

ONE INDIA ONE PEOPLE

Patriotism Redefined



Consumer Rights



Is the Indian consumer protected?

Lost in translation

A game changer

KNOW INDIA BETTER

Arni: A jewel in the Jagir's crown

FACE TO FACE

Konkona Sen Sharma

MORPARIA'S PAGE



Contents

AUGUST 2017

VOL.21/1

THEME:

Consumer Rights



6



23



Konkona Sen Sharma

35

Morparia's page	2
Kashtamar is King!	5
<i>Nivedita Louis</i>	
Is the Indian consumer protected?	6
<i>Prof. Suresh Misra</i>	
Lost in translation	8
<i>Jenhangir B. Gai</i>	
This digital market	10
<i>Dr. Sheetal Kapoor</i>	
Physician, mend thyself!	12
<i>Dr. Manohar S. Kamath</i>	
A game changer	14
<i>Shirish V. Deshpande</i>	
Tall tales, false claims	17
<i>Dr. Sapna Chadah</i>	
Women power	20
<i>Roopa Vajpeyi</i>	
Know India Better	
Arni: A jewel in the Jagir's crown	23
<i>Nivedita Louis</i>	
Face to Face	
Konkona Sen Sharma	35
<i>Shoma A. Chatterji</i>	
Features	
One nation, one election?	40
<i>Dr. P.M. Kamath</i>	
The congress of ideas	41
<i>Ram Puniyani.</i>	
Out of sync	43
<i>Anvi Mehta</i>	
Did Dhananjoy Chatterjee deserve to die?	45
<i>Shoma A. Chatterji</i>	
In short	47
<i>Prof. Avinash Kolhe</i>	
Tearing up!	48
<i>A. Radhakrishnan</i>	
Book Review	50
<i>Nikhil Katara</i>	
Column	52
Nature watch : <i>Bittu Sahgal</i>	
Infocus : <i>C.V. Aravind</i>	
Young India	54
Great Indians	56



Govind Talwalkar



Dr. Suniti Solomon



Lt. Ranjeev Sandhu,
MVC



Managing Editor

Mrs. Sucharita R. Hegde

Editor

Anuradha Dhareshwar

Assistant Editor

E.Vijayalakshmi Rajan

Design

H. V. Shiv Shankar

Marketing

Mahesh Kanojia

OIOP Clubs Co-ordinator

Vaibhav Palkar

Subscription In-Charge

Nagesh Bangera

Advisory Board

Sucharita Hegde

Justice S. Radhakrishnan

Venkat R. Chary

Printed & Published by
Mrs. Sucharita R. Hegde for

One India One People Foundation,

Mahalaxmi Chambers, 4th floor,

22, Bhulabhai Desai Road,

Mumbai - 400 026

Tel: 022-2353 4400

Fax: 022-2351 7544

e-mail: oiopfoundation@gmail.com

oiopsub@fouressindia.com

Printed at:

Graphstone (India) Pvt. Ltd.

A1 /319, Shah & Nahar

Industrial Estate. S. J. Marg,

Lower Parel (W)

Mumbai - 400 013

visit us at:

www.oneindiaonepeople.com

www.facebook.com/oneindiaonepeoplefoundation

LETTER TO THE EDITOR

"Kudos to you"

I read your July 2017 issue (*The bravehearts*) and would like to salute you for the lovely coverage you have given our men in uniform and the armed forces. Yes, budgets are tight and yet, our forces are trying indigenisation and have ensured we are among the top defence forces of the world. Kudos to you for focusing on them, especially when they are under fire from so many quarters.

– Archana Shah, Pune

"No fruitful results"

It is very hard to believe that the 'One tax one nation' (GST) becomes such a complicated issue. Initially it has been told that there would be a single tax for a whole nation; later on it was modified into three categories such as CGST, SGST and IGST. This makes the dilutions of the actual theme of the GST. Without proper vision and clarity, simply bringing (mortifying the old scheme)

new taxation for namesake will not bring any fruitful results. Even till date so many educated people also don't have any clear idea what GST means, then think about the illiterate people? Since the GST comes under the indirect tax, each and every citizen of India will be affected by it. This is a kind of dumping more tax burden on the common man. After imposing untold hardships on the poor and middle-class people of the country, due to demonetisation, the BJP has now introduced GST making the lives of citizens more miserable. The government has still not been able to explain the purpose and end results of demonetisation to the citizens as they are facing huge hardships.

– Jubel D'Cruz, Mumbai

Letters should be addressed to:

The Editor

One India One People Foundation

Mahalaxmi Chambers, 4th Floor,

22, Bhulabhai Desai Road, Mumbai - 400 026

Tel: 022 - 2353 4400 Fax: 022-2351 7544

e-mail: oiopfoundation@gmail.com

WHO AM I?

*I am a proud Indian,
citizen of the world community,
inhabiting this lonely ...
but lovely little ... ★
planet ...*



Earth...



© Menavata@gmail.com

Kashtamar is King!

We now have laws favouring us. So rise and stand up for your consumer rights, exhorts Nivedita Louis.

If someone could give a tough fight to Kumbakarna, it will be no other than our “Kashtamar” – our own selves. Right from 1980s, we have been woken up with “Jaago Grahak Jaago”, to no avail. We continue to sleep unperturbed by the din surrounding us.

All the business houses and service undertakings have that one ‘mantra’ displayed – the Gandhi quote on customer being the king and the ‘purpose’ behind the business. Having worked in one of the central government undertakings, I have come across the ‘attitude’ of the staff towards their hapless customers. Every time there is a quarrel, the ‘public’ point their fingers at the smiling Gandhi quote behind us and says, “I am the boss!” With the advent of What’sapp and Facebook, customers are now more educated. They now have *gyan* that milk is made of bleaching powder and water. They know ‘plastic rice’ is cheaper to ‘make’ and keep throwing balls of rice on the walls to check for availability of ‘plastic’. Thank Heavens, they said rice is plastic. I shudder to think what might happen if someone forwarded a message saying ‘new born babies are contaminated with plastic’. The entire neighborhood might have turned Kamsa with Krishnas!

There was much elation when the COPRA Act (Consumer Protection Act) was passed way back in 1986. Little did we imagine that COPRA would turn out to be a damp squib. Yet, the only cases that are easy to register these days are the consumer dispute cases. Don’t like your doctor? File a case. Don’t like your hair stylist? File a case. Cases are filed right, left and centre, putting the already burgeoning disputes redressal forums to tremendous pressure.

The very word ‘customer service’, I am reminded of the innumerable toll-free help lines that exist. The banking sector and insurance help lines do yeomen service. The standard reply from your banker for any account related help would be, “contact our toll free number”. The number is displayed at every nook and cranny of the bank, except those that are visible. You finally catch hold of the number and call, pressing 1, 2, 1, 2, 3, 1, 0 and by the time you reach their

customer relations executive, you would have lost half your fingers pressing the phone keys.

My call with my broadband service provider always looks like a technical call directly placed to the Silicon Valley. He commands me to “reboot” and I ask stunned...“what boot? I have only shoes, no boot”. When he further prods me to unfasten the Ethernet chord and switch off the router and ‘fire’ it back, I am bewildered at the number of cables extending in and out of the strange device. I go on “is this green one, the red one or the blue one” and by the time the poor fellow understands he is dealing with a ‘cyber- guru’, he loses his patience as fast as a balding man losing his hair.

Every time someone asks me to call ‘toll free’ number, I cringe. No sir, not again. The time we have to wait in ‘queue’ to get to the customer relations executive is longer than the one that was in front of Reliance store to get a Jio sim on its launch. Phew! Calling the telephone department? Ah...count yourself lucky if you are newly married. By the time your connection is through, you would probably be nursing your second child!

For the fear of losing out to competition, business houses manage to ‘settle’ disputes with customers by hook or by crook. As for the service sector, the only way of ‘settling’ disputes is the ink starved ‘apology letter’.

Pull them to the disputes redressal forum, they elude it, skipping hearings and tendering ‘unconditional’ apologies.

The legal framework of COPRA is strong, so are all our laws. It is that ‘knowledge’ the customers must have of their rights, that is awfully lacking. The “Kashtamar” has to stand up and fight, rather than bear silently the treatment meted

out to him. It is the indifference of the educated mass that keeps the rest of the country in dark. Time to actually rise up and ‘shine’! ■

Nivedita Louis is a writer, blogger and social activist by choice. Bitten by the travel bug, and smitten by nature, she loves travelling and cooking. She blogs at www.cloudninetalks.blogspot.com.



All the business houses and service undertakings have that one ‘mantra’ displayed - the Gandhi quote on customer being the king and the ‘purpose’ behind the business.

Is the Indian consumer protected?

Consumer rights is a very evolved concept, which is still not very widely adopted in India. Prof. Suresh Misra takes us through the Consumer Protection Act, and why it hasn't been as effective as envisaged.

I N a globalised, market-driven economy, consumers are the backbone of any business, as business starts with consumers and ends with the consumers' satisfaction. Therefore, the welfare of consumers is an essential prerequisite for a healthy and sustainable economy. In any society, confident, informed and empowered consumers are the engine of economic change, as their choices drive innovation and efficiency. Globalisation, rapid technological changes as a result of ICT (Information and Communication Technology), and its impact on consumer behaviour, is taking place at a time when there is a global drive to compete, which has brought new challenges to the consumers. Due to the prevalent unfair trade practices, consumers' faith in the market has been shaken. Therefore, the consumers' welfare must be enhanced and increased in terms of parameters like price, quality, diversity, affordability, safety, etc. Besides this, consumers must be protected against serious risks and threats posed by a globalised marketplace.

Consumer protection ensures that consumers receive information that will allow them to make informed decisions, they are not subject to unfair and deceptive practices, and they have access to recourse mechanisms to resolve disputes when transactions go awry, while maintaining privacy of their personal information. At its heart, the need for consumer protection arises from an imbalance of power, information and resources between consumers and their service providers, placing consumers at a disadvantage. Therefore, consumer protection aims to address these market failures and imbalances.

The Consumer Protection Act – a milestone

In India, the enactment of the Consumer Protection Act (CPA) in 1986 was a milestone in the history of the consumer

movement in the country. Before this, even though there were a number of legislations to protect the consumers, they were mostly punitive in nature, and did not provide for holistic protection to the consumers in a cost effective and time bound manner. There were no institutional mechanisms available to the consumers which would redress their grievances in a simple and expeditious manner. The CPA sought to provide for better protection of the consumers, and stipulates the

establishment of authorities for the settlement of consumer disputes. The remedy provided under the Consumer Protection Act to the consumer is in addition to and not in derogation of the provisions of any other law for the time being in force.

The Consumer Protection Act, 1986, is no doubt a benevolent, unique and highly progressive piece of social welfare legislation, providing for simple, speedy and less expensive remedy for the redressal of consumer grievances in relation to defective goods and deficient services. It is a weapon in the hands of consumers to fight against exploitation by traders, manufacturers, sellers and service providers. With the enactment of this law, the consumers felt that they were in a position to declare "sellers be aware", whereas previously the consumers were at the receiving end and generally told "buyers be aware". Since then, the Act has been amended thrice in 1991, 1993 and 2003 to make it more effective, efficient and consumer friendly.

The Act guarantees six rights to the consumers, which are; right to safety, right to be informed, right to choose, right to be heard, right to seek redressal and right to consumer education. Besides the aggrieved person who has *locus standi* under the general law, Voluntary Consumer Organisations (VCOs) and government can also file complaints on behalf of consumers. Even class actions have been allowed under the Act.

The Consumer Protection Act, 1986, is no doubt a benevolent, unique and highly progressive piece of social welfare legislation, providing for simple, speedy and less expensive remedy for the redressal of consumer grievances in relation to defective goods and deficient services.

The Act defines “consumer” as any person who buys any goods or hires or avails of any services for a consideration. The Act postulates establishment of advisory and adjudicatory bodies to safeguard the interests of consumers. The advisory structure is in the form of Consumer Protection Councils at the centre, state and district levels. These councils are constituted on public-private partnership, and their purpose is to review consumer related policies of the government and suggest measures for further improvements. The object of this three-tier council structure is to promote and protect the rights of the consumers.

The Act also provides for quasi-judicial adjudicatory machinery at three levels, i.e., district, state and national levels, called District Forum, State Consumer Disputes Redressal Commission, and National Consumer Disputes Redressal Commission. These adjudicatory bodies are quasi-judicial bodies, and are regulated according to the principles of natural justice. The quasi-judicial bodies are to observe the principles of natural justice and have been empowered to give relief of a specific nature and to award, wherever appropriate, compensation to consumers. Penalties for non-compliance of the orders given by the quasi-judicial bodies have also been provided. The state commissions and the district forums were constituted and are functioning for more than two decades now. At present there are 35 state commissions and 634 district forums in the country set up under the Act, of which 616 are functional.

The lacunae in the CPA

The Consumer Protection Act has not been able to achieve its objectives of empowering and protecting the consumers, mainly due to the delay in disposal of complaints, and procedures being too complicated. The Act was to provide a simple and inexpensive remedy to the consumers, but over a

period it has come to function like a civil court. The advocates have taken over the forums, resulting in prolonged litigation. Moreover, the capacity of the forums is lacking, as many of the members appointed do not have any understanding of law and procedures. Poor infrastructure and manpower have rendered these redressal agencies ineffective. Complaints are taking several years to be disposed. In the early period of the Act, a number of judgments in various sectors like, medical, housing, insurance and telecom had far reaching impact on consumer protection, but in the last decade there has been a perception that the Act has only weakened as a result of various decisions of the redressal agencies and the courts.

An analysis of CPA reveals that the Act has much less impact on the marginalised

sections of the society who lack education, and are living in the rural areas with low levels of income. The limited impact and the ineffectiveness of the Consumer Protection Act, 1986, to a large extent is not due to inadequacy of the law or its provisions, but it is due to the poor implementation of the Act and the apathy of the governments and other stakeholders, including the consumers.

The impact of the Consumer Protection Act is marginal as far as redressals of consumer complaints are concerned. The district forums to a very large extent are not able to deliver justice quickly and in a cost effective manner as envisaged

under the Act, and therefore consumers are losing faith in the redressal mechanism at the district level. Moreover, the compensation awarded is so small that there is apathy among the consumers to file complaints in the district forums, as the time and cost factor do not favour the consumer. Complaint redressal is the key to the success of CPA.

There is a broad consensus among the various stakeholders that the delay in disposal of cases is largely due to the involvement and appearance of lawyers in all cases.

(Continued on page 19)



Lost in translation

*As with most things in India, the intention behind policies is good, the implementation often lets the citizens down. So it is with the Consumer Protection Act, where certain inherent ambiguities have made the Act cumbersome and inefficient. **Jenhangir B. Gai** comments.*

EVEN 30 years after its enactment, there are various ambiguities and lacunae in the Consumer Protection Act (CPA). The lack of clarity results in conflicting judgements, due to subjective interpretation by the adjudicating member.

Commercial purpose

The CPA excludes disputes related to “commercial purpose” from the purview of the consumer fora, without defining this term. Is there a difference between commercial purpose and commercial activity, would it relate only to issues of profitmaking? How is the term to be interpreted?

In the case *Harsolia Motors v/s National Insurance* and other connected cases decided on 3rd December, 2004, [(2005) CPJ 27 (NC)], the National Commission had to consider whether business houses could file claims against insurers under the CPA. The insurance companies had contented that such disputes would not be maintainable in view of commercial services having been excluded from the purview of the CPA.

The National Commission observed that an insurance policy is not used to carry on any trade or commercial activity. It is taken for reimbursement or for indemnifying a loss which may be suffered due to various perils. The objective is to protect the interest of the insured and not for making any profit or trading or carrying on commercial purpose. Thus, the Commission distinguished between commercial activity and commercial purpose. Disputes regarding commercial activities where there was no trading or profit generation were considered to be maintainable under the CPA. Hence it was held that complaints about insurance services could be filed by business houses.

In another case, *Interfreight Services Private Ltd. v/s Usha International & Anr.* decided on 12th January, 1994, [(1995) CPJ 128 (NC)], the dispute was in respect of a defective fan installed in the office. Even though the fan was not being used for any trading or commercial activity, the National Commission held that the intention of the Parliament in excluding goods for commercial purposes was to impose a restriction that the special remedy under the CPA could be invoked only by ordinary consumers purchasing goods for their private and personal use, and not by business organisations.

Accordingly, it held that the purchase of fans was for commercial purpose, and the complaint was not maintainable.

In yet another case, *Controls & Switchgear Co. Ltd. v/s Daimler Chrysler India Pvt. Ltd. & Anr.*, decided on Sep.17, 2007, [IV (2007) CPJ 1 (NC)], the dispute was regarding two defective cars purchased by a public limited company for its directors. The maintainability of the complaint was challenged on the ground that the cars were purchased by a corporate entity using the company's financial resources, and also claiming depreciation on the vehicles. Yet, the National Commission rejected these arguments, observing that the cars were neither let out on hire nor used for other commercial purpose, but are being used by the directors. The Commission concluded that the cars were not being used for any activity directly connected with earning profit, so it would not amount to a commercial purpose merely because the vehicles were purchased by a company. The Commission held that the complaint was maintainable. The lack of clarity as to how “commercial purpose” should be interpreted has resulted in chaos and inconsistent judgements, with adjudicating officer interpreting this term as he pleases.

Joint complaint v/s representative complaint

When some of the similarly situated aggrieved consumers come together and collectively file a complaint, would it be considered a joint complaint or a representative complaint?

In the case of a joint complaint, the relief or directions which are sought would be applicable only to those who have collectively filed the complaint. Since all these persons are parties to the dispute, no permission is required for the filing of a joint complaint.

In contrast, when one or more consumers file a representative complaint, the relief or directions sought are on behalf of all affected consumers, and will be binding even on those who are not parties to the dispute. The general rule is that a court would grant relief only to those persons who are parties before it, which means that rights of an individual cannot be decided unless he is a party to the proceedings. The exception to this rule is in the case of representative complaints, where one or more of the aggrieved persons file a case for the benefit of all similarly placed persons who cannot be identified, which would avoid multiplicity of litigation

(i.e., different individuals or groups filing separate complaints for the same reliefs). As this is a deviation from the general rule, a representative or class action case can be filed only if the court grants permission. Even then, since the judgment would affect unnamed and unidentifiable consumers, a public notice in a newspaper would be required to let other consumers know about the legal proceedings.

While concluding, the Commission observed that the Act does not put any restriction on the number of consumers who can collectively file a joint complaint. Merely because several persons have come together to jointly redress the grievances does not change the nature of the complaint. The test to determine whether it is a joint complaint or a representative complaint would be the basis of whether the reliefs sought are confined to the persons who have filed the complaint, or are sought even on behalf of those who are not parties to the dispute.

Even though the law was well settled, and that too by a four member Bench, the National Commission has recently held that joint complaints are not permissible, and that each consumer must individually file a complaint. If one or more than one consumers come together and file a complaint, it is to be automatically treated as a representative complaint. (*Ambrish Kumar Shukla & 21 Ors v/s Ferrous Infrastructure Pvt. Ltd.*). This judgment is not only contrary to the earlier larger bench judgement, but also puts the consumers to hardship because of the costly procedure of inserting a public notice for the benefit of others who have done nothing to fight for their rights.

Pecuniary jurisdiction

The Act stipulates the pecuniary jurisdiction of the District Forum, State Commission and National Commission on the basis of the value of the goods or services and the compensation, if any, claimed. A consumer is considered a master of the complaint, and he can forego a part of his claim or limit it. Hence, it was the quantum of claim which would determine the pecuniary jurisdiction.

Giving a go by to the well settled law, the National Commission has now made justice more difficult for the consumer. In the case of *Ambrish Kumar Shukla v/s 21 Ors v/s Ferrous Infrastructure Pvt. Ltd.*, the National Commission has held that pecuniary jurisdiction would not be governed merely upon cost of removing the defects in the goods

purchased or deficiencies in the services. Even when the claim is limited to the cost of removal of defects or deficiencies, the value of the goods or services must be added to the claim amount. By way of illustration, the Commission explained that a person who buys a machine for ₹1 crore, and lodges a claim of ₹10 lakhs for removing the defects in the machine, the pecuniary jurisdiction would be determined by adding the cost of the machine to the repair cost. Similarly, if a flat costing over ₹1 crore is sold, and there are certain defects in the flat which would have to be repaired at a cost of ₹5 lakhs, the claim amount would be deemed the aggregate of these amounts.

This interpretation has made life miserable for the consumer. A person who could hitherto file a claim for repairs before the District Forum will now be compelled to approach the State or National Commission. This will not benefit as his actual claim amount will be only for the repair costs, but his expense will increase manifold when he has to approach a higher forum. This will act as a deterrent to consumers seeking justice. It even affects the existing cases, which are now getting rejected by the lower courts for lack of pecuniary jurisdiction.

Conclusion

The Consumer Protection Act is meant to empower the consumer. But the recent decision regarding the pecuniary jurisdiction is contrary to established precedents and the avowed objective of the Act. Besides this, when there is lack of clarity, decisions vary from bench to bench, and from time to time, resulting in chaos and unpredictability. Hence it is necessary to interpret the law in a rational manner that helps to strengthen the consumer to fight against injustice, rather than thwart it. The legislature must also define the ambiguous terms so that there is uniformity in interpretation. Till then, consumer empowerment remains a distant dream. ■



Jehangir B. Gai is a senior consumer activist. He has received the Govt. of India's National Youth Award for Consumer Protection. He spreads consumer awareness through his regular columns in *Times of India*, *Business Standard* and *Mumbai Samachar*. He also gives talks to schools, colleges, clubs and associations.

Did you know?

Did you know that the jurisdiction for your consumer case of deficiency in product or service, can be different, depending on the value of your product or service? So, if the value is up to ₹ 20 lakh, the jurisdiction is the District Court, if the value is between ₹ 20 lakh to ₹ 1 crore, the jurisdiction is the State Commission, and if the value is above ₹ 1 crore, the jurisdiction is the National Commission.

This digital market

In this rapidly evolving world, consumer protection has to apply to a larger swathe of the market than ever before. This includes goods and services purchased online. How equipped are we, and what more is required? Dr. Sheetal Kapoor discusses.

WITH the rapid development of digital technologies and the increasing penetration of e-commerce, smart phones, cloud and Internet, there is a change in how the Indian consumers are buying products. The Internet, mainly the World Wide Web (www) as an electronic medium of exchange, and mobile phones, have given rise to a de-territorial, virtual market place, and the sales in the business-to-consumer segment has been increasing manifold over the past few years. Use of smartphones is the game changer in the digital market in India, and one out of three customers currently, makes transactions using mobiles. A study by ASSOCHAM reports that in 2017 there has been a large-scale growth in the Indian e-commerce sector, and the number of consumers who bought online has reached 100 million.

In India, cash on delivery is the most preferred payment method, accounting for 75% of the e-retail activities. The new age digital consumers often engage with an interactive marketplace characterised by high levels of heterogeneity, and therefore, have to be digitally enabled. Convenience, better prices, speedy, less expensive products and services, comparison of prices, aggressive online discounts, rising fuel prices, wider abundant choice, and crowd free shopping are some of the benefits which consumers enjoy while shopping online. Consumers can shop or conduct their transactions 24 hours a day, and also track the delivery status of their purchases. Increasing Internet and mobile penetration, growing acceptability of digital payments and favourable demographics have provided the unique opportunity for companies to connect with Indian consumers. But shopping online sometimes poses problems related to cross-border transactions, risk of poor quality and unsafe products, predatory prices, exploitative and unfair trade practices.

The new challenges

As online shopping poses new challenges amongst consumers, creating awareness and empowering them is required to prevent consumer detriment, besides rendering the grievance redressal process less complex, time consuming, and expensive. If a consumer has been cheated while doing e-commerce, he can file a complaint under the Consumer Protection Act (CPA), 1986, or if his account has been hacked or private information misused, then he can lodge a complaint

under the IT Act, 2000. In digital purchasing, since proposal and acceptances are made on computers mostly in one's home or office, jurisdiction at both the places has been considered by the consumer forums under the Consumer Protection Act. Hence, consumers can easily reach consumer forums in cases of default on the part of e-retailers or e-service providers.

Nature of problems faced by online consumers

The e-commerce industry is seeing a huge growth and is not restricted to buying of tickets online, or booking of hotels or transport, but these days from books to gadgets such as laptops, mobile phones, clothes and electronic products are bought online. Since the consumer cannot check or verify the claimed features of the product or service by the website, he has to rely on the representation of the e-portals, and often, he makes the payment even before receiving the product. Further, the consumer very rarely has the address of the seller, and sometimes has no means to verify the address mentioned on the website. Some of the frequently reported problems faced by digital consumers are:

- "I had purchased a product from a popular website. I paid ₹ 3,066/ for that product. I did not receive the product. I want refund of my money."
- "A travel portal has not refunded my money despite many reminders."
- "I purchased a cell phone handset worth ₹19,900/ from a popular retail website. When I received the handset, I found out it was not charging. I sent it to the service centre, where I was told that it is a defective product. They could not replace it as it was purchased from the retail website."
- "I had ordered a branded power bank, but got another instead. They are not responding to my emails."

Seeking redressal under The Consumer Protection Act, 1986

The Consumer Protection Act, 1986, is a benevolent Act, and the main object is to provide speedy and simple dispute redressal mechanism, free from hassle. An aggrieved consumer can file a complaint and seek compensation in consumer forums regarding any defective product or deficiency in service or unfair trade practice of a product bought from an e-portal.

The Act provides a legislative framework for better protection of the interests of the consumer by creating a formal but three-tier, quasi-judicial consumer dispute redress machinery at the national, state and district levels, aimed at providing simple, speedy and affordable redress to consumers. As on date, 644 District fora, 35 State Commissions and the National Commission at the apex level are functioning in the country. In the *Spicejet Ltd. Vs Ranju Aery* case, the consumer forum came to the rescue of the consumer when the airline was found to be deficient in its service, and the question of territorial jurisdiction arose.

Cyber crimes and IT Act, 2000

The Information Technology Act, 2000, has given tremendous recognition to online purchases. The Reserve Bank of India (RBI), by issuing various circulars regarding online banking and money transfer activities, has made consumers capable of securing the online space. Section 10A of the Information Technology Act, 2000 ("IT Act") provides validity to e-contracts. The Hon'ble Supreme Court of India, in the *Trimex International FZE Limited Dubai v/s. Vedanta Aluminum Limited* 2010 (1) S C 574, recognised the validity of online transactions and held that emails exchanged between the parties regarding mutual obligations constitute a contract.

Under Section 43A of the Information Technology (Intermediaries Guidelines) Rules, 2011, the intermediaries have the obligation to publish the rules and regulations, privacy policy and user agreement for access or usage of the intermediary's computer resource by any person. Such rules and regulations must inform the users of computer, display, upload, modify, publish, transmit, update or share information.

Also, the intermediary must not knowingly host or publish any prohibited information, and if done, should remove them within 36 hours of its knowledge. In *Consim Info Pvt. Ltd v/s Google India Pvt. Ltd.*, in the Delhi Court, Google had extended the argument that being a search engine, they cannot control the fact whether some website, any advertisement given on their site is genuine or fraud. The court then observed that though the intermediary, Google, cannot be made liable for infringement arising out of a third party's actions since it is not possible to always check every advertisement posted online, however, as per section 3(4) of the aforesaid Intermediaries Guidelines, Google had to act upon it within 36 hours of receipt of such complaint, failing which it may be held liable.

Section 65 of the IT Act deals with tampering with computer source documents, Section 66-consists of computer related offences, Section 66A involves punishment for sending offensive messages through communication service. Section 66B involves punishment for dishonestly receiving stolen computer resource or communication device. Section 66C



Cyber crimes are on the rise, but there are safeguards in place

deals with punishment for identity theft, and Section 66D mentions punishment for cheating by personation by using a computer resource. Section 66E gives punishment for violation of privacy without the consent of the person. The punishment for the offender may extend to three years or a fine which may extend to one lakh or both.

Being a vigilant consumer

While doing online shopping, consumers should take adequate care in order to avoid being cheated. Consumers should use strong passwords, take complete information about the e-portal, find out about the e-merchant's privacy policy, read carefully the return policy and procedure, keep personal information private, shop only with known e-merchants, and review monthly bank and credit card details. When a site offers products that are heavily discounted, contains bad grammar and misspellings, and uses low quality images of the brand owner's official site, it might be selling spurious and counterfeits. Consumers should use a payment method with buyer protection, keep a record of the transactions, read the fine print carefully, avoid hacked sites, typesensitive web addresses into their browser's address bar, and only send information over secure connections checking for addresses having https:// addresses. Shopping at a secured website means that the connection is encrypted, and hence more resistant to snooping or tampering. Consumers should always print the copy of their order and keep the acknowledgement safely.



Thus, a high level of consumer awareness and protection in every strata of the society is required so that digital purchases are done by consumers safely, and they are not lured by fly by night operators. ■

Dr. Sheetal Kapoor is Associate Professor, Department of Commerce, Kamala Nehru College, University of Delhi.

Physician, mend thyself!

The medical profession in India was brought under the purview of the Consumer Protection Act in 1995, leading to much protest from the medical fraternity. Dr. Manohar S. Kamath reviews the two decades since then.

ON 13th November, 1995, more than twenty years ago, the Supreme Court passed a landmark verdict in the *Indian Medical Association vs. V.P. Shantha*, stating that the medical profession was covered under the ambit of the Consumer Protection Act (CPA), 1986. The decision was met with an uproar from the medical fraternity; black armbands, *morchas*, 'stethoscope-down' agitations and angry interviews on TV channels, repeatedly emphasised that 'medicine was an unpredictable science, no doctor could guarantee results', and that such a 'draconian Act' would sound the deathknell of the medical profession.

The situation today

Two decades later, the anger still simmers beneath the surface for 'making doctors soft targets for unscrupulous patients', but those in the know of things and the wise men in the profession admit that the accountability ushered in by that judgment has brought about some level of responsibility and caution in the way doctors go about their day-to-day work.

Till the Consumer Protection Act came into force, the medical profession was a largely unregulated and irresponsible fraternity, which was allowed to carry on all sorts of activities, without being reined in by the law or the regulatory bodies. The most blatant practices and undesirable activities were often explained away with nonchalant expressions like 'the patient needed it at that moment of time', or 'a medical person has the right to do what he thinks right at that particular moment'. Patients and relatives, who had absolutely no inkling of what the mysteries behind medical treatment were, had little or no option but to believe that the doctor was always right, and if something went wrong it was 'bad luck'.

All this has undergone a sea change since the judgment. The laws of negligence have come into sharper focus, the courts have laid down various principles on how medicine can be legally and rationally practiced, and lawyers have gradually learnt to tackle medical negligence cases. More important, it has led to a situation where doctors have learnt to be more careful, both while treating patients and dealing with relatives, as they have realised that a hanging Sword of Damocles would otherwise bring them to book via the CPA.



A file photo of government hospital doctors protesting against a string of attacks on them

The positive impact of CPA

Several excellent legal precedents laid down by the judiciary have helped the law in medicine grow significantly, leading to better medical practices, and better patient compliance:

- The concept of what is negligence is now clearly defined in legal parlance. The duty to care, violation of that duty and consequent harm to the patient are now clearly embodied as cardinal requirements to prove a case of medical negligence. With the evolution of time, courts are now willing to accept violation of Standard Operating Procedures (or SOPs) as enough evidence to pronounce a doctor guilty of medical negligence.
- For a brief period in the interim twenty odd years, courts used to insist that an 'expert opinion' from another doctor was essential to convict a doctor of negligence. With medical professionals being reluctant to speak out the truth in courts and/or give an affidavit certifying what exactly constituted proper or improper practice, patients were left in the lurch in that period to prove their cases in consumer forums. (The situation continues surreptitiously today also, where doctors will slyly tell patients that some other doctor has mishandled their case, but refuse to put anything down in writing to that effect, citing 'professional brotherhood' – in effect, sending the patient on a wild goose chase to prove his case). Subsequently, the courts

amended such a requirement, calling upon the complainant to prove his case with best possible evidence including textbooks of medicine, which laid down the SOPs.

- Proper, informed consent for surgery and procedures was also a very vexed question for patients, which led to a lot of heartburn. Patients often alleged that doctors would not spend time with them to explain the exact nature of the treatment being offered to them, leaving them unhappy and dissatisfied with the ultimate outcome of the treatment. Post-operative or post-treatment after-effects, many of which could be debilitating, were often taken for granted by busy medical practitioners, who found little time for such unremunerative work. The importance of informed consent and the methods to be employed to obtain it was laid down by the Supreme Court in *Prabha Manchanda's* case, which now acts as a beacon for the basic standards of consent in the medical profession.
- Patients often had a grievance against the hospital and its staff, but could not easily pinpoint the doctor who committed certain acts of omission or commission or the act, which led to his treatment being compromised. The courts have come to the rescue and held that the patient should only prove negligence against the hospital as a whole and it would be for the hospital to find out the negligent person, in the famous judgment of *Savita Garg vs. National Heart Institute*.

The challenges of CPA

In spite of all these changes in the law and its dynamic nature, the fight against the medical profession remains an uneven battle for most patients. There are several reasons for this. Firstly, most patients do not have the slightest inkling of the sequence of events that led to any catastrophe, barring the general feeling that something has gone wrong. Second, the legal profession has neither the knowledge nor the understanding to accept that medico-legal cases need to be treated differently from other run of the mill litigation. Third, the brotherhood of doctors often comes to the rescue of a fellow in distress, by giving false affidavits or testifying that nothing was wrong in the treatment, even in the most open-and-shut cases. Lastly, the judiciary with all its other shortcomings, often (and some say, rightly), hesitates to declare a doctor guilty of an error either due to ignorance or respect for the man in the white coat.

Turning now to other aspects of misdemeanours by the man in the white coat, in spite of great efforts to legally curb them, malpractices have continued unabated in the medical profession in India. Sex determination, a heinous crime against humanity, continues undeterred because of the active connivance of the medical profession in this practice. Rackets in kidney transplants and 'organ donations' make India a country

where organ donation and transplantation is riddled with often insurmountable hurdles, in comparison with the technology and infrastructure available in the country.

It is also a matter of great shame to realise that Acts to prevent female foeticide and regulate transplants are non-existent in most parts of the civilised world. In the midst of all these, the medical man continues to work as if he does not realise all that is going on around, with a halo around his head. This has led to great erosion of faith in the medical profession, among the public at large. The number of black sheep may not be many, but the turning off a blind eye to these blatantly illegal activities is classified as abetment, in the public mind.

Even 20 years after the landmark judgment of *V.P. Shantha*, medical negligence jurisprudence is a work in progress. Good cases, where medical negligence is patent on the face of the matters, get dismissed for want of proper representation in the courts. On the other hand, a poor case may sneak in through at the hands of a smart lawyer opposed by an incompetent defence attorney. Delays in courts in disposing off medical cases is also a huge stumbling block in filing and pursuing such cases. Most judges avoid early hearing in these cases convinced that they do not understand the intricacies of medical jargon, or simply because they find them too time-consuming and complicated. A case in a consumer forum or commission can take as much as three to seven years for disposal, which is comparable to the outcome in regular civil courts, thus making a farce of the alternate remedy which was thought of at the time of enacting the Consumer Protection Act in 1986.

The irony!

This has hence led to the phenomenon of the vigilantes and lumpen elements who now do not hesitate to attack hospitals, doctors and nursing homes when they believe that the doctor is at fault, when the outcome in a case is not to their liking. Incidents from all over the country now reveal a growing tendency of mobs to take the law into their own hands and manhandle doctors and their staff.

In recent weeks and months, doctors are out once again on the streets with black bands, *morchas*, 'stethoscope-down' campaigns and heated debates in TV studios. The only difference now is that they want to be saved from these vigilantes. The solution, to patients with grievances, being offered by these doctors is an eye-opener; let them take recourse in the law, viz., the Consumer Protection Act! ■



Dr. M.S. Kamath is a medico-legal consultant and Hon. Secretary of the Consumer Guidance Society of India.

A game changer

*The Real Estate (Regulation & Development) Act of 2016 or RERA, is a real game changer, correcting the 'skewed-towards-builder' real estate dynamics. The consumer, in this case, the home-buyer, will truly benefit from RERA, exults Advocate **Shirish V. Deshpande**.*

REAL Estate (Regulation & Development) Act – 2016, RERA for short, is one of the rarest of the rare Acts passed by the Indian Parliament. It is going to prove a game-changer for promoters/builders, as well as for home buyers.

It is not that the states did not have any legislation to regulate the housing construction and sale/purchase of flats and apartments till now. In Maharashtra, we had and still have the Maharashtra Apartment Ownership Act, and also Maharashtra Ownership Flats Act (MOFA). Many other states too have similar Acts like MOFA. However, despite such Acts in place, the instances of cheating and fleecing of home-buyers were rampant. The malpractices, fraudulent practices and unfair and deceptive practices in the real sector, multiplied many times, instead of getting diminished due to the state legislation. In short, the pieces of legislation utterly failed in protecting the interest of home buyers, and in fact protected the unscrupulous promoters/builders. As such, there was a felt need for a legislation which will make the promoters/builders accountable to the consumers who hand over their life-time earnings to them in good faith. RERA has done exactly that. RERA has created an Authority which is empowered to take on the unscrupulous promoters/builders and protect gullible home-buyers.

Promoting accountability

RERA has made every promoter/developer/builder, developing the property of not less than 500 sq. meters area or having no less than eight apartments, answerable to the consumers in no uncertain terms. The RERA Act has imposed

certain restrictions on the promoters/builders which will go a long way in protecting the interest of home buyers. Some of these restrictions are as follows:

- No promoter can advertise, market, book, sell or offer for sale any plot, apartment or building without registering his real estate project with the Real Estate Regulatory Authority (RERA).
- No real estate project can be registered by the promoter unless he has the building plan approvals and commencement certificate from the competent authority.
- While applying for the registration of the real estate project, the promoter has to declare the promised date of possession of apartments/flats to the home buyers, and give full details of the said project, including the number of flats, floors and buildings the project will have.
- In the event of the failure to give possession within the promised period, the registration shall lapse and the same can be renewed only for a further period of one year after satisfactorily explaining the reasons for such delay to RERA.
- The promoter has to also declare his past projects' performance, including the delays and litigations.
- The promoter has to give declaration that he has a legal title to the land on which the project is to be developed.
- The promoter has to deposit 70% of the amount received from the home buyers in a separate account, to be maintained in a scheduled bank.
- The promoter can withdraw this amount only commensurate with the progress of the work on site, and



A project under construction in Mumbai; home buyers are in a happier place today

Mumbai Grahak Panchayat's arguments led to the repeal of the Maharashtra Housing Act, 2014. Here's a comparative table of the previous Act and the amended one:

Sr	Real estate Act- 2016	Maharashtra housing act - 2014
1	Covers rehab residents in redevelopment projects.	Doesn't cover rehab residents in redevelopment projects.
2	Public sector/Govt bodies like MHADA/CIDCO are covered.	Public sector/Govt bodies like MHADA/CIDCO excluded.
3	Rate of Interest chargeable from the allottee by the promoter shall be equal to the rate of interest promoter shall pay to the allottee in case of default	The Promoter is at liberty to charge any higher rate of interest to the allottee in case of default, whereas the interest payable by the Promoter to the allottee in case of default is limited to maximum 15% p.a.
4	Real Estate Authority has the power/discretion to reject the registration of real estate project. Registration to be granted for the project will be valid for the period declared by the promoter. Extension of the registration only in cases of force majeure or in cases where delay is not due to default of the promoter