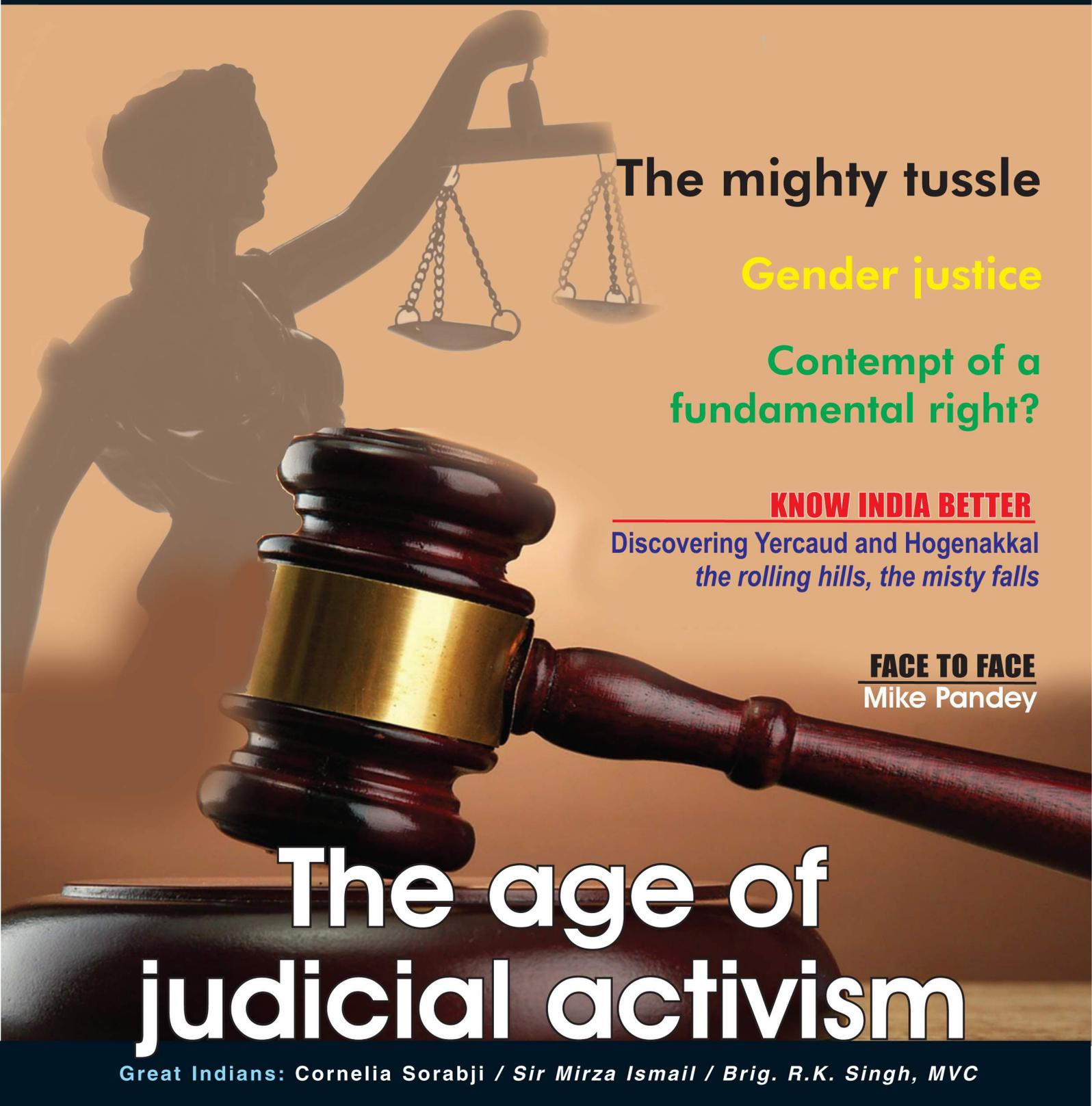


# ONE INDIA ONE PEOPLE

Patriotism Redefined



**The mighty tussle**

**Gender justice**

**Contempt of a  
fundamental right?**

**KNOW INDIA BETTER**

Discovering Yercaud and Hogenakkal  
*the rolling hills, the misty falls*

**FACE TO FACE**  
Mike Pandey

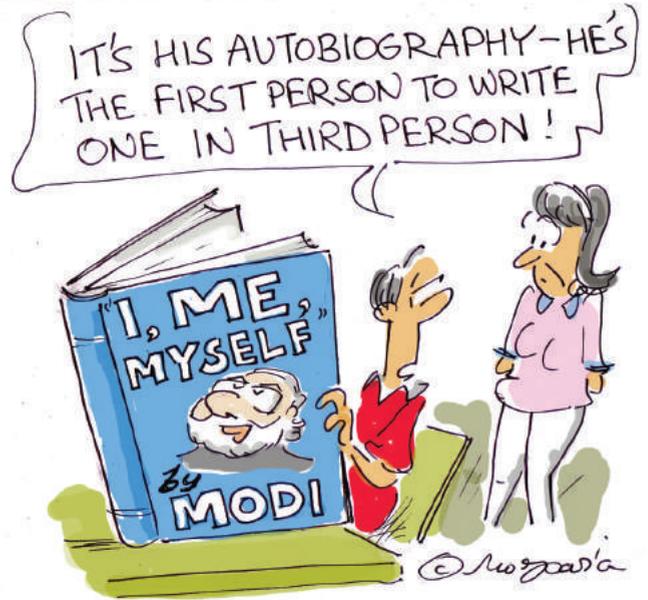
# The age of judicial activism

# MORPARIA'S PAGE

IF FACEBOOK WAS REALLY SERIOUS ABOUT PLUGGING LEAKS...



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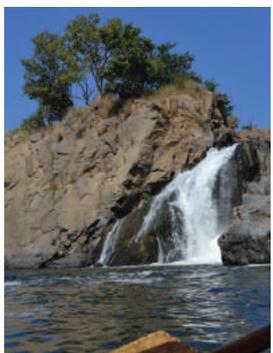
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# The mighty tussle

*The tussle between the legislature and the judiciary in India, has often seen the latter take on an activist role. What are the implications of this? Gajanan Khergamker explains with examples.*

THE legislature in India often finds itself in a Catch22 situation with having to contend with the judiciary's interpretation of a situation. Like the union government's concern for 'drunken driving and road safety' issues. A Supreme Court (SC) order swiftly struck down a union government 'Model Policy' created to put into place rules to assuage the central government's concern for public health, while dodging clear of states' excise earnings. The SC said, there is no Fundamental Right under Article 19(1)(g) to trade in liquor: Liquor has been regarded as *res extra commercium* as decided in several judgements that include State of Bihar v Nirmal Kumar Gupta (2013), and a series of others.

## The controversial order

On 15 December 2016, the Supreme Court passed an order to remove liquor outlets from all highways – state and national – including those along stretches that fell within the limits of a municipal corporation, city, town or local authority, and expiry of all licenses by 31 March 2017, kicking up a storm across India. Union territories, like Daman, and states such as Telangana, Punjab, Haryana, Goa and Kerala went onto request the Ministry of Road Transport and Highways to denotify national highways within their borders to district roads, sending the central government's lofty plans to build 41 km of national highways every day in 2016-17, for a toss.

"No shop for the sale of liquor shall be (i) visible from a national or state highway; (ii) directly accessible from a national or state highway and (iii) situated within a distance of 500 metres of the outer edge of the national or state highway or of a service lane along the highway" had ruled the SC.

The order came following a series of advisories issued by the union government to the state governments asking them

to remove liquor shops situated along national highways. And, with the 31 March deadline approaching swiftly, the states were left in a tizzy.

The union government had formulated, for consideration and adoption by the states, a document titled 'Model Policy/ taxation/act/rules for alcoholic beverages and Alcohol,' in which it had general provisions relating to liquor vends. Para 92(2) of the Model Policy inter alia provides as follows:

(2) No licence for sale of liquor shall be granted to a retail vend selected within a distance of 100 metres from any religious or educational institution or hospital or outside the inhabited site of village /town/city or any Office of the State/ Central Government or Local Authorities or within a distance

of 220 metres from the middle of the State/National Highways.

For the purpose of this rule:

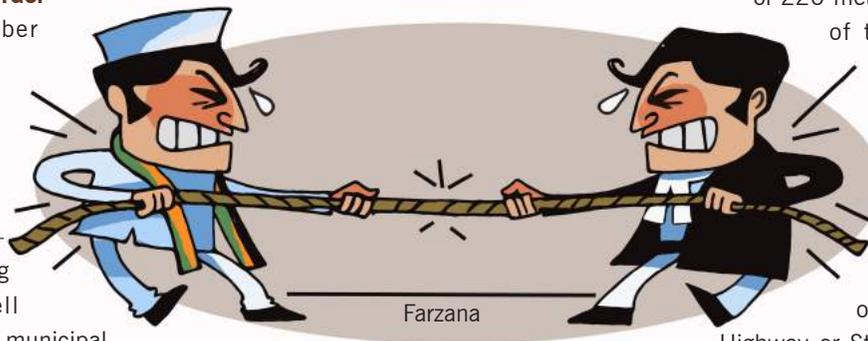
(a) 'National Highway' or 'State Highway' shall not include such parts

of the National Highway or State Highway as are

situated within the limits of Municipal Corporation, City or Town Municipal Council or such other authority having a population of twenty thousand or more."

The 'exclusion' was a convenient arrangement that worked for the union government and the state governments. That way, suggested prohibition would not affect liquor outlets and concurrent sale in roads and areas adjoining smaller towns and cities. However, the SC, and rightly so, decided the policy that excluded stretches of national highways and state highways that fall within the limits of a municipal or local authority from the ambit of the suggested prohibition, was arbitrary and violative of Article 14 guaranteeing equality before law.

The SC, bound by the Constitution of India and, particularly so, Article 14, has little option but to include all excluded



sections much to the chagrin of the state governments. With the string of petitions before the judiciary based on the plethora of reports and studies squarely blaming drunken driving for road accidents, the legislative finds itself in a corner. By asking the judiciary to intervene and on issues that should be legislated instead, the legislative had placed the onus of interpretation on the Supreme Court; and now, finds itself struggling to digest the verdict.

### The knotty issue of Prohibition

On the heels of Prohibition arrive issues that directly and adversely affect states. For one, they directly affect revenue earned through excise and tourism. And, there is the issue of shifting licenses from highways to residential zones which are highly resistant to the move. Why, Kerala moved three petitions on 2 February, to review the order but went on to withdraw them on the same day. It stated that it was facing difficulty in shifting outlets alongside highways to thickly populated residential areas, which would annoy the public and trigger local protests. Also, tourism, in the face of prohibitive laws and policies, would drastically be affected.

In supporting the Prohibition, the SC maintained that section 185 of the Motor Vehicles Act, 1988, which prevents drunk driving, is indicative of a Parliamentary intent to follow a zero-tolerance policy towards driving under the influence of alcohol. The SC took into reference a publication 'Road Accidents in India – 2015' brought out by the Transport Research Wing of the Ministry. The cover depicts in rather graphic terms vehicles involved in car crashes. There is a large group of persons assembled in the foreground, an ambulance bearing the '108' logo, and a police car.

The issue here is one of development and an examination of what comprises it. Is development about the national and state highways, or is it about public health and road safety? The judiciary has passed an order based on the law, the legislature will move in accordance with the will of the people.

With denotification of highways used as the only way out, India managed to keep its states happy. 'Drunken driving' will be put on the backburner, for now. The world's largest democracy has found another way to have its cake and eat it too.

### The common civil code

Now, consider this: A common civil code that puts all on par where civil rights are concerned is one thing, but marital

rape is a tricky issue. Sex in a marriage and even with the consent of a female below the age of 18 amounts to rape. Now, to accommodate acts perpetrated by members of communities and groups wherein marriage was permitted as a Civil Act even when the female was below 18, the Rape Section provided a window. An exception clause to Section 375 of Indian Penal Code permitted sex by a man with his wife, not below 15.

However, over the years, in several cases, acts of sex with 'minor' females despite them being 'lawfully wedded' to the 'culprits' were questioned and categorised as acts of rape. But, the exception in law stuck on paper.

That is till 11 October 2017, when the SC struck down the exception clause to Section 375 as 'unconstitutional'. And, it's a beginning: A step that should have been taken by the legislature but one instead launched by a judiciary armed

**Now, consider this: A common civil code that puts all on par where civil rights are concerned is one thing, but marital rape is a tricky issue. Sex in a marriage and even with the consent of a female below the age of 18 amounts to rape.**

with a new-fangled activism. After the stinging insult following the legendary Shah Bano case, when the judiciary had to eat humble pie owing to legislative intervention, the SC recently bolstered courage to adjudicate upon the Shayara Bano case wherein it struck down 'Instant Triple Talaq' as being 'unconstitutional'. The judgement was suggestive of the mood of the apex court.

And now, the SC has done it again. After months of campaigning, India's SC has begun tackling the issue of marital rape, albeit, piecemeal. The SC struck down the exception clause to the rape provision in the Indian Penal Code as 'unconstitutional' and ruled sexual intercourse with a minor wife between 15 years and 18 years of age as 'rape'.

Despite earlier maintaining it did not wish to get into the domain of marital rape, an issue that bordered on breaching personal rights and religious codes, the apex court now proclaimed the age of consent is 18 years for a woman. In reaching this conclusion, the Supreme Court relied on the Child Marriage Prohibition Act too.

It may be recalled that the Gujarat High Court had, in 2015 ruled that Prohibition of Child Marriage Act will apply to a Muslim person too while turning down the petition of a Yunush Shaikh, who had moved the High Court to quash an FIR registered against him. An FIR was registered against him for abduction and rape under the Indian Penal Code and Protection of Children from Sexual Offences Act, 2012. He had eloped and married a 16-year-old girl in his neighbourhood.

(Continued on page 9)

# The judicious process

*The Indian judiciary has been very active, especially in recent times. It has often dealt the decisive blow to the misadventures of the executive and the legislature, says Prof. P.M. Kamath. But is that the entire story?*

WHO selects and appoints judges of the Supreme Court (SC) and High Courts in democratic federations all over the world? India is a democratic federation undoubtedly. A majority in the Indian Constituent Assembly (ICA) were members not interested in any innovations; rather, they were happy to borrow.

