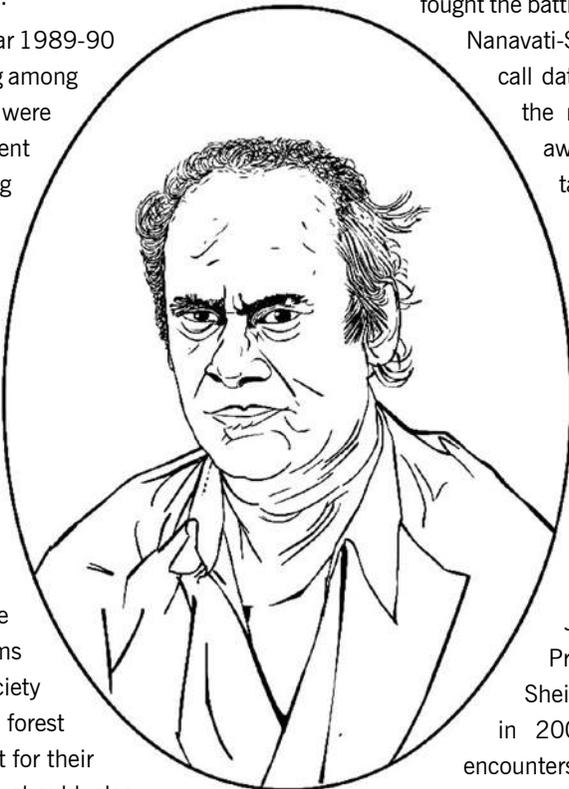
The turning point in his life was when the S-6 compartment of Sabarmati Express was burnt in Godhra and the incident was used to trigger off the anti-Muslim pogrom in Gujarat. Seeing the mayhem around him, he dedicated himself to the task of justice for the victims of the riots. Mukul meticulously collected evidence to disprove the conspiracy theory propounded by the Gujarat government. He single-handedly fought the battle on behalf of the victims before the

Nanavati-Shah Commission. He analysed the call data records that showed that during the riots, police officials were moving away from the place where riots were taking place, rather than moving towards the locality. It is due to his efforts that Maya Kodnani and Babu Bajrangi were convicted by the trial court.

Later, he also fought for the victimised IPS officials, including Rahul Sharma and Rajnish Rai, as they were exposing the role of powers that be in the communal riots, and planned murders of Ishrat Jehan and Javed Shaikh alias Pranesh Pillai in 2004, Sohrabuddin Sheikh in 2005 and Tulsiram Prajapati in 2006, which were passed off as encounters of deadly terrorists. Mukul stood firm with the victims' families. Mukul wrote and posted all his evidence on the website called "Truth of Gujarat" and exposed the so-called Gujarat Model of Development as much of a hype rather than truth.

Mukul's activities pinched the Gujarat government so much that they tried to get his *sanad* cancelled. Mukul Sinha's efforts will not go waste. His struggle is being carried on by his wife Nirjhari and son Pratik, and other leaders of Jan Sangharsh Manch. Truth and justice shall prevail. But we will truly miss you Mukul, you were a milestone in that struggle. ■

– Irfan Engineer is Director, *Institute for Peace Studies and Conflict Resolution*, Mumbai.



MAJOR MARIAPPAN SARAVANAN, VrC

Duty beyond death (1972-1999)

SARAVANAN was born on 10 August 1972, in Rameshwaram. His father Lt. Col. Adi Mariappan had served in the Army Medical Corps and taken part in Operation Pawan in Sri Lanka. He died in a road accident in Bangalore on 19 June 1989, while on leave. Saravanan had imbibed the sterling qualities of determination, courage and empathy from his father. Sarvnan studied in Kendriya Vidyalaya schools in Gaya, Kannur, Gurdaspur and Jorhat. He graduated from St. Joseph's College, Trichy. His classmate recalls an incident when their bus had a headlong collision with a lorry while they were traveling to Kanyakumari. Seven people died and many were injured. Most of the students were in shock, but Sarvnan was quite well composed and helped the injured to board another vehicle. He was ever smiling and ever helpful. Army was in his blood and he joined the Officers Training Academy, Chennai. He was commissioned into 1 Bihar on 11 May 1995. He attended commando and High Altitude Warfare courses which honed his military skills. He was promoted to the rank of Major in 1995.

In 1999, his unit moved from Assam to Jammu & Kashmir for the Kargil operation. He wrote to his mother that he had been waiting for just such an opportunity and he would bring home a VrC. He made his last telephone call to her on 14 May. The unit was tasked to clear the enemy from Jubar ridge located on the Western side of Batalik sector. Batalik was the second highest battle field in the world after Siachen. Operation Vijay was launched on 26 May to evict the enemy and his unit was tasked to capture Point 4268 in Jubar Ridge. The terrain comprised of jagged rocks covered with snow and knife edge ridges with no greenery.

Two attacks failed. Saravanan volunteered to launch the third attack. A frontal attack was the only way. The enemy was well entrenched on heights which ironically were our own bunkers. The steep climb did not deter him.

The attack was launched at 4 a.m. on 29 May. His final command to the men was, "Do or Die". He killed two enemy soldiers by firing a rocket launcher and was wounded in the stomach by shrapnel. He did not give up. His commanding officer asked him to fall back in view of many casualties. Saravanan replied that he was close to the objective and would not spare the enemy who had killed his men. He added, 'Nothing will happen to your Genghis', which was his code name. He charged through a hail of bullets and

killed two more enemy soldiers. He was the first to reach the top but received a bullet injury

in the head at 6.30 a.m. and fell into a ravine. He breathed his last on 29

May. His unit 1 Bihar took an oath to

capture Point 4268, which they did by 6 July. Saravanan's body could

be recovered only then, 37 days after his death, following a bitter

fight. Even after death his body was staking claim over the land

that is India's. The entire Jubar ridge was cleared by 8 July.

His mother received the news of his death from a friend in

Bangalore. The official telegram came two days later.

The body was brought by air and the Tri-colour draped coffin was placed at the feet of his mother.

Hundreds of garlands were placed on it and thousands of people came to pay

homage to the Hero of Batalik- the first officer casualty of Operation Vijay. He was posthumously

awarded the *Vir Chakra* and it was presented to his mother by President Narayanan. His mother is often referred to as

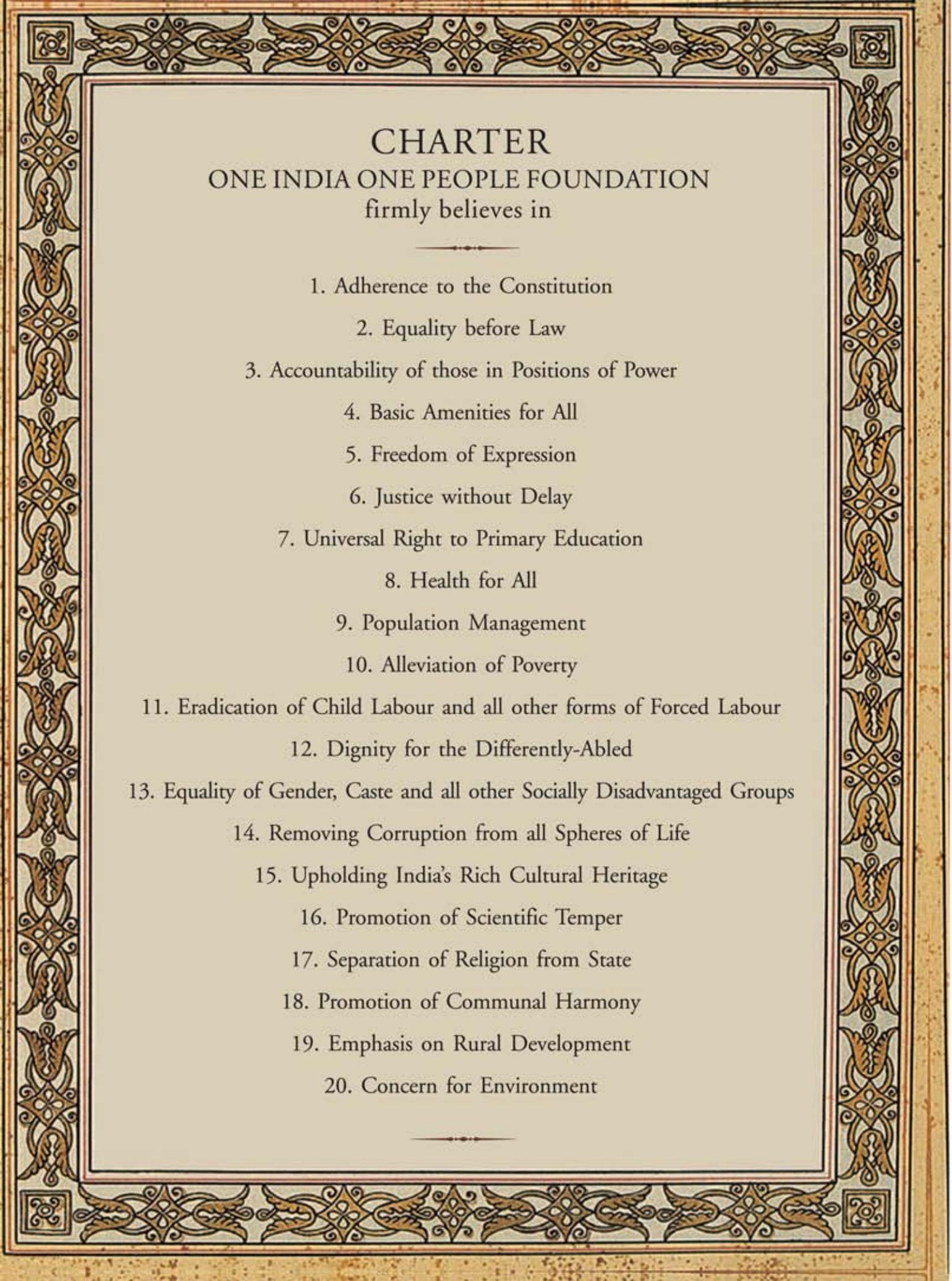
the mother of the Hero of Batalik and is proud that her son kept vigil over the frontiers even after his death.

His mother and family have formed a Memorial Trust in his honour and a marble memorial has been erected opposite St Joseph's College. A postal cover was issued in his name in 2008. His saga of bravery and patriotism continues to inspire the youth in India. ■

– Brigadier Suresh Chandra Sharma (retd.)

(Sketches of Great Indians by C.D. Rane)





CHARTER
ONE INDIA ONE PEOPLE FOUNDATION
firmly believes in

1. Adherence to the Constitution
 2. Equality before Law
 3. Accountability of those in Positions of Power
 4. Basic Amenities for All
 5. Freedom of Expression
 6. Justice without Delay
 7. Universal Right to Primary Education
 8. Health for All
 9. Population Management
 10. Alleviation of Poverty
 11. Eradication of Child Labour and all other forms of Forced Labour
 12. Dignity for the Differently-Abled
 13. Equality of Gender, Caste and all other Socially Disadvantaged Groups
 14. Removing Corruption from all Spheres of Life
 15. Upholding India's Rich Cultural Heritage
 16. Promotion of Scientific Temper
 17. Separation of Religion from State
 18. Promotion of Communal Harmony
 19. Emphasis on Rural Development
 20. Concern for Environment
-

WHO AM I?

- Am I a Hindu first or an Indian first?*
Am I a Muslim first or an Indian first?
Am I a Christian first or an Indian first?
Am I a Buddhist first or an Indian first?
Am I a Brahmin first or an Indian first?
Am I a Dalit first or an Indian first?
Am I a South Indian first or an Indian first?
Am I a North Indian first or an Indian first?
Am I the President of India first or an Indian first?
Am I the Prime Minister of India first or an Indian first?
Am I the Commander-in-Chief first or an Indian first?
Am I a supporter of any 'ism' first or an Indian first?
Am I a white-collar/blue collar worker first or an Indian first?
Am I a youth/senior citizen first or an Indian first?

*In all cases you are Indian First, Last and Always.
Be a Proud Indian. Make this country Great, Strong and United.*



Sadanand A. Shetty, Founder Editor

(October 9th, 1930 – February 23rd, 2007)

ONE INDIA ONE PEOPLE