Hence, they had sent B.N. Rau, ICS, adviser to the ICA to travel to major democracies of the 1940s to study constitutions of the US, Canada, Ireland and the UK. There is a pattern in his visit: Two countries — the U. S. and Canada – were federal in form, while Ireland and the UK were unitary systems. The importance of his role can be understood from the fact that before signing the draft Constitution, as the President of the ICA, Dr. Rajendra Prasad, acknowledged knowledge and erudition with which Rao had helped members of the ICA in performing their role.

## Examples from the world

In the US, SC judges are appointed by the President; but all such appointments are subject to confirmation by the Senate Judiciary Committee. It is worth noting that in 1787 when the American founding fathers wrote their Constitution, they were aware of the democratic need for people's representatives in the federal system to participate in the judicial appointments; particularly when they were given life term appointments in the Constitution. That has now, with the democratisation of the American political system, turned into people's representatives participating in the appointment of federal judges. In the Canadian Federation SC judges are appointed by the Governor General, on the advice of the Prime Minister from the Provincial Bar or from amongst those who are already working in the lower judicial positions.

In Ireland, judges of highest court are appointed by the

President on the binding advice of the government; the government itself decides names on the recommendations of the Judicial Appointments Advisory Board, though its advice is not binding on the government. In the UK on the other hand, SC appointments are made by the Queen on the recommendation of the Prime Minister, who too receives inputs from a Selection Commission.

India on the other hand, provided for the President of India, appointing the judges of the SC and High Courts on the recommendation of the government. There was neither judicial commission nor the selection board to recommend appointments to the highest courts like the high courts and the SC. It was open to those in power to select candidates to judicial positions, provided they fulfil qualifications prescribed in the Constitution. Thus, it was open to the executive branch to select for the SC, any citizen of India with ten years as an advocate of a High Court or has been the judge of a High Court for five years or in the opinion of the President, one is a distinguished jurist.

**However, public opinion in the 1970s and the 1980s was critical of federal governments, particularly ones headed by Indira Gandhi; because they had a grouse that the power of appointment of Supreme Court's judges had been misused by the governments. Undoubtedly, Mrs. Gandhi used the power to punish a judge for unfavourable judgement against her or the government led by her.**

## Emergence of the Collegium

However, public opinion in the 1970s and the 1980s was critical of federal governments, particularly ones headed by Indira Gandhi; because they had a grouse that the power of appointment of Supreme Court's judges had been misused by the governments. Undoubtedly, Mrs. Gandhi used the power to punish a judge for unfavourable judgement against her or the government led by her. Thus, for instance, Justice H. R. Khanna was superseded in the appointment as the Chief

Justice, by her during national emergency by appointing a junior judge, Justice Beg, as the Chief Justice of the SC; this was because Justice Khanna had questioned the government's stand during the notorious national emergency period that

fundamental right to life is not absolute, and life can be taken away by the government! That position was upheld by four judges in the five judge bench, while Justice Khanna had dissented.

Highest judiciary maintains its credibility, despite the fact that it neither has the power of money that is enjoyed by the Parliament, nor coercive power possessed by the Executive, by keeping an eye on the public opinion. The public sharing an opinion may vary from decision to decision, yet the SC maintains its credibility by a floating public opinion.

In the 1980s, exploiting public opinion that was against the executive appointments of judges, SC as the supreme judicial authority in India, gave to itself the power of selecting and recommending appointments, promotion and transfers etc., of judges to themselves in what is popularly called as 'three judges case'. For this work the SC has created a Collegium with the Chief Justice as the chair and four other senior judges as members.

### **An assessment of the Collegium**

What has been the record of the Collegium in maintaining credibility of their appointments? Though initially, there was not much of criticism of SC selecting candidates for appointing them as judges to High Courts and the Supreme Court, now the public opinion is critical of the procedure. Even some of the retired judges have criticised the Collegium system. The Supreme Court Bar Association, for instance, accused the Collegium of creating 'a give and take culture', by nominating judges' relatives, friends or nominees etc.

There is no transparency in the selection procedure; records are not accessible under RTI (Right to Information), and not even to the judges of the same court as stated by Justice Chelmeshwar! On the other hand, for instance, in the private-aided schools, government directs managements to follow a comprehensive procedure of advertising, inviting applications, interviewing candidates, and take note of marks assigned by the selection committee! All the record has to be submitted to the government before the candidate selected is accepted by it. Does this mean that the higher you go in the hierarchy, more the procedure of transparent selection is sacrificed? Justice C.S. Karnan's appointment destroyed whatever credibility the Collegium system had.

Under the circumstances, the NDA II government had done well in 2014, wherein the opposition controlled Congress Party had also cooperated in creating National Judicial Appointments Commission (NJAC), consisting of six persons, Chief Justice of India (CJI), two senior-most judges of the SC, the Law Minister, and two eminent persons to be nominated for only one term of three years, by a committee consisting of the CJI, Prime Minister and the Leader of the Opposition,

making the selection of judges of the highest courts in India, broad-based.

### **Conclusion**

Lord Acton had said that 'Power tends to corrupt; absolute power corrupts absolutely.' The Indian SC has acquired unto itself the power to select judges of the High Courts and the SC and get them appointed nominally by the President of India. For the success of the democracy and good governance in India, it is an uncontested requirement that there ought to be checks and balances over the power to select and appoint members of the higher judiciary in India.

Towards that end, the NDA II government had taken the first move to have participation of the executive as well as legislative branches, in addition to the judiciary itself. But this move that was passed by the Indian Parliament with the concurrence of sixteen state legislatures was held unconstitutional by the SC. It is an universally acknowledged fact that judges are most capable persons who can interpret law and constitution to arrive at results that they desire. Justice Charles Hughes of the US Supreme Court had said: "We are under the Constitution, but Constitution is what the judges say it is..."

If the SC is permitted to exercise absolute powers over the selection of candidates for highest judicial posts through what they call as 'Collegium', it will result into 'Judicial Dictatorship'; the longer it survives, greater will be its adverse impact on Indian democracy, and the Indian nation will face extreme difficulty to tame that attribute. One cannot escape the example before the mankind that in Pakistan, military has acquired control over the executive and today its control hangs over the executive as a permanent Damocles' sword! Pakistan's civil society is aware of the need to send the military back to the barracks: But the question always has been, who will bell the cat?

Indian judiciary has been a significant branch of the Indian political system and has been a saviour of Indian democracy in many instances. Hence, in the larger interest of democracy, the Indian executive and legislature need to make one more attempt to acquire a share in power to select and appoint judges to the higher courts in India, so that the power equilibrium is well maintained by 'checks and balances' within the Indian political system. ■



**Prof. Kamath was formerly professor of Politics, UDCP in Bombay University. Currently, he is the Chairman & Director, VPM's Centre for International Studies (Regd.), affiliated to Mumbai University. He taught Indian Constitution and Politics while in SIES College (prior to joining the University), and for a while in the University as well.**

# The activist judiciary

*Judicial activism in India has worked out for the best, especially in curbing politically motivated misadventures, avers Gajanan Khergamker.*

**T**HE judiciary in India has been phenomenal in its vocal addressing of issues that the legislature or the executive shy away from addressing. And, in keeping with this had come the dismissal of a Public Interest Litigation (PIL) filed by advocate K.L.N.V. Veeranjanyulu, who had taken exception to a particular chapter in a book written by writer and social scientist Kancha Illaiah. The Supreme Court (SC) had dismissed the petition to uphold the fundamental right of free speech, “keeping in view the sanctity of the said right, and also bearing in mind that the same has been put on the highest pedestal by this court”. A motivated PIL initiated by an individual or a group to curb a fundamental right simply could not be permitted. The judiciary’s view on this was crystal clear.

“Any request for banning a book of the present nature has to be strictly scrutinised because every author or writer has a fundamental right to speak out ideas freely and express thoughts adequately. Curtailment of an individual writer/author’s right to freedom of speech and expression should never be lightly viewed,” said a Bench of Chief Justice of India Dipak Misra, Justices A.M. Khanwilkar and D.Y. Chandrachud, in the order.

## The PIL as a tool

Very often, under the guise of representing the public, politically charged or personally motivated individuals have been misusing the PIL tool for their vested interests. The judiciary had, clearly, been calling their bluff with welcome alacrity.

In India, where the masses are hugely illiterate and have little access to legal aid, otherwise easily accessible to the middle class and the moneyed few, Article 32 of the Indian Constitution provides a tool to a member of the public to file a suit through

judicial activism. That member can be a non-governmental organisation, an institution, or an individual acting on behalf of the aggrieved parties.

It was initiated in the late seventies when senior advocate Pushpa Kapila Hingorani produced two pages in front of the SC, detailing the deplorable condition of undertrial prisoners

– men, women, children, lepers and mental patients – languishing in jails in Bihar, ignored by the state, and asked the court to intervene and give orders to release them on bail. The Supreme Court bench, then headed by Justice P. N. Bhagwati went on to release 40,000 prisoners from various jails across India! The case, better known as Hussainara Khatoon Vs Home Secretary, Bihar, was India’s first PIL.

Over the three decades that followed, the PILs grew from being a far-reaching tool of justice for a vibrant judiciary and a socially-inclined activist media, to getting reduced to a juicy byte ensuring a moment of fame by the media and legal professionals alike. It’s only now that the judiciary has, in a strategic display of activism, identified and isolated the scourges at play.

To put things in perspective, you may look at the stoic stand that the apex court took in the face of the surge in populism: Despite tempers running high across India with regard to the Varnika Kundu case, wherein the ‘politically powerful’ were accused of stalking and attempted abduction, a PIL filed by human rights lawyer Ranjan Laxhanpal, seeking judicial supervision of the probe into the incident, was promptly dismissed by a division bench of the Punjab and Haryana High Court.

Citing a 1991 apex court judgment, the division bench of Acting Chief Justice S.S. Saron and Justice Avneesh Jhingan maintained that

the court would have no difficulty taking up the case if Varnika herself approached the High Court. They ruled, “In a criminal

**In India, where the masses are hugely illiterate and have little access to legal aid, otherwise easily accessible to the middle class and the moneyed few, Article 32 of the Indian Constitution provides a tool to a member of the public to file a suit through judicial activism. That member can be a non-governmental organisation, an institution, or an individual acting on behalf of the aggrieved parties.**

case, only the aggrieved persons have a right to file the PIL,” citing the landmark 1991 judgment on maintainability of a PIL in which the Supreme Court had ruled that “even if there are million questions of law to be deeply gone into and examined in a criminal case... it is for them (aggrieved parties) and them alone to raise all such questions and challenge the proceedings initiated against them at the appropriate time, before the proper forum and not for third parties under the garb of public interest litigants”.

This ruling examined the much-confabulated issue of *locus standi* and underlined the recent tendency for private individuals, under the garb of public interest, to file PILs and thereby load the already-buckling legal system. It was an incisive ruling that put to rest everybody’s interest in an issue that was primarily a private one. This, now, becomes a precedent for similar private motivated motions being masqueraded as litigations of public interest.

Soon after, came the Delhi High Court dismissing BJP leader Subramaniam Swamy’s plea seeking court-monitored SIT (Special Investigative Team) probe into the death of Congress Member of Parliament Shashi Tharoor’s wife Sunanda Pushkar, through a PIL.

Calling Swamy’s PIL a “textbook example of a political interest litigation,” the Delhi High Court bench of Justices S. Muralidhar and I.S. Mehta said the petition by Swamy cannot be entertained as a PIL. It said that from what was

placed before the court, it was unable to be persuaded that the probe, being carried out by the SIT, is botched up or under the influence of any party. “Although Subramanian Swamy claimed he has not concealed any data or information, when asked specifically about the basis of his allegations in the petition, his response was to seek time to file affidavit, thereby clearly showing that what was to be disclosed at the first instance was not done,” the court said. The bench maintained that “Courts need to be careful that the judicial process is not used by political persons for their own purposes”.

This ruling examined, once again, the issue of *locus standi* and underlined the tendency for politicians, under the garb of public interest, to file PILs and thereby use the legal system to level grudges. It was a strategic ruling that publicly identified political parties’ interest in PILs and will serve as a precedent for stopping similar future misadventures.



For the PIL tool to be used in the manner it was originally intended, is indeed welcome. And the judiciary has done an exemplary task to ensure it happens. ■

**Gajanan Khergamker is an independent Editor, Solicitor and Film-maker. He is the founder of the International Think Tank DraftCraft.**

## The mighty tussle

(Continued from page 5)

In this case, Justice Pardiwala relied on an earlier case in which on a conflict between any special law with personal law, a learned single judge of the Karnataka High Court in the case of *Seema Begaum vs. State of Karnataka* had ruled:

“An operative Act is the expression of the will of sovereign legislature; it overrides the consistent provisions of the existing personal law. The personal law has to submit to the statute law. The personal law cannot be repugnant, contrarian or derogatory to the statute.

“Those who have not allowed to change the Muslim Personal Law have done a great disservice to the community...the members of the community have realised the evil consequences of getting a Muslim girl married at a tender age of 16 or 17 years,” had ruled Justice J.B.Pardiwala in the order passed then.

In the *Sarla Mudgal v. Union of India* case, the Supreme Court had held polygamy can be superseded by the state just as it can prohibit human sacrifice or the practice of Sati in

the interest of public order. The personal law operates under the authority of the legislation and not under any religion and, therefore, personal law can always be superseded or supplemented by legislation.

This time around, the SC has expressly ruled that immunity cannot be granted to a husband having sexual intercourse with his wife in this age group. The apex court judgment is a huge step in the direction of criminalising marital rape, an issue that no political party wishes to address through legislature as it touches upon personal laws and risks hurting community sentiments by its far-reaching repercussions. In a stunning display of activism, the Supreme Court remains silent on the acts of marriage of minors under Personal Law, but



criminalises sex! In the tussle between the legislature and judiciary, the latter often nudges its way to logical conclusions and derives solutions that are extra-legislative, yet within legal parameters. ■

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# Gender justice

*The Supreme Court of India has been very proactive when it comes to women and child welfare. The triple talaq and the reforms brought in after the Nirbhaya rape incident, are cases in point, says **Manu Shrivastava**.*

**T**HE recent rape incidents in Kathua and Unnao in Jammu & Kashmir and Uttar Pradesh respectively, have once again brought the issue of women's safety in India to the forefront. These incidents garnered global attention, albeit negative, of national and international media with some groups allegedly even donning T-shirts across the world warning women to not visit India. The Kathua rape and murder case, in particular, brought back memories of the Nirbhaya rape case and triggered widespread protests. That said, it must be noted that the Nirbhaya rape incident had led to the government bringing in swift legal reforms for victims of sexual violence and amendments in the law for crimes against women.

## The evolution of the judiciary

Over the last 70-odd years, independent India has evolved and, with it, has the judiciary, judicial processes and laws, to be in-sync with the changing society. The most recent being the Triple Talaq judgment delivered by the Supreme Court (SC) in August 2017. The historic verdict on the centuries-old practice of instant *talaq* or *talaq-e-bidaat* is a gigantic step towards empowering Muslim women. The judgment, in response to plea filed by six petitioners including Shayara Bano and Ishrat Jahan, declared the practice of instant *talaq* as 'unislamic' and hence illegal, and concurrently directed the government to bring in a law to address the same. Soon after, the government introduced the bill in both the houses of the Parliament claiming the practice denied Muslim women their fundamental rights.

The Triple Talaq judgment is reminiscent of the 1978

Shah Bano case where a Muslim divorced woman, Shah Bano went to court to file a claim for maintenance for herself and her five children. The High Court gave orders for maintenance which was opposed by her husband on grounds of violation of the Muslim Personal Law (Shariat) Application Act, 1937. In 1985, the SC, in a landmark judgment, upheld the decision taking note of different personal laws not trampling upon gender equality. The-then government however decided against making a law granting the right to maintenance to a divorced Muslim woman.

The Nirbhaya rape incident and the unfurling of events by way of amendments and legislations are etched in the history of the country as major milestones. The unfortunate incident in December 2012 was followed by the appointment of a judicial committee headed by former SC Judge, J.S. Verma to suggest amendments to criminal laws dealing with sexual assault and violence under IPC, Cr PC and Indian Evidence Act. What followed was one of the

most stringent steps towards protection of women against sexual crimes and the Criminal Law (Amendment) Act, 2013. The Act which came into effect on 3 February 2013, widens the ambit of some offences and recognised new sexual crimes against women such as acid attacks, sexual voyeurism, stalking, etc. Additionally, the Act identifies various manifestations of gender-based discrimination. It has a provision to award capital punishment in 'rarest of rare cases'. It even has provisions to penalise the police for failing to register FIRs by female rape victims.



Farzana

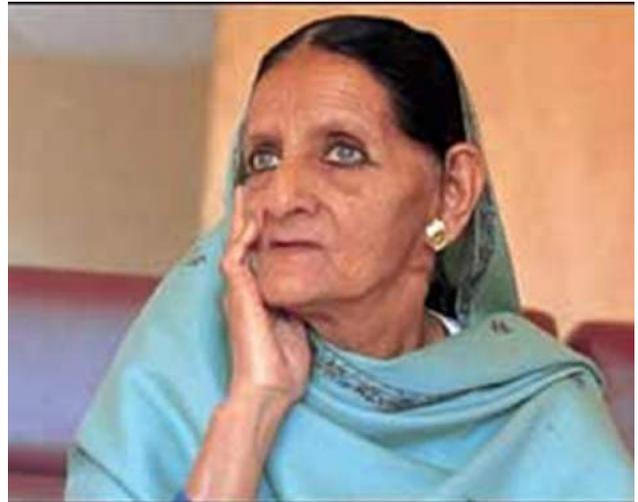
## Another milestone

In yet another milestone, Indian law now allows an expectant woman to avail upto 26 weeks of paid maternity leave, among the highest in the world. The Maternity Benefit (Amendment) Act, 2017, protects the employment of women during the time of her maternity and entitles her to a 'maternity benefit' – i.e., full paid absence from work – to take care for her child. The Act is applicable to all establishments employing 10 or more persons. The Act has increased the duration of paid maternity leave available for women employees from the existing 12 weeks to 26 weeks. It makes crèche facility mandatory for every establishment employing 50 or more employees. Women employees would be permitted to visit the crèche four times during the day. It also made it mandatory for employers to educate women about the maternity benefits available to them at the time of their appointment.

When we talk about laws protecting, empowering and safeguarding women, we cannot leave children behind, particularly the girl child. The Juvenile Justice (Care and Protection of Children) Act, 2015, is the key legislation for juvenile justice in India and replaced the Juvenile Justice (Care and Protection of Children) Act, 2000. The amendment was sought after a huge public outcry following the Nirbhaya rape case because one of the offenders in the 2012 gang rape case was technically and legally a juvenile. The amended Act allows for juveniles in the age group of 16-18 involved in heinous offences, such as rape and murder, to be tried as adults. The Act mandates the setting up of Juvenile Justice Boards (including a judicial magistrate and two social workers) and Child Welfare Committees (to include a chairperson and four other members, all specialists in matters relating to children), in every district of the country, with at least one woman member each. The decision to try a juvenile 16 years or older as an adult will be taken by the Juvenile Justice Board while the Child Welfare Committees will look at institutional care for children in their respective districts.

## Protection of minors from sexual abuse

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enacted to address sexual crimes such as sexual abuse, sexual exploitation against children, i.e., persons below 18 years of age. The Act ensures the healthy physical, emotional, intellectual and social development of the child. It defines, for the first time, different forms of sexual abuse,



**The Shah Bano case of 1978 was another landmark case in India**

including penetrative and non-penetrative assault, as well as sexual harassment and pornography. A sexual assault is deemed to be "aggravated" under certain circumstances, such as when

**The Act has increased the duration of paid maternity leave available for women employees from the existing 12 weeks to 26 weeks. It makes crèche facility mandatory for every establishment employing 50 or more employees.**

the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, doctor, public servant, any member of the staff at a remand home, protection or observation home, jail, hospital or educational institution, or by a member of the armed or security forces. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the Act. The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

The laws for women and children have been tweaked to serve the purpose, for now. However, a truthful evaluation of the grassroots situation and changes occurring will need to

be done, and processes introduced to do them regularly. Deterrence will need to be taken into consideration while framing laws to further their reach and potential. Also, there should be a well-planned strategy to boost awareness and



change parochial mindsets alongside. Only then will an 'amendment in law' fulfil its true purpose – the spirit of the law.■

**Manu Shrivastava is a Media Legal Researcher with Draft Craft International, and co-convenor of 'The Woman Survivor' initiative that documents abuse of women and children within families.**

# Contempt of a fundamental right?

*The law of contempt of court is often seen as coming in conflict with the right to freedom of speech and expression as guaranteed by our Constitution. How can these two be reconciled? Which should take precedence? **Kamayani Bali Mahabal** argues that there is a strong case to scrap the contempt laws from the statute books.*

**T**HE law of contempt is an excellent example of dichotomy between rationality and mythology surrounding the judiciary. The concept originated in English medieval monarchies as a way to preserve the unchallengeable authority of the king, who was believed to be the fountainhead of justice. The authority of God as the last word was believed to be manifested in him, the human sovereign. Therefore, in this new democratic era, this protection of the judiciary against criticism as well as the procedure for its trial appears problematic.

Freedom of thought and expression have been given the pride of place in our constitutional scheme, as in all democratic societies. Public criticism is essential to the working of a democracy, and this includes criticism of every institution and organ of the state. This freedom certainly takes within it the right to comment upon and criticise judgments.

Once a British newspaper ran a banner headline calling the majority judges of the House of Lords who decided the Spycatcher case (*Attorney General vs. Guardian newspaper*, 1987 3 All E.R. 316) "YOU FOOLS". Fali Nariman, who was present in England at that time, asked Lord Templeman, who was one of the majority, why the judges did not take contempt action. Lord Templeman smiled, and said that judges in England took no notice of personal insults. Although he did not regard himself as a fool, others were entitled to their opinion!

## The Indian scenario

Now, coming to the law of contempt in India, we find it is uncertain. Nariman described it in a speech as 'Dog's Law'. Justice Krishna Iyer captured the problems inherent in the contempt law, in a 1974 judgment, in these colourful phrases: "A vague and wandering jurisdiction with uncertain frontiers, a sensitive and suspect power to punish vested in the prosecutor, a law which makes it a crime to publish regardless



**Writer Arundhati Roy (above) was issued a show cause notice by the Supreme Court**

of truth and public good and permits a process of *brevimanu* conviction, may unwittingly trench upon civil liberties..."

## The history

The view about the contempt power was first stated in England by Wilmot J. in 1765 in a judgment that was, in fact, never delivered (*R. vs. Almon*). Wilmot J. observed that this power in the courts was for vindicating their authority, and it was coeval with their foundation and institution, and was a necessary incident to a court of justice. Successive courts not only in England but also in other countries thereafter followed the above dictum.

The Contempt of Courts Act, 1926 was the first statutory legislation that granted powers to High Courts of Judicature established by Letters Patent to punish contempt of subordinate courts. The Act, however, failed to provide for contempt of courts subordinate to Chief Courts and Judicial Commissioner's Court, as also for an extra-territorial jurisdiction of High Courts and was therefore repealed by the Contempt of Courts Act, 1952, with the institution of which all the respective Indian states Acts also stood rescinded.

The Contempt of Courts Act, 1952, did not confer any new powers on the courts. It, however, made two significant digressions from the prior Act of 1926 in that, one, it redefined 'High Court' to include the Courts of Judicial Commissioner, and two, provided for the aforesaid to try for contempt subordinate to them as well. Surprisingly though, the term 'contempt' had not been defined in any of the Acts yet and there was a still lot of ambiguity present around the law of contempt. Also, it was realised that the said law needed to be dealt with in light of two fundamental rights granted in the Constitution, namely, freedom of speech and expression and right to personal liberty. Thus, there was set up a committee in 1961 under the chairmanship of late H.N. Sanyal, the recommendations of which took the form of the Contempt of Courts Act, 1971, and overhauled the entire law relating to contempt in the country.

The Indian Contempt Act of 1971 has evolved over time to incorporate amendments that delineated what does not constitute contempt, and framed rules to regulate contempt proceedings, yet inconsistencies remain. In 2006, an important amendment to the 1971 Act provided for truth as a valid defence in contempt proceedings, especially because the law was considered a threat to the fundamental rights to personal liberty and freedom of expression. Not just the doctrine of truth, but public interest must be the cornerstones on which the law must be based.

### Types of contempt

Contempt of Court can be a civil as well as a criminal offence under the Contempt of Court Act, 1971. Section 2(a) of the Act, states that contempt means civil or criminal contempt. Section 2(b) of the Act defines civil contempt. Civil contempt means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court. Criminal contempt has been defined in Section 2(c). It means publication of any matter or any other act which lowers or tends to lower the authority of any court or interferes or tends to interfere in the judicial proceedings or administration of justice.

Section 12 of the Contempt of Court, 1971, provides the punishment for contempt. It states that the offender may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two

thousand rupees, or with both. However, the accused maybe discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

### What is the aim of this law?

During the time of the framing of the Constitution, it was decided that "contempt of court" be included as an express restriction upon the freedom of speech and expression, as part of Article 19(2) of the original Constitution. When this proposal was first made, it elicited a fierce debate. This is because the term "contempt of court" in itself carries three possible meanings. One is active and open disobedience of court orders, failure to appear when summoned and so on. The second type of contempt is to say or do things that might prejudice a fair trial, or negatively affect justice (for instance, sensationalised media reporting of an ongoing trial). The third is our familiar concept of "scandalising the court".

The framers of the Constitution strongly disagreed with each other about which versions of contempt were covered by Article 19(2) of the Constitution. Many of them voiced concern that if "scandalising the court" was to be treated as an offence, then it would unduly stifle the freedom of speech and expression. For instance, R.K. Sidhva observed that "judges have not got two horns; they are also human beings. They are liable to commit mistakes". Ultimately, the framers decided to leave the matter ambiguous, simply by adopting the omnibus phrase "contempt of court".

In one of the judgements (*In re: Arundhati Roy, 2002*), the Supreme Court (SC) had reasoned that contempt of court is the only weapon to restore public confidence in the independence of the judiciary and maintain

the rule of law. According to the SC, "... the Judiciary in the country is under a constant threat and being endangered from within and without. The need of the time is of restoring confidence amongst the people for the independence of Judiciary."

### The conflict

A major criticism of the contempt law is that it can potentially suppress public criticism and hence undermine freedom of speech and expression. The contempt of court

**During the time of the framing of the Constitution, it was decided that "contempt of court" be included as an express restriction upon the freedom of speech and expression, as part of Article 19(2) of the original Constitution. When this proposal was first made, it elicited a fierce debate. This is because the term "contempt of court" in itself carries three possible meanings.**

enters the Indian Constitution under Article 19(2) as a reasonable restriction to the right of freedom of speech and expression granted under Article 19(1). It is clear that the Constitution does not provide supremacy to freedom of expression over contempt of court.

The Indian contempt law has inherited the concept of scandalising of court from the English law during the colonial period. An argument can also be made against embracing this colonial legacy. On the other hand, in 2013, the United Kingdom abolished scandalising the court offence after recommendation of the Law Commission. Even prior to 2013, this law was rarely used in Britain. In fact, for more than six decades there was no successful conviction in UK under this law.

Even the amended law, as it stands today, is highly unsatisfactory. Section 13 (b) by using of the expression “*the court may*” confers a discretion on the court to permit or not to permit the defence of justification. And this is so even if the court is satisfied that it is in *public interest* and that the request for invoking the said defence is *bona fide*.

In Duda’s case AIR 1988 SC 1208, a Union Cabinet minister said that the Supreme Court sympathised with *zamindars* and bank magnates. He further said, “FERA violators, bride burners, and a whole horde of reactionaries have found their haven in the Supreme Court”, and that Supreme Court judges have “unconcealed sympathy for the haves”. No action was taken against him. However, in an earlier decision, in the case of Namboodiripad (former CM of Kerala), who accused Supreme Court judges of being biased in favour of the rich, (an allegation similar to that of the Union minister in Duda’s case) the court convicted Namboodiripad for contempt (AIR 1970 SC 2015).

Arundhati Roy, the writer, was interested in the result of a litigation pending before the Supreme Court. It was alleged that at a *dharna* organised in front of the Supreme Court, she had raised improper slogans against the Court. When issued a show cause notice, she denied having raised such slogans. She further stated that the SC could not spare a sitting Judge to hold inquiry into the Tehelka scandal. However, when it came to an absurd, despicable and entirely unsubstantiated petition, it displayed a disturbing willingness to issue notice.

**The right and indeed the desirability to comment upon and criticise judgments is too well established and too sacrosanct to be stifled or interfered with. Many judgments leave one totally aghast. To say that such judgments and orders should not be criticised and must be complied with – sometimes under the threat of contempt – is a death blow to the rule of law.**

Where the offence of defamation tends to be used against the press most often by public authorities, and increasingly, powerful private players, this tool of contempt of court is used often by courts. Two recent examples, both coincidentally of judges of the Madras High Court, are of Justice Markandeya Katju and Justice C.S. Karnan, who were hauled up for contempt of court.

The right and indeed the desirability to comment upon and criticise judgments is too well established and too sacrosanct to be allowed to be stifled or interfered with. Many judgments leave one totally aghast. To say that such judgments and orders should not be criticised and must be complied with – sometimes under the threat of contempt – is a death blow to the rule of law. Fair and robust criticism should be considered necessary, healthy and welcome. Much worse and more dangerous than any other form of arbitrariness is judicial arbitrariness.

How relevant is the contempt law today in a free country where criticism of the judiciary is inevitable? Judges have vast powers. People cannot and will not remain silent about the exercise of such powers. Just as decisions of other branches incur criticism, judicial decisions should also be subject to the same.

### Conclusion

We have two provisions in our Constitution, Article 19(1)(a) which gives citizens freedom of speech, and Articles 19 and 215 which give the Supreme Court and High Court the power of contempt. How are these provisions to be reconciled? In my opinion, since Article 19(1)(a) is the right of the people who are supreme in a democracy, while Articles 129 and 215 are powers of judges, who are servants of the people, the reconciliation can only be done by holding that freedom of speech is primary, while the contempt power is only secondary.

There is a strong case to scrap the contempt laws from the statute books. ■



**Advocate Kamayani Bali Mahabal is an expert in gender, health and human rights issues.**



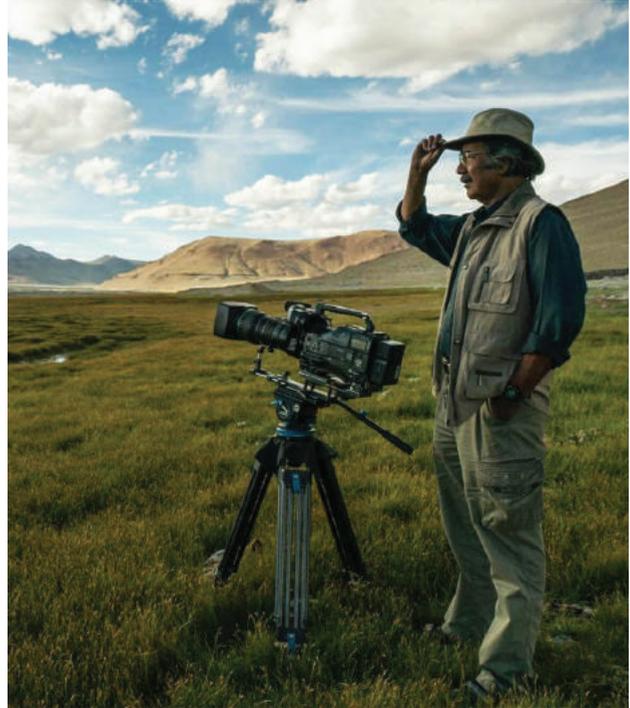
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*“Wildlife in India is at a crossroads, walking on the razor’s edge. We are losing the battle.”*

**Mike Pandey** is an iconic filmmaker, wildlife conservationist and cinematographer, who has through his documentaries, brought about legislative changes to protect wildlife in India. A man who means business, he earnestly tries to raise the level of your consciousness about the natural world around. He spoke to **A. Radhakrishnan** about his life, his concerns and his passion.



**How would you describe yourself?**

I am an environmentalist, a naturalist and a wildlife filmmaker working towards conservation of endangered species, mostly life forms that are on the critically endangered list. I use films as a tool to disseminate and share information, sensitise local communities, and hopefully make a difference.

**How did the journey begin?**

Africa is where it all started. I was born in Kenya, East Africa. We grew up surrounded by wild animals and nature. Evenings were often filled with sounds of the wilderness, with lions calling out to each other, and the distant sounds of jackals and night birds.

**Are the laws related to wildlife and conservation being adequately implemented?**

Indian wildlife is at a crossroads like almost everywhere else across the planet. We have an amazing diversity and a rich heritage, but it’s dwindling rapidly. Wildlife is losing the battle for survival.

**How can poaching of endangered species and illegal trade in wildlife be stopped?**

Sensitise the local people; address livelihood issues of

communities living around national parks and forests and involve them as partners in the conservation efforts; let them be shareholders in the income generation of parks, followed by stricter enforcement and controlled ‘Eco Tourism’.

**Apart from tigers and rhinos, which other little known species are going extinct?**

Unfortunately, almost all the species you can think of are under threat and declining. The world is losing almost 10,000 species every year. To name a few in India, the pangolin, snow leopards, the blind gangetic dolphins, the vultures, are some of the critically endangered and on the brink.

**Would recent initiatives by the present government help make a difference to wildlife in the current scenario?**

Legislation is in place and the government is working hard to protect our natural heritage, but animals are still being killed and poached; critical habitats being fragmented, and corridors being fractured. The need is for stricter enforcement and severe penalties.

We urgently need an increase in number of forest guards and jungle patrol vehicles. But most important, political will is essential. We need to get our priorities right, if we are really serious about conservation.

**How do you think documentaries really have an impact in saving endangered wildlife?**

I assuredly believe that documentaries play an effective role in generating awareness, sensitising and making people comprehend the role each species plays in nature's dynamic food chain, and the need to protect them. This is ultimately crucial to our own survival. Documentaries can carry capacity building information to the remotest areas in the shortest time and educate people.

**What were some of the challenges of documentary film making in your journey?**

We have had some great filmmakers in the country, with great films in recent times. A real tragedy however for us Indian wildlife film makers is that unlike abroad, here we have no adequate funding; absence of commissioning by the corporates or government agencies and unrealistic filming fees for those that may scrounge some funds to put together a film. The parks and sanctuaries are our national treasures and should not be considered the private fiefdom of a few in charge. Each park has its own set of rules and policies, and it's still a struggle to get into a park and film in peace. The general attitude and restrictive conditions are not really conducive to wildlife or natural history filmmaking.

There are provision and waivers under the Wildlife Act which allow filming if the film is educational. But it's often the field officer's interpretative whim that determines the permission. This attitude needs to change. Having said this, rules do get bent if you have the right connections. Wildlife in India is at a crossroads, walking on the razor's edge. We are losing the battle. It's time to wake up before it's too late.

**Briefly elaborate on the documentaries you have made and are working on.**

My major work has been on some of our critically endangered species and their conservation. Awareness generation and education is the other thrust. Repeats of my television series *Earth Matters*, have been going on 18 years after they started. The list is long, almost over 700 films, and most of them have made a difference.

Prime are films, *Shores of Silence* on whale sharks in India; *The Last Migration* on wild elephant capture in Sarguja; *The Vanishing Prestigious Giants*; *Gymo: Queen of the Mountains*, about snow leopards and *Looking for Sultan...the Tiger*.

**Can you call yourself an entrepreneur, considering the patience and perseverance you show?**

I don't know about that. But I guess I do what I do best and enjoy doing...and that's telling stories. But I was definitely the first wildlife filmmaker in the country to focus and concentrate on conservation films for critically endangered wild animals. Patience is one thing you need if you are out to make a good

film and perseverance, your second nature. My life is tough, especially if you choose the wilderness as your playground, but it has its great moments and fulfilling moments. There are so many great lessons learnt every day. Worth every moment I guess.

**How satisfied are you being a documentary film maker?**

I feel contented. It's a great feeling, being with reality and addressing issues close to my heart and mind. And the best part is exploring and discovering new dimensions and facets of life almost every day.

**What is Riverbank Studios?**

It is a Delhi-based state-of-the-art film and video production house, and the first fully integrated studios set up in Northern India. Involved in production of feature films, documentaries, commercials corporate films and television serials, we have moved into the digital domain including overseas co-production ventures.

***Shores of Silence* spoke about the slaughter of whale sharks. Why did this issue, more than any other, inspire you to make a film?**

Whale sharks are the largest fish in the world. Gentle marine giants being mercilessly slaughtered, their liver ripped out to make grease and boot polish was something both shocking and heartrending. For almost a year, I tried to stop it, but without success. No one believed that whale sharks existed in such large numbers on our coasts and the Arabian Sea. The logic was, if historically there are no whales in our waters, how are they being slaughtered. When no one believed me, I just went ahead and made the film. And the rest is history.

**Did you expect the film to have such a massive impact, leading to legislative change?**

I never expected such a huge impact. National legislation within three months! This was the first time a marine species was being protected under the Wildlife Act, 1972! The greatest surprise was yet to come. At the global protection for the world's largest fish, by the U.N body the Convention on International Trade in Endangered Species (CITES) at Santiago, Chile, India raised the motion for protection of the endangered whale sharks and got a measly three votes. My film was shown over three days to the delegates on laptops since no screening time was available. A re-vote requested by Indian delegates on the closing date received an overwhelming majority. The whale shark was thus protected globally by law thanks to the revelations and exposure by *Shores of Silence*, an Indian film!

**What is the resultant status of whale sharks in Indian waters today?**

The whale shark roams freely in Indian waters and not hunted by Indian fishermen anymore. Eco tourism, the way forward would not only help protect them but also generate additional

income for the local fishermen, who could become guides and custodians of this enigmatic heritage. A marine national park too would be ideal. Gujarat could be the largest whale shark sighting destination in the world.

**What do you feel of film festivals like Mumbai International Film Festival for documentary, short and animation films (MIFF)?**

MIFF is working out really well and a strong much needed platform for documentaries in the country. It needs to be turned into an annual festival.

**Is documentary film making viable?**

The market is opening up, with rising global demand and hunger for good content. With the digital age kicking in and proliferation of TV channels and networks, documentaries will be required for educational and training purposes. Schools of the future will be available on TV screens, tablets and mobile phones.

**As President of Indian Documentary Producers Association (IDPA), for a second term, what do you see its enhanced role?**

IDPA has managed to create a much needed platform on the DD National network in partnership with the public broadcaster DD National. A filmmaker's film now reaches over 800 million people on the DD-IDPA Horizon slot. The film makers can now recover some of their investment, not possible hitherto.

We have proposed that a satellite be set up in partnership with the Films Division and the Ministry. A channel dedicated to preschool education, science programmes, play school, educational and training films and evening slots for regional cinema is part of our wish list.

**As a conservationist, what would be your message to people in preserving wildlife and the common man?**

We humans have destroyed this planet and we are the only species who can fix it. Education brings understanding, which brings respect and love, and that makes you want to protect. Common man needs to be informed about the role of flora and fauna.

The earth is in trouble and climate change is just one small issue that is triggering off greater calamities. The challenges facing us are more serious than most of us realise. Our planet is dying and that is the truth...the 6<sup>th</sup> extinction has set in, we are losing over 10,000 species every year and no one is talking about it.

Consumerism is a serious threat eroding our resources and tipping the delicate balance of sustainability. Be minimal. Lifestyles need to change. Plastic is dangerously overrunning our planet. Take only as much as you can eat. Do not waste. Don't eat fish during breeding season or food which is out of season. Our water and food resources are dwindling. We are

in a tail spin and need to change, stop the way we plunder the earth's resources.

**Are awards important to you?**

In all, my team and I have won seven national awards and over 300 awards internationally for various films ranging from wildlife to educational films, commercials, industrial films on socially relevant issues, including the coveted global Green Oscars thrice, for spreading awareness about biodiversity and species conservation, including helping conserve and protect key species such as whale sharks, elephants, tigers, vultures and horseshoe crabs. Awards are great motivators and indicators that you are going along on the right path, with what you have created meaningful not only to you, but others as well.

**Your message on the environment disasters looming large and your emphasis on the humble bee.**

Bees in 14 countries are dying, afflicted by a condition called CCD – community collapse disorder. Whole communities are collapsing and millions of bees are dying across Europe and America. Five different viruses carried by a mite called Varrora, Monoculture, and immunity disorders are the main culprits. The bee, butterfly and a few insects and the wind are chief pollinating agents. If the flagship pollinator dies, mankind will not last longer than two years. We used to have two years of reserve food stock in store to meet any contingencies, drought or famine, but today the world has only 90 days stock in hand. One failed harvest in India, Russia or China, will trigger a crisis never seen before. It's frightening, but a grim reality.

**What future do you see for the world?**

Unfortunately, a dismal picture. Agriculture and food have become industries. At the current rate of plunder of the oceans... where 130 million tons of fish is harvested every year and over 30 million thrown back as by catch. Seventy billion animals are slaughtered every year to feed 3.5 billion meat consumers. Almost 45 to 50% of the 70 billion slaughtered animals don't get sold and are stamped "inconsumable and outdated". The earth cannot sustain this mindless unsustainable plunder for much longer.

By 2048, all the fish in the world will have vanished. The oceans will be full of plastic. I don't want to sound like a doomsday prophet, but this is the grim reality which no one seems to address in their mad rush towards "progress". ■



**A. Radhakrishnan is a Pune based freelance journalist, poet, and short story writer.**



# Discovering Yercaud and Hogenakkal

*the rolling hills, the misty falls*

Yercaud, a small and quaint hill station in the Salem district of Tamil Nadu, is not very known outside of the state. Yet, this small gem is the quintessential hill station developed by the British, with a salubrious climate and all the comforts that the British deemed essential for their well-being. Along with the Hogenakkal Falls, it is indeed a worthy destination for tourism.



**A view from the Shevaroy Temple**

**T**HE word rolling hills must have been conjured up at Yercaud. I can think of no other suitable place for its origin. The journey to Shevaroy hills lay fraught with peaks at varying heights, some small hillocks, to some lightly touching the clouds. The plantations and their tall winnowy cypress and pine trees, the winding lanes that cut across hills and springing beautiful surprises – a neatly tucked village, or a tiny little tea shop .... I am sure when the British viewed this landscape it would have reminded them of their picturesque countryside complete with rolling hills and crystal clear lakes. I have digressed a bit. I was visiting Yercaud for a day,

and this was the scene that captured me as we drove along the roads leading to Yercaud.

At first glance, Yercaud does not seem to boast of much. A few hole in the wall outlets, a lake, a few shops selling produce, and a small park nearby. When I arrived in the evening with the sun setting in the hills and the distant silver oak plantations acting as sentries, the hill station seemed very tiny. And the budget hotel I checked into, confirmed this – the guy at the reception gave me a tourist brochure that listed all the sightseeing places within five-seven km radius of the station. So the next morning, after imbibing a piping hot breakfast of *idli* and *dosa* from Hotel Saravana Bhavan, I set out to explore this hill station.

At an altitude of 4,970 feet, Yercaud is a tiny hill station located in the Salem district of Tamil Nadu. Yercaud is derived from two words – Yeri that means lake, and Kadu meaning forest. Essentially it meant ‘forest lake’. It makes sense as the Yercaud Lake forms the central part of the town.

Like all other hill stations in India, the British tried to create a home away from home at Yercaud. Though initially the hill stations in India were started as a getaway from the heat of the plains, the remoteness offered by these hills – far away from the Indian plains and locals, was a tremendous attraction to the British. They wished to create a community of their own in these hills complete with woods, lakes, cottages with overgrown creepers and blooming flowers,



**The Shevaroy Temple**



**The Yercaud Lake**

very similar to the English countryside. Of course, add clubs, theatres, libraries etc., and the picture is complete of an English community in a foreign land. Yercaud was such a community not just meant for the British civilians, as it gradually attracted missionaries, officials and planters from the neighbourhood as well.

With this piece of information I set about discovering more about this quaint little hill station. My first stop was to visit the Shervaroyan (Servarayan) Temple located at Shevaroy Hill. It made sense for me to start my sightseeing from here. After all, Yercaud is the main town of Shevaroy/ Shervaroyan Hills that form a part of the southern ranges of Eastern Ghats. The name Shervaroyan might have been derived from the god Shervaroyan who is the main deity of the temple.

### **Temples at Yercaud**

From afar the rectangular shaped temple does not look like much. Unlike the other South Indian temples that boast of a towering Dravidian style *gopura*, there isn't much of a grand entrance to this temple. But the surrounding panoramic view of the ranges more than make up for this. Once inside, you realise it is a cave temple, glowing with the numerous lamps inside. Inside the cave are two deities – Shervaroyan, the deity of the hill, and the river goddess Kaveri. The temple sees a huge throng of devotees during the month of May when the temple is decked up for its annual festival. Behind

the temple there is supposed to be a wishing well. But I could not sight it. What makes this place interesting apart from the temple is the view. It offers a sweeping view of the town and the surrounding villages at a height of 5,326 feet. The tribes outside the temple sell some unique roots, fruits and nuts specific to the hill station.

The next stopover at Yercaud sightseeing was the Sri Chakra Mahameru temple at Nagalur, seven kilometres from Yercaud. Though Yercaud has a lot of temple shrines, what attracted me to this temple was the board mentioning



**The Sri Chakra Maha Meru temple, considered the world's largest**



### **The Rose Garden at Yercaud**

'World's largest Sri Chakra Maha Meru'. For the uninitiated, here is brief description of what a Sri Chakra Maha Meru is. Wikipedia defines Sri Chakra as a mystical diagram having nine interlocked triangles with a central point. The central point symbolises the Shiva and Shakti union, while the various triangles represent gods and goddesses. Mount Meru or Maha Meru is the sacred mountain of Hindus that resembles a Sri Chakra when viewed from top. This temple at Yercaud has the main deity of goddess Lalitha Tripurasundari. Just above the inner sanctum of this temple is the tower that

is built in the form of this Chakra.

The temple is quite large, clean, not to mention peaceful. There are idols of other gods – Buddha, Vishnu, Shiva, Saraswati, etc. A board left of the main deity explains in detail about the Sri Chakra. All in all, a worthy place to visit.

Other temples worth visiting at Yercaud are the Rajarajeshwari and Annamalaiyar temples.

### **The National Orchidarium**

My next stop was the National Orchidarium and Experimental Garden. Hill stations have always boasted of herbariums and botanical gardens. The reason for this is pretty obvious. The cool climate of hill stations delighted the English who began growing flora and fauna that mimicked their countryside. Thus the first nurseries and botanical gardens came up for this reason – as a place for experimentation of new crops, to test out commercial crops such as tea, coffee, and also to provide local residents with seeds.

The National Orchidarium and Experimental Garden at Yercaud came up around 1963. Today it is maintained by the Botanical Survey of India, and boasts an area of more than 18 hectares. It showcases some interesting collections of endangered plants, insectivorous plants and exotic varieties. Some highlights of this place are the stunning display of different varieties of orchids, insectivorous plants like the pitcher plant and so on.



**The National Orchidarium showcases an interesting plant collection**



Coffee and pepper plantations are common here

### Farms, gardens and a lake

The book *The Magic Mountains* by Dane Keith Kennedy mentions that hill stations were a place of parties and celebration. Yercaud was no different. Breakfast parties, afternoon tea parties, picnics and dances were a routine. No wonder Yercaud has some fancy spots like Lady's Seat, Gent's Seat, etc. Lady's Seat for example, is a viewing point providing a panoramic view of the *ghat*-s. A telescope kept nearby gives you a beautiful glimpse of the *ghat*-s and the Mettur dam below. A local mentioned that this place was a favourite hangout with the British ladies. Located close to the Lady's Seat is the Silk Farm and Rose Garden of Yercaud. The Silk Farm educates you about the silk process, its history etc., while the Rose Garden is a haven of different varieties of roses. The huge sloping garden with its astounding views, is a great way of checking out the sunset.

Yercaud Lake is another pretty attraction of this hill station. The manicured garden, boating services with row and pedal boats, the numerous parks adjoining the lake – Deer Park, Anna Park etc., makes this a place worth spending time with family. Plenty of eateries surround the lake and the smell of

brewing hot coffee from the stalls nearby, is heavenly. Fried snacks, fruits local to the area, South Indian delicacies like *idli*, *vada* and *dosa* are not to be missed here.

### A little bit of history

If you do like checking out historical places then head out to Montfort School at Yercaud. Started as a European School in 1917 by Montfort Brothers of St. Gabriel, today it is one of the best boarding schools in the country. The wide grounds inside the campus, a serene chapel, a library near the school, makes it a delightful way of spending time in this hill station. However, do note that it is a working school and allows visitors only during specific hours and days. Have a chat with the local librarian and he is sure to relate charming anecdotes of this hill station and its residents. It is from him that I discovered a quaint little place called the 'Sweet Rascal'. It is a delightful little non-vegetarian restaurant boasting of a host of amazing things – witty one liner boards, lots of open spaces, German dogs, up-cycled products, bonsai plants, not to mention good food. The owner Vishnu Kaliappa is a storehouse of information and is a delightful person to

**The book *The Magic Mountains* by Dane Keith Kennedy mentions that hill stations were a place of parties and celebration. Yercaud was no different. Breakfast parties, afternoon tea parties, picnics and dances were a routine.**



**The lovely Kiliyur Falls**

talk with. Visit this place and you will come away inspired by this entrepreneur. Take care to make prior reservations if you mind waiting.

The way to the falls especially at the final bend is a bit steep, and requires reasonable fitness levels to trek down. As I was planning to go to Hogenakkal Falls, I decided to skip the Kiliyur Falls.

### **Other attractions**

Other places worth checking out at Yercaud are the 32km Loop Road, Kiliyur Falls, Karadiyur Point and Pagoda Point. The 32 km road as the name suggests, is a loop road that offers great views of plantations and dense foliage on each of its hairpin bends. This makes for an enjoyable bike ride experience. The first coffee plantations at Yercaud were established in 1829 by M.D. Cockburn. He is known as Father of Yercaud, who introduced pears and apples as well, into the community. Slowly, mixed plantations with spices like pepper, cloves and trees like silver oaks, eucalyptus, became a part of these vast plantations. So a drive here will give you a taste of this. Tea plantations however, arrived later at this hill station.

Kiliyur Falls is a lovely spot located around three kilometers from Yercaud Lake.

**The first coffee plantations at Yercaud were established in 1829 by M.D. Cockburn. He is known as Father of Yercaud, who introduced pears and apples as well, into the community. Slowly, mixed plantations with spices like pepper, cloves and trees like silver oaks, eucalyptus, became a part of these vast plantations.**

Yercaud also offers adventure sports. You can try your hand at ATV bike riding and tree top rope activities offered by Grange Tree Top adventures. Nature trails and trekking are also other activities that you could try out at this hill station. The Chennai Trekking Club offers quite a few alternatives.

### **Shopping**

The hill station boasts of a number of outlets selling oils that contain herbs like lemon grass, thyme, peppermint, cloves, etc. Along with spices, oranges and coffee, these aromatic oils can also be purchased here.

### **Getting there**

Yercaud can be easily reached from Salem. It is a mere 33 km from here and Salem is well connected with Bangalore and Chennai by buses, trains and flights.



### **The magnificent Hogenakkal waterfalls**

#### **The Hogenakkal Falls**

Hogenakkal waterfalls is located close to Dharmapuri, some 48 km away. The name is derived from 'Hoge' that means smoke and 'Kal' that means rock. When water cascades down the rocks in force, smoky mist is formed around these rocks, and hence the name Hogenakkal. There are more than twenty waterfalls at Hogenakkal – the river Cauvery winds through narrow canyons and plunges down at numerous places here.

A coracle ride is a must on these waters. It is one of the loveliest ways of exploring the rocks, the caves, go near the waterfalls and enjoy the tranquil waters of the stream. Initially, the boatman will take you to a watchtower from where you get a glimpse of the flowing waters and its numerous falls. Sometime during the ride you will be taken closer to the waterfalls. Trust me this is quite an exhilarating feeling. When you get near the falls, the heady water seemingly tumbling on your head, the sprays drenching you,



**A coracle ride is a must at the Hogenakkal Falls**

is quite an excitement.

In the distance, you can see the misty spray around the rocks. As you trapeze downstream, you see other coracles too. You will also see floating shops coming in your way and the boatman speaking in either Tamil or Kannada, offering you anything from a cola to chips and chocolates. Carbonite rocks all around you, peaks of varying heights, and the rugged landscape is quite a sight, and creates a surreal experience on these wide waters. At the end of the ride you will be taken to a small waterfall where you can spend some time. The numerous fishes, the gushing stream from the small rocks near the falls – all add to the charm of the fall. The entire coracle ride will perhaps take an hour or more.

At Hogenakkal there are many shops offering fried fish, curry, coffee and South Indian snacks like *idli*. You will also

be surprised to see a lot of oil massage shops here. The water of the falls traverses forests where many medicinal herbs grow. So a massage with oils and showering under the falls is a popular thing to do. If you have time, there is a crocodile rehabilitation centre near by that you can visit as well.

**Things to note**

Avoid visiting Hogenakkal during monsoons, and especially during weekends. The weekends see a lot of crowd and there is a queue for the coracle ride. ■



Usha Hariprasad is a freelancer who is fond of travelling, discovering new places and writing about travel related destinations around Bangalore at Citizen Matters. Currently, she works in a trekking organisation.

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# What is crypto currency?

*A new kind of online currency, the crypto currency, has gained popularity in recent years, though it came with a lot of ambiguity about its legality. Finally, the Indian government has made it very clear that this currency is not kosher, says **Ashwin Honawar**.*

**U**NION Finance Minister Arun Jaitley explicitly mentioned that crypto currencies are not part of India's payment system, in his February 2018 budget speech. Earlier this year, the Income Tax Department raided crypto-currency exchanges at various locations in India. Top banks froze assets held by crypto-currency exchanges in India in January this year. These moves came as rude shock and served as wake-up call to Indians who look for newer ways to invest and grow money, while others eye avenues to stash away funds using illegal channels.

Despite the recent brouhaha, very few Indians are aware about crypto-currencies and its various features.

## Understanding crypto currencies

Crypto-currencies are not metal and paper money existing in a physical world. Instead, crypto-currencies owe their existence to the Internet and an online process called Blockchain. Their transactions occur over Blockchain, and ledgers about their movement – called 'blocks' – are maintained by a global network of individuals called 'miners'.

Unlike regular or fiat money, crypto-currencies are decentralised. Meaning, they are not regulated by any bank, organisation or government. Crypto-currencies are sans collaterals like gold or derivatives that governments use to lend value to printed and minted money. The value of a crypto-currency is decided by the market demand only and hence, subject to wild fluctuations. Worse, nobody can predict whether a crypto-currency will survive or fade into oblivion at any given point of time.

Since crypto-currencies do not exist in physical form, their trade and transactions are online. Those who own crypto-currencies store them in online wallet, software wallets that can be installed on smart phones or physical hardware wallets that are similar to memory sticks.

Access to online, mobile or hardware wallets is through the Internet using complex and encrypted usernames and passwords. This precaution is necessary since nobody maintains records of crypto-currency holdings. Hence, a crypto-currency stolen or lost cannot be traced. Nor can it be recovered if an investor forgets the complex usernames and passwords of their online crypto currency wallets.

## History of crypto currencies

The first crypto currency to enter the global scenario is Bitcoin. In 2008, Satoshi Nakamoto, a pseudonym for a person or a group of computer programmers floated the concept of digital assets through online posts. It spoke of a digital asset that depended upon "open-source code" programming rather than a banking or financial authority. This system was to ensure anyone could deal in crypto-currencies without interference from the government. The same year, the name Bitcoin was registered, through a domain name for its website.

In January 2009, the first cryptocurrency, Bitcoin was born when Satoshi Nakamoto announced his blockchain was functional and could accept transactions for the cryptocurrency. On January 12,



**Bitcoin, the first crypto currency**

computer programmer Haley Finn downloaded software required to access the blockchain and won 10 Bitcoins from Nakamoto. The crypto-currency had few takers; in the first recorded transaction, a buyer paid 10,000 Bitcoin to an anonymous bidder and raised money to buy a couple of pizzas worth US\$ 12 from Papa John's.

While initial steps to popularise Bitcoin proved largely unsuccessful, it paved the way for other computer programmers to launch similar digital assets or crypto-currencies. These were available at prices less than US\$ 1 and had limited takers.

## Rise of crypto currencies

Bitcoin and other crypto currencies remained unpopular till 2011. In that year, about a dozen charities and other organisations began accepting Bitcoin donations, while others took crypto-currency payments for assorted good including burgers and soft drinks.

In 2012, the Bitcoin Foundation was established to popularise the concept of crypto-currencies, which led to over 10,000 merchants accepting Bitcoin for

payments. The largest breakthrough for crypto currencies occurred a year later, when vendor Coin base reported a sale of over a million Bitcoin. The crypto-currency had found investors who believed it to be a futuristic legal tender.

Since 2013, several merchants began accepting Bitcoin payments since the crypto currency helped people to make payments for buying stuff from foreign suppliers, where paying in US Dollars, Euro and other major currencies remains restricted.

### Buying and selling crypto currencies

Thanks to the rising popularity, it is now fairly easy to buy and sell crypto currencies. They can be bought using an international access credit card or debit card and a crypto currency wallet. There are several crypto currency exchanges around the world. Buyers have to place orders for buying specific amount of the specific crypto. It is also possible to bid for the price at which you wish to buy a specific currency.

Bidding has two distinct advantages. Firstly, it helps buy the crypto currency of choice when the market price hits a low. This enables one to buy more. Secondly, buyers need not pay cash down; the amount is debited only when the specific crypto-currency is available at the specified price, and only upon authorisation of the buyer.

### Speculating in crypto currencies

The price of crypto currencies is currently low due to reasons such as use in crime and increased vigilance by law enforcement agencies. For example, Bitcoin sells at 6,750 US Dollars. On 15 December 2017, a single Bitcoin sold at US\$ 17,900 – the highest for any crypto currency. Another popular crypto currency, Ethereum, was pegged at US\$ 365 in April 2018, while in December it commanded a price of US\$ 600 and more.

Speculation in crypto currencies is very risky and definitely not for short-term players. Their prices fluctuate wildly due to market demand and supply. For example, prices soared in May 2017 following the Wannacry ransomware attack on major companies. Cyber criminals demanded a ransom equivalent to US\$ 600 in Bitcoin. Major organisations including National Health Service of the UK and various IT companies were forced to cough up the amount to free their database from this unprecedented ransomware attack, suspected to have links in North Korea. Fears of future attacks sent Bitcoin prices soaring.

### Crypto currencies and anonymity

Most crypto currency trades harp on anonymity that buyers and sellers enjoy. This is a myth. Anyone wanting to buy crypto currencies has to pay cash through credit/ debit cards or net banking. Money gained from selling a crypto is also credited into bank account. Hence, these transactions can be easily traced.

The only anonymity that crypto currencies offer is while shopping for products or services. Casinos, escort services, certain hotels and other service providers, up-market jewelry designers offer cryptocurrencies as payment. These orders can be delivered anywhere in the world, including to proxy addresses.

### Crypto currencies and crime

There are several incidences where crypto currencies have been used for criminal purposes. Hence, their trade has come under the scanner of major law enforcement agencies including International Police Organization (Interpol), European Union Police (Europol), Federal Bureau of Investigation (FBI) of the US, Mossad and Shin Bet, the external and internal security

agencies of Israel, Directorate of Revenue Intelligence (DRI) of India, and several others around the world.

There are fears that crypto currencies are being increasingly used by major terror organisations including Islamic State in Iraq and Syria (ISIS) and Al Qaeda. American law enforcement agencies and their counterparts in South America are uncovering links between crypto currencies and drug trade.

Most countries also suspect that crypto currencies are being increasingly used by tax evaders. They buy crypto currencies using money on which tax has been evaded in one country and sell in another. Cash thus earned is stashed away in foreign banks and offshore accounts.

### The crypto scenario in India

While Bitcoin and crypto-currency promoters in India claim that Arun Jaitley's statements are not tantamount to a ban, actions such as raids on banks holding accounts of crypto exchanges highlight that the Indian government is firmly opposed to this tender. Ponzi schemes offering free crypto currencies are also rife, which has attracted attention from the Reserve Bank of India and investigating agencies. It is therefore advisable to read all news articles about crypto currency regulations in India rather than fall prey to the glib talk of their promoters. Should India pass a law banning crypto currencies altogether, investors stand to lose considerably. ■

**Ashwin Honawar is a journalist, content writer and blogger based in Mumbai. He**



**has worked as a journalist with reputed newspapers, TV channels and digital media in India and abroad over the last 25 years. He has varied interests and writes on diverse topics.**

# The spectre of demonetisation

*The massive demonetisation exercise of the government is more than a year old, but the after effects linger on. Unfortunately, the most hit have been the lower and middle classes, who are yet to recover from the crippling effects of currency shortage, says Anuradha Kalhan.*

LAST evening, a Mumbai taxi driver told me he doesn't even save ₹500 per month anymore, so he has stopped paying his life insurance premium of that amount. He says it began, at least in his mind, after the sudden and then prolonged shortage of currency after 8 November 2016, when demonetisation was implemented. Since then, he has pulled his children out of school, one boy after class ten, and one after the 12<sup>th</sup> grade. He cannot afford to keep them in school.

It's not just Uber and Ola, he thinks a whole section of society, not the very rich who can afford cars with drivers, not the destitute, but those considered middle and lower middle classes, don't have money to spend. They are self-employed at a tiny and small scale level, or wage employed; they have not recovered from the slowdown that followed 8 November 2016. In fact, at the bottom of the pyramid, one and a half year later, the slowdown is not over yet!

### The crippling effects of demonetisation

According to a report co-authored by SIDBI (Small Scale Industries Development Bank) and available in the media, in March 2018, small and medium firms with exposures (i.e., uncertainty of a return and the potential for financial loss) from ₹10 lakh to ₹10 crores have recovered from the demonitisation effects, but micro enterprises with borrowings of less than



**Demonetisation hit the citizens hard**

₹50 lakhs have not recovered, and for them the uncertainty of return and the potential for financial loss remain high. We know this much about those that do borrow from the financial system. Of the estimated 50 million micro, small and medium enterprises in India, only five million (10%) or so have accessed the formal financial system for credit, so we do not know much about how the rest are doing. They could be much worse off with more expensive credit from informal sources.

Retailers repeat the same story. It's not just that people who have money to spend are buying online, but the class that did not buy online has no money to spend now. While the single high-end branded retail stores / franchise may lose their customers to online platforms like Amazon, Flipkart and so on, the unbranded stores are also losing business. They are losing business

because there are too many such small unbranded stores (again a sign of poor employment opportunities) in a shrinking aggregate demand scenario!

So what is going on? The farmers have told us emphatically how they lost out during the post 8 November period, no cash to work with, no seeds, no fertilisers, and exploitation by local money lenders and wholesale traders. They have put forward their problems in two major agitations one in June 2017 and one massive march to the assembly in Maharashtra in March 2018. They say they are broke and cannot pay back loans. Their problems did not begin with the currency shortage but have been cumulatively adding up with increasing cost of farming and unpredictable market prices. However, that post demonitisation period tipped them over, and 8 November became a red letter day for them. All refer to the

days of currency shortage as the high point of all their troubles.

In April/May 2017, a sample survey done in Mumbai and Pune by us included two hundred and seventy-six people, mainly women vendors of fruit, vegetable, food and makers of garment, incense sticks, bag, soap, phenol employed in different petty trade and manufacture were surveyed across 11 wards in Mumbai and 17 wards in Pune. Field work began five months after the event in two locations; among women employed in market places in Pune and among women in self-help groups (SHGs) in Mumbai. Women in Mumbai were beneficiaries of the previous poverty alleviation and financial inclusion policy (SJSRY) now called National Urban Livelihood Mission. The sample thus has two sub categories.

In the course of the survey it had become clear that currency shortages persisted six months after 8 November, they took the form of frequently empty ATM machines in urban areas (smaller cities are worse off), and while urban informal markets were dealing with sluggish sales, the rural economy was staring at recession. Some media reports then suggest that the decision to keep cash supply lower than the pre-8 November 2016 level was meant to the control black economy and push more and more people to digital transactions. There is some enigma to rationale number one viz., control of black money, because Western countries have in the past demonetised to check illegal weapons, drugs and money laundering (usually transacted in cash) by extinguishing large denomination currency in a phased manner. In India however, ₹500 and ₹1000 notes were removed in one stroke and replaced by ₹500 and ₹2000. The second rationale, which is forcing the pace of digital transactions is simply untenable. The level of internet penetration was too

low and skewed in favour of the urban population and well-off classes. India's mass poverty and unemployment needs no amplification, cash is the cheapest medium of transaction, and any popularly elected government ought to hesitate before pushing so many people out of the market.

The survey generated data which indicated that for those who were self-employed or wage employed in petty trade, the impact on business, sales turnover must have been serious. Because 52% of the respondents said that sales fell after demonitisation. Around 14.5% said the drop was less than or equal to 25%, 19% said it was less than or equal to 50%, 16% described it as less than equal to 75%.

**In the course of the survey it had become clear that currency shortages persisted six months after 8 November, they took the form of frequently empty ATM machines in urban areas (smaller cities are worse off), and while urban informal markets were dealing with sluggish sales, the rural economy was staring at recession.**

Close to 2% described it as less than or equal to hundred percent. About 8% report that a family member lost his/ her job, and 6% said someone in the neighbourhood was rendered unemployed. And 37% said their own income in the last three months had fallen, equally high 34% said that family income had fallen.

Before 8 November 2017, the average total financial savings (per respondent) are estimated at ₹16,823. After demonitisation, 30% reported that

their savings in banks had fallen, 24% had trouble paying school and college fees, 25% had trouble with hospital and other family bills. The estimated average total current savings of sample (April / May 2017) was ₹ 6,627, down by 60% six months after demonitisation.

One third of the respondents seemed to have had a very hard time due to demonitisation, not including the time spent in ATM lines in the first three months. In open ended answers, respondents spoke of their problems arising from rotting fruits and vegetables, having to sell on credit, having to borrow to pay back loans, not being able to pay for cooking gas, hospital bills, no change for ₹2000, no money for marriage expenses, and being stranded in the village, where situation was much worse, and so on. Many of these issues have been in the public realm since then. The respondents of the survey also made random comments about the frenzy created around banks with Jan Dhan and then demonitisation, the loss of faith in banks, depression in business, incomes, savings, uncertainty about future, and much talk of banks that were being untrust worthy, and digital money creating too much of confusion and fraud.

One year after our survey of 2017, the lingering effects of demonitisation continue, but only at the bottom of the social pyramid. As the consequences of depleted savings, lost business confidence, lost jobs and sluggish demand for goods and services settles in. The Godly GDP somehow is above all that distresses people's life; it has recovered from demonitisation and is

again growing at over seven percent! ■



**Anuradha Kalhan is an independent researcher. She was earlier a Fellow at NMML, Teen Murti.**

# Old tools in a new battle

*The recent visit of celebrated filmmaker Christopher Nolan to Mumbai focused on ways to preserve film, a subject close to many film purists. Nolan and others argued for the celluloid format to be continued, saying that film can indeed be preserved well, and doesn't need paraphernalia like the digital format, reports Nikhil Katara, who attended the discussion.*

THE first of April is celebrated as April Fool's day the world over. It is a day when pranks are at large, people are wary of any information that comes to them, and they doubt literally everyone. So it is but natural when it was announced that the celebrated filmmaker Christopher Nolan would be coming to Mumbai for a conversation and a discussion on 1 April, people had their doubts. *Was it really Nolan who was coming? The man who made the Dark Knight trilogy, Inception, Interstellar and Dunkirk?* I was one among those fools who went searching for the maestro. But this 1 April was an April Fool's of a different kind. Christopher Nolan came and he took the stage of NCPA to discuss something very close to his heart: The preservation of film.

Nolan was not alone in his endeavour, for he was accompanied by artist Tacita Dean, and Shivendra Singh Dungarpur, founder of the Film Heritage Foundation. The entire discussion began with the words nostalgia and passion. Nolan and Dean both expressed displeasure over the fact that their passion for celluloid was always dismissed as 'nostalgia'. What emerged in their voice and their words is a purpose for a form of cinema which is now considered obsolete. The digital world has taken over film so strongly that their battle seems weak. If one were to add a bit of perspective to this, most of today's filmmakers consider celluloid film archaic, almost like stone age tools.



**(L to R) Tacita Dean, Christopher Nolan and Shivendra Singh Dungarpur at Nolan's recent Mumbai visit**

Now why would you create film when it can so simply and meticulously be transferred digitally? This question is the principal question that the artist and the craftsman came to clarify, and they did with a certain purpose which can't just be dismissed as 'nostalgia.'

## The voices of Nolan and Dean

But first let's consider the two entities that were invited to speak. Nolan differentiated between himself and Tacita Dean very clearly. He classified her as an artist and himself as a craftsman. What is the difference between the two? Well, Nolan doesn't just create his work for his vision, he creates his work for mass consumption. He has to sell his work and that work needs to have takers, the 'money men' of the world. Dean on the other hand has worked extensively with 16 mm films. She was the nominee for the Turner award in the year 1998 and

she romantacises the idea of film. Listening to her speak about cinema is like listening to poetry, for she has such beautiful things to say about the process. Her descriptions about how her films are cut, literally with hand in this world of digital, is the very verse which might revive celluloid. Her passion resonated with the craftsman Nolan's voice as they brought their visions to the NCPA stage on 1 April.

But the craftsman and the artist found the company of a third on the stage, who is closer home. Shivendra Singh Dungarpur is a filmmaker, archivist and restorer, who is in a way the 'Übermensch' against the *force majeure* that attempts to destroy celluloid in India. His passion has led him to create the documentary titled *Celluloid Man*, a work that explores the works of legendary Indian archivist P.K. Nair.

The three sat and discussed this topic for an hour and the audience listened

intently. The fanboys and fangirls who came just to see their deity in flesh and blood heard them, tuning into them and their words. The discussion was titled 'Reframing the future of film'. What had preceded the discussion were two nights of film screenings of Nolan's films in the medium he intended to make the film in, 35mm and 70 mm film. He also had discussions with industry stalwarts in the Yash Raj Studios.

But what is the fuss about? Why save the celluloid? It's not going to grow extinct, will it? And even if it does it isn't like an animal is going to become extinct or a race is going to die, is it? After all the number of films being made and the number of TV shows being made is ever increasing, content as we know is growing, then why save these celluloid formats that caused so many problems to so many directors in the past?

### Why save the celluloid?

Well, the reason is, it is a language which is very different from the language of digital. As Nolan puts it there is no reason one should change from celluloid to digital, the images are brilliant, the technology is available for the last one hundred years and this is the only format in which film can be preserved. A library of digital cinema has no meaning, film is the only way that cinema can survive. Tacita Dean agreed unequivocally and encouraged museums to preserve film. Unfortunately, not many initiatives exist in India that preserved film in the way the filmmaker intended it to be made. That is precisely the only argument the three thinkers were making. They never once spoke about discontinuing digital, nor criticised it. They just wanted this tool to exist, so that people have the choice to watch it in the way the filmmaker wanted it to be seen.

There were arguments that the film may get destroyed, or scratches might be observed on the film in time. But to that argument Nolan was categoric

that it still would be the closest to what the filmmaker wanted. There should be methods to restore film, and those should be used in case such things happen, but just because such things happen it doesn't mean that one should not preserve film, that idea is absurd. Also digital will always need a computer, a software and relevant other tools to watch, but film just needs a little light and the story unfolds, hence film is a much more dependable form of preservation. To the question that film is expensive, Nolan and Dean replied why should anyone care how expensive the film should be? It should only be the call of the filmmaker as to whether she finds that money worth spending, and it's the right of the filmmaker to fight for the medium they believe in. The expense question is a detailed one, and a complicated one, which needs many factors to be answered and not just one. Dungarpur did add that he even took Nolan to 'Chor Bazaar' to get an instrument for a few thousand rupees!

The question of digital and analog rose the main question of availability, and believe it or not, in the audience sat the Kodak CEO Jeff Clarke who eventually joined the trio of Nolan, Dean and Dungarpur and was grilled for a good few minutes by Dean to the quintessential question. Those minutes were like an interrogation by the artist and a surrender by the merchant. He eventually relented by launching new equipment, and promising that the future of film isn't bleak, for there will be support from the industry to create mechanisms that will support analog.

To quote filmmaker Sai Pawar (director of the film *Color of War*) "It is true that with the turn of the century we are seeing the upheaval of the digital era and face the fear of film becoming extinct like pagers and dinosaurs. And for us filmmakers it is important to understand that regardless of film or digital, cinema at its core

is visual poetry, a way to tell stories that affect the viewer in some way on a psychological and philosophical level, and to create that effect the artist must be equipped with all the tools. What Nolan and Dean are doing is to pave a way for the filmmakers of today and tomorrow to have film available in our toolkit to tell stories. Quite simply put the digital sensor do not have the tangibility and psychological effect that film has on the sub-conscious mind of viewer or vice-versa. It's not about telling the story, it's about telling the story a certain way. Would Rembrandt be Rembrandt if he painted using a computer?"

The arguments and the questions went on, the 'Q & A' opened to a massive crowd where each one was screaming, shouting to ask one question to their deity, their craftsman, and in the distance, I sat in the last row looking at the artist, how she sat silently looking into the crowd. I noticed the ticket I had, it had a piece of film attached, a small strip. I also noticed something was written on it. I focused the light on it, and saw the words, "Film, is a beautiful physical and robust medium that keeps the light within its fabric and holds in its emulsion the imprint of time. It is our cultural and historical memory: a place of imagination, poetry, art and life." I saw through it and found the artist, the craftsman, and the archivist, distinctly placed inside its frame. I walked away silently, all my questions were already answered. ■

**Nikhil Katara initiated his journey as a writer with his own production titled *The Unveiling*, a science fiction drama in the year 2011. To strengthen critical learning he initiated an MA programme in 'Philosophy' at the Mumbai university with optionals in Kant, Greek Hellenistic Philosophy, Feminism, Logic and Existentialism. His play *Yatagarasu* opened at Prithvi Theatre in 2016. He is a consultant facilitator at J's paradigm (a novel performance arts institute) and writes book reviews for the Free Press Journal.**



# A tale of moral turpitude

*Girish Karnad's play Flowers may not be as critically acclaimed as some of his other plays, but it's definitely a thought-provoking one, says Prof. Avinash Kolhe. He reviews the play which was performed in Mumbai recently.*

**G**IRISH Karnad is a consummate story teller and brilliant dramatist who likes to dig deep into Indian religious and socio-cultural reality to come up with thought-provoking plays like *Yayati*, *Hayavadana*, *Tughlaq*, etc. These plays have attracted limelight for all the right reasons. Unfortunately, his *Flowers* did not receive the same level of critical acclaim. Yet, Rage Productions, a Mumbai-based theatre group, has been mounting the shows of *Flowers* quite regularly. And thank God for this.

## Flowers is unique

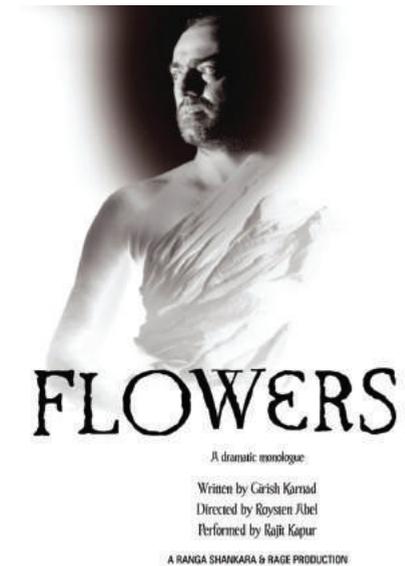
*Flowers* is a unique play for many reasons. One, it is a one-person show. Second, its set-design is quite unusual and eye-catching. Third, it has the most attention-catching, dramatic monologue, and fourth, the quality of acting is outstanding. *Flowers* narrates the story of a Brahmin priest from Chitradurga in Karnataka. Like his early plays such as *Hayavadana* and *Nagmandala*, this one too is based on a folk tale. The story revolves around a priest who is torn between his equal love for Lord Shiva, his wife, and his mistress, the wealthy and beautiful courtesan Chandravati. Karnad uses this folktale to communicate the inner turmoil of a pious man, and the power of sex and unsatiated desires. The protagonist of the play, the Brahmin priest could have been a Vaishnavite, but Karnad makes him a Shaivite so that he can use the motif of Lord Shiva's *lingam*. The devout priest ends up violating both his *dharma* as well as his *bhakti*, thanks to his love for the courtesan Chandravati. Similarly,

he is also torn between his duty to his king and his duty to his wife. In *Flowers* which is a one-person performance, the priest talks to the audience when these issues have already come to surface.

## The plot

The priest is leading a quiet, uneventful life and is happy with the worship of the *lingam*. He describes to the audience his relationship with the *lingam* of the sanctum. He painstakingly decorates it every day, spending countless hours on this activity. This obsession of decorating the *lingam* brings him recognition, and his decoration is talked about in and around his village. This also makes the shrine a favourite of the village chief. The priest is a married man, and has been living with his children and old parents.

His life witnesses an earthquake of sorts when his temple is visited by the famous courtesan Chandravati. He is smitten by her beauty and sex appeal. He fights with himself for a while, but finally gives in to the demands of his body. One night he finds himself at her doors. Chandravati lets him in only on the condition that he would decorate her just like he decorates the *lingam*. As is natural, the priest initially hesitates, but soon begins to enjoy the process. This is because a woman's body, that too body of a courtesan, offers many contours than the *lingam*. Thus begins a new routine in the priest's life. He decorates the *lingam* with flowers at dawn and then with the same flowers he decorates Chandravati's body at dusk.



As it happens often, such things don't last. First to suspect is his wife and then the villagers. His wife is anguished because his reputation is in ruins now. Things are exposed when one day the priest is forced to perform *pooja* of the *lingam* with the flowers he has already used to decorate Chandravati. The village chief finds a long hair in his *prasad* and comments, 'I did not know that God had long hair.' This incident triggers a series of events in the life of the revered priest, his wife and others. These incidences lead to an array of conflicts for the priest. The priest is caught between the erogenous devotion for the *lingam* and an untiring love for the courtesan. To confuse matters further is his love for his legally wedded wife. The objects of his desire – the *lingam* and his love for the courtesan are worshipped by the same set of flowers every day.

(Continued on page 35)

# The state of annoyance

*How often do you get annoyed? Have you ever examined the triggers?*

**A. Radhakrishnan** tells you why you get annoyed, and how to get over it.

**T**HE dictionary defines annoyance as 'the feeling or state of being irritated, annoyed with someone; a nuisance, an unpleasant mental state characterised by irritation and distraction from one's conscious thinking. Its synonyms are irritation, exasperation, vexation, indignation or anger.

A study found that one's response to an annoyance, at least when the perceived cause is another person, escalates to more extreme levels as they go unresolved. Many stimuli that one is at first neutral to, or even finds pleasant, can turn into annoyances from repeated continued exposure such as popular music, memes, commercials, and advertising jingles.

I am basically a person who lets go. Yet human that I am, I realise that annoying people are inevitable. Hence, my pet peeves and frustrations. My inner Hulk shows its ugly face many a time. Being a perfectionist, makes me very unpopular at home too!

## Am I just sensitive?

I get annoyed by people who are wasteful, impatient or selfish, those trying to be one-up on others, the ones who pass value judgment, and so on. Other triggers are unnecessary honking, yawning, talking loudly on the cell phone, burping, back-biting, those who fail to keep promises and those who sponge off others. Someone cracking their knuckles or even someone leaving cabinets open at home. Well, the list is endless.

Look at the smartphone onslaught. Your phone lights up with a loud ping

of a WhatsApp message. A series of pings follow, waking you up from your deep slumber to see who's messaged you so early in the morning and if it's anything important. It's just a string of good morning messages from people and various meaningless groups you are part of. Relentlessly and religiously, we are being spammed with images, videos and greetings that make the morning anything but good. Clearly some people have no purpose in life other than annoying the hell out of others.

Facebook, the largest social network has destroyed original thought, conversation, debate and discussions in general. Today one does not have to be a person of significance. Fake news has grown because more and more people are claiming ownership over information that was hitherto reserved for the educated and privileged. Abusive reactions and trolls and not responses have become the order. Try and put in a contrary opinion and you will be ignored, or angrily chastised.

You have to contend with all

kinds...the narcissist who constantly posts selfies, the friend who does not know how to shoot a decent photo but passes off as a veteran, the vague-booker ranting for a paragraph with no explanation, which is absurd and pointless. And there are those who constantly post pictures of their only child, showing him/her eating, sleeping, swimming, pooping, attempting to poop as they are being toilet trained, and playing catch with a baseball/football/soccer ball.

Add to it fake sayings, rescued animals, neurotic people laying out their insane actions for everyone's edification, and musicians who believe that the entire world is dying to come to their next gig! And oh, the game invites and the tagger. And the relentless liker. People who don't seem to otherwise have a life, are revolting!

Individuals using profanity as punctuation marks in conversation; the ones who ask stupid questions like 'You had a bath?', when you emerge from a bath. Or when you are having a repast ask, 'Are you having breakfast?' Reminds me of an anecdote where a man dies and a person taps the shoulder of a pall bearer and asks if he is dead. Pat came the reply. 'No no. We like to carry shrouds and he likes to sleep!'

At seminars and conferences, I have often encountered uncultured and uninformed people attending only for the free lunch or else indulge in networking. Activists on TV channels talking banally annoy me no end. I seethe when two horoscopes on one day give me completely different forecasts. Children should be banned from reality

**I am basically a person who lets go. Yet human that I am, I realise that annoying people are inevitable. Hence, my pet peeves and frustrations. My inner Hulk shows its ugly face many a time. Being a perfectionist, makes me very unpopular at home too!**

shows. Exploited by insensitive judges it puts pressure on them to perform. Their purity and innocence lost, the children suffer trauma once the show is over.

People who pretend to be uninterested when someone is speaking, either have the attention span of a hummingbird or have great egos. Some try to be funny but end up between being funny, annoying or obnoxious. Many people, though accomplished and wonderful and great as friends, brag nonstop and can't even take the hint of annoyance from the body language or eye moment of the other.

### Countering annoyance

So how do we counter annoyance? Sometimes, you are annoyed,

grumpy and easily irritated all the time with people, when it isn't even their fault, but can't pin down what's bugging you. Develop the skill of being able to recognise when you're being unfair. Remember, you can't change everything about the world, but you can change how you react to it. Feel free to disagree, but please remember to be respectful.

We often assume that others share in our emotions, and when they don't, and they often don't, our self-presentation fails. Do not try to one-up the other person. Never counter or interrupt a person sharing an experience, with your own. Give him or her the space to share freely.

We beat ourselves up when we try to be more patient, to be more

understanding or charitable, and don't succeed. More stress hormones flow, perpetuating the cycle of annoyance, impatience, intolerance, and burn-out. There is the need to reduce stress where possible and to be aware of the effect of chronic stress on our life, our reactions.

As Scott Westerfeld puts it, "I have no problem with commentators stating strong opinions, except for my usual

annoyance with people who don't agree with me". ■



**A. Radhakrishnan is a Pune based freelance journalist, poet, and short story writer.**

## A tale of moral turpitude

(Continued from page 33)

In situations like this, there are no easy answers. One is weighed down by the guilt too.

### The performance

With such a loaded script, director



**A powerful performance by Rajit Kapur**

Roysten Able had a tough job on hand. But with competent cast like veteran Rajit Kapur, Able has created a masterpiece. He has designed the entire play so beautifully that the audience remains riveted throughout the performance, something quite rare for a one-person show.

When the audience enters the hall, they are greeted with the smoky fragrance of *dhoop*. This scene lasts for about one full minute during which the audience gets restless. Then Rajit Kapur starts his one-person performance, which is a 90-minute monologue in English. His performance is at the core of the show.

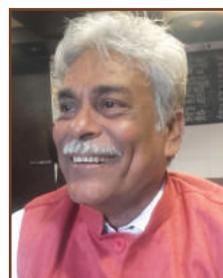
The show begins when the priest stands up, turns around to face the audience, and begins to talk. Though the setting is a temple, the priest is standing above the temple tank. As has been mentioned above, the priest has been worshipping the *lingam*, decorating it every day with fresh flowers. He is so devoted to the *lingam* that he even speaks with it, discusses contemporary politics with it.

The set consists of an elevated platform, so that the solitary character

seated on it, appears suspended in the air. This suspension assumes a special meaning as the play progresses. With the priest on this elevated platform, on a stage scattered with tiny white jasmines, is an *url* decorated with flower garlands. Then in the background the audience gets to see a heap of jasmine flowers sloping gently over the *lingam*. The light design (Arghya Lahiri) and the sound design (Amit Heri) are simply wonderful, and most apt for the play.

I have only a couple of things to cavil about. The end part of the monologue, should be edited. It drags. And the other is about the language. Since the entire ambience of the play is Indian, had it been written in Hindi, it would have left a far deeper impact than what it does in English. Words like *lingam* and *dhoop*

would have been better received in Hindi. ■



**Prof. Avinash Kolhe retired as Associate Professor in Political Science from D.G. Ruparel College, Mumbai.**

# CORNELIA SORABJI

Trailblazing barrister (1866-1954)

**C**ORNELIA Sorabji (15 November 1866–6 July 1954), was the first Indian female graduate from Bombay University; the first woman to study law at Somerville College, Oxford University (the first Indian national to study at any British university); the first female advocate in India, and the first woman to practice law in India and Britain. Her bust was unveiled at Lincoln’s Inn, London in 2012, and a Google Doodle celebrated her 151<sup>st</sup> birthday on 15 November 2017.

Born in Devlali near Nashik to a converted Parsi family, she was one of nine children. Her father, Reverend Sorabji Karsedji, was a missionary and her mother, Francina Ford, adopted and raised by a British couple, helped to establish several girls’ schools in the then Poona, and was often consulted by local women in inheritance and property rights.

Her childhood was spent in Belgaum and Pune, she was both home and mission schooled. Topping the Presidency through Deccan College in her final degree examination, she was denied a government scholarship to study further in England. So she took up a temporary position as an English professor at a men’s college in Gujarat.

As the first female graduate of Bombay University, in 1888, assisted by the National Indian Association, Sorabji completed her further education. Arriving in England in 1889, given special permission by a Congregational Decree, she took the Bachelor of Civil Laws exam at Somerville College, Oxford in 1892, becoming the first woman to ever do so.

In 1894, she returned and got involved in social and advisory work for the *purrdahnashins* – women who were forbidden to communicate with the outside male world. They owned considerable property, but had no access to the necessary legal expertise to defend it. Sadly, Sorabji was unable to defend them in court, since, as a woman, she did not hold professional standing in the Indian legal system.

She presented herself for the LLB examination of Bombay University in 1897, and the pleader’s examination of Allahabad High Court in 1899. Her successes notwithstanding, she was not recognised as a barrister until

the law barring women from practising was changed in 1923. Sorabji had begun petitioning the India Office as early as 1902 to provide for a female legal advisor to represent women and minors in provincial courts. She was appointed Lady Assistant to the Court of Wards of Bengal in 1904, and was by 1907 working in the provinces of Bengal, Bihar, Orissa, and Assam.

Over 20 years, Sorabji helped over 600 women and orphans fight legal battles, sometimes at no charge. In 1924, with the legal profession opened to women in India, she began practising in Kolkata. However, male bias and discrimination, confined her to preparing opinions on cases, rather than pleading them before the court. Retiring from the High Court in 1929, she settled in London, visiting India during the winters.

For her services to the Indian nation, she was awarded the ‘Kaisar-i-Hind’ gold medal in 1909. Despite being an Anglophile, Sorabji did not want ‘the wholesale imposition’ of a British legal system or other Western values, on Indian society. Early in her career, she even supported the Indian Independence movement, but by the late 1920s, she adopted a staunch anti-nationalist attitude, believing that the British needed to be in India in order to counter Hindu dominance.

Cornelia’s approach was challenged, some of her words misappropriated, and her work maligned in some circles. Her life was opaque in many ways, and she spoke through literature, and, at times, simply avoided the purportedly-factual narrative altogether.

Being a pianist, she taught classical music at one of her mother’s schools in Pune. Despite being anglicised, she was by no means cut off from her Indian roots, insisting in later years, not only on wearing sarees, but also apparently embroidered them. Having dealt with neuralgia throughout her life, she died at her home, Northumberland House, in London. ■

**A.Radhakrishnan is a Pune based freelance writer, poet, and short story writer.**



# SIR MIRZA ISMAIL

A far-sighted visionary (1883-1959)

**T**HERE is a road in Bangalore named Sampige Road. Sampige stands for the flowering tree *Magnolia Champaca* or *champak* tree. Apparently the road was once full of these sweetly scented flowers, and hence the name. And this was all thanks to the then Diwan of Mysore – Sir Mirza Ismail.

Mirza Ismail was a visionary, an eminent personality, who gave much focus to administrative reforms, beautification of the city and to industrialisation. During his tenure as Diwan of Mysore and Jaipur, he got involved in developmental activities and earned praise from the Maharajas as well as British officials.

Mirza Ismail was born in Bangalore in 1883. He did his schooling at St. Patrick's School and in Wesleyan Mission High School, before he was selected to study with Maharaja Krishnaraja Wodeyar IV of Mysore. He graduated from Central College Bangalore. After a series of appointments at the Mysore Police Service and Civil service, and later as assistant secretary and Huzur secretary, he became the private secretary to the Maharaja in 1923. In 1926 at the young age of 42, he was made the Diwan of Mysore, a post which he held until 1941. A far sighted leader, a lot of development works were taken up in the city during his time. He built the central bus station in the city complete with all amenities – restaurants, washrooms, drinking water etc., for the convenience of the public. The Chamaraja Reservoir came up during his time. It helped tide the city in case of monsoon failures. He gave much importance to minor irrigation works of the state. The *ganjam* figs grown near in the village of Ganjam near Srirangapatna were famous in Tipu Sultan's times and were gradually vanishing due to scarcity of water. These were revived during his tenure.

He worked for the upliftment of villages, focusing on electricity, good roads, hospitals and educational institutions. He established the Mysore Medical College. During his tenure, Mysore was the first state to provide electric power to around 500 villages. His love of gardens was well known. He established the famous Brindavan gardens at Mysore. He

was of the opinion that all government institutions should present a clean appearance and boast of a garden with flowering trees.

He started many commercial enterprises. Several industries related to steel, sugar, fertilisers, porcelain, glass, aircrafts etc., came up during his tenure. Two hydroelectric projects at Shimsha and at Jog falls were also undertaken during his times. The construction of Irwin Canal brought in much prosperity to Mandya. He also set up a sugar factory in Mandya.

His faith was not a barrier for progression. He refused to lend his support to the Muslim League's demand for a separate nation. He promoted Sanskrit language and supported institutions such as the Sanskrit College of Mysore. It was during his time that the 21<sup>st</sup> World Conference of Student Christian Institution was held in Mysore - the first in Asia.

After his retirement he became the Diwan of Jaipur in 1942 and served the city for four years. Here too he got involved in town planning and beautification. The Maharaja of Jaipur named a road after him seeing the efforts he had put in improving the city.

In Hyderabad he was a Diwan for a period of ten months. He was one of the eminent personalities to participate in the Round Table conferences happening at London. He believed that local governments should be given powers to handle the day to day affairs, and a strong central government should look after the national interests.

He was a people's man. He started 'meet the people' sessions twice a week where the common man could meet him and tell him their troubles. It was also a means to check corruption in the higher ranks. He also inspected the city weekly, visiting people from all communities and hearing their problems. Today's leaders can take a cue from him. His farsightedness, zeal, commitment to his duties and loyalty to the country serve as an inspiration for future generations. He died in 1959 at his Bangalore residence. ■

**Usha Hariprasad is a freelancer who is fond of travelling, discovering new places and writing about travel related destinations around Bangalore at Citizen Matters. Currently, she works in a trekking organisation.**



## BRIG. R.K. SINGH, MVC

Patriotism and highest valour (1934-2016)

R.K. Singh was born on 2 February 1934, and was commissioned into 13 Punjab (Jind Infantry) in December 1954. After about two decades of service in 13 Punjab, he was transferred to 14 Punjab (Nabha Akal Infantry). He delayed his promotion by two years to take over the command of the battalion. He was the commanding officer (CO) of the unit when it was deployed in the Eastern Sector in 1971. In November 1971, the unit was ordered to occupy Fatehpur which was about 6 kms inside East Pakistan. The unit commenced advance at 7 am on 20 November. The first step was to cross River Kobadak which was deep and had marshy banks on both sides. No safety belts or other safety devices were available, and the boat carrying the first wave overturned. Nine men were drowned. Their bodies were recovered by the divers of the Engineers. The CO kept his composure, did not panic and pressed on with the operations. It was the result of his resolute leadership that the soldiers were full of enthusiasm to do well in the ensuing battles instead of grieving for the casualties. The unit was able to cross by the evening and was given a new task of securing Garibpur. One squadron of tanks of 45 Cavalry was allotted to them. After preparing the positions, they sent out patrols to dominate the area and obtain information about enemy movements. The patrols reported approach by enemy tanks and infantry.

At about 6.15 a.m., the enemy attacked from two directions. The enemy artillery started bombing our position. Our guns responded and our tanks rushed out to face the enemy tanks. Major D.S. Narang, the squadron commander, stood upright and was directing his tanks. His personal example boosted the courage of the men. He was fatally wounded by enemy machine gun fire after he had shot two enemy tanks. He was posthumously awarded the MVC (Mahavir Chakra). An enemy tank managed to sneak close to our defences and Havildar Lekh Raj destroyed it with

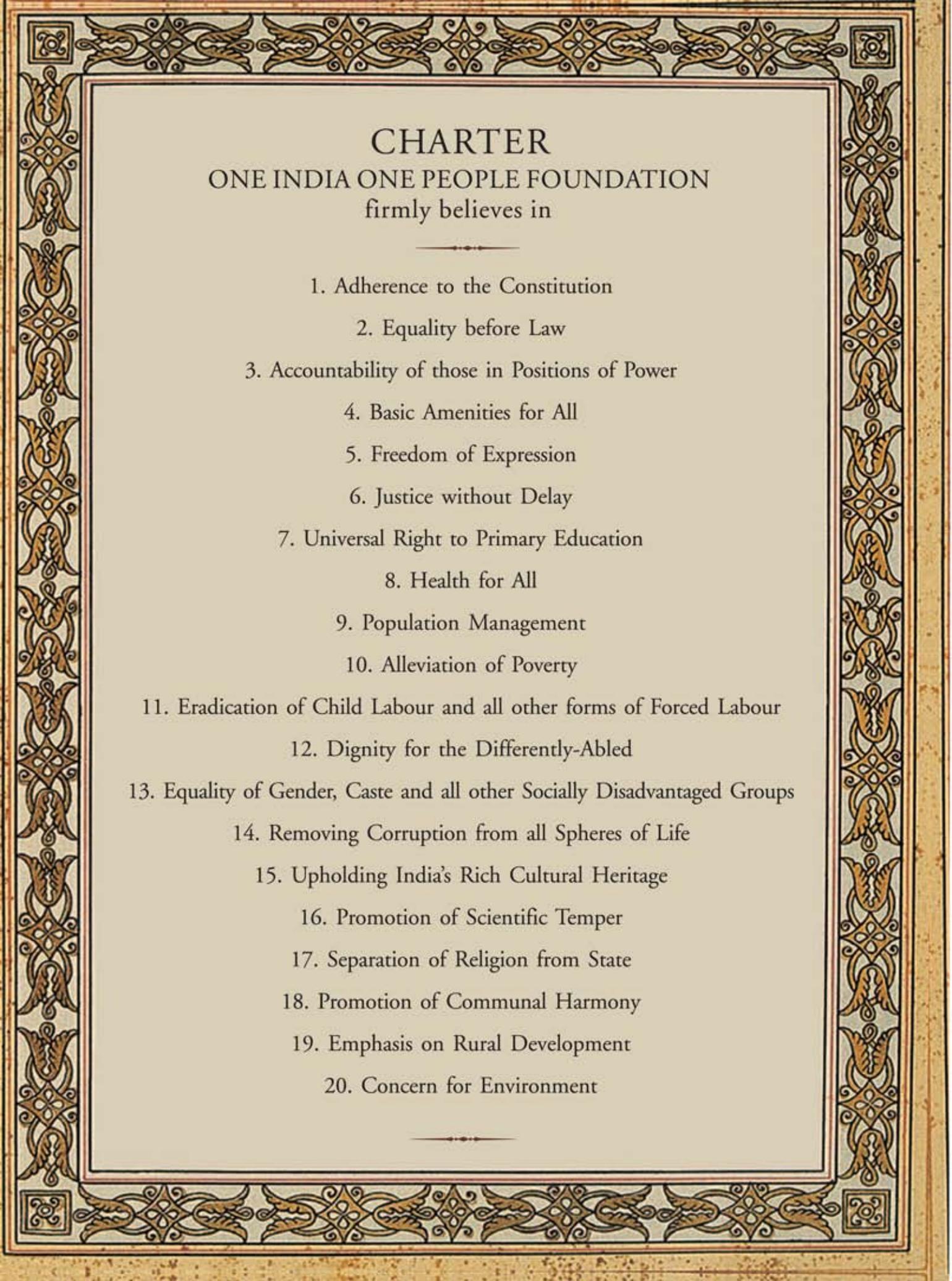


an RCL gun. He was awarded the VrC (Vir Chakra) for his act. Two more attacks were beaten back. Unmindful of his own safety, Captain G.S. Gill carried a wounded officer on his back through heavy exchange of fire. He was awarded the VrC. At 9.25 a. m., four enemy aircraft started strafing our positions. At 2 p. m., three enemy aircraft were having a free run when four Gnats of the Indian Air Force flew in and shot all the three enemy planes. Two Pakistani pilots bailed out and were captured by the Mukti Bahini. One of them, Parvez Qureshi, later rose to be the Chief of Pakistan Air Force. The enemy had suffered heavy casualties and broke off after 23 November. Thirteen tanks were left behind, three of them in running condition. Six prisoners were captured. The casualties suffered by our force was 19 killed and 40 wounded.

The CO and Subedar Malkiat Singh were awarded MVCs. In addition to that, the unit won two VrCs and two Sena Medals. Troops under command got one MVC, one VrC, and one Sena Medal. The unit had successfully beaten back an attack by a brigade supported by tanks. The Pakistan government carried out a pre-emptive air strike on Indian airfields which led to a general war.

Fourteen Punjab enlarged the defended area to provide a firm base for advance. Ignoring plastic mines, the unit secured Raynagar by 4 December. Jessore was contacted on 7 December. The Pakistan Army was so demoralised that they had left in a hurry, leaving behind large quantities of ammunition, rations and cooked food. The Pakistani Brigadier Mohammad Hyat Khan commented that the front had crumbled and the withdrawal had become a rout. As our forces reached Khulna, information was received that Pakistan was ready to surrender and a cease-fire was ordered. After retirement, R.K. Singh settled down in Meerut and passed away on 6 February 2016. ■

– Brigadier Suresh Chandra Sharma (retd.)



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ONE INDIA ONE PEOPLE FOUNDATION  
firmly believes in

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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 9<sup>th</sup>, 1930 – February 23<sup>rd</sup>, 2007)

**ONE INDIA ONE PEOPLE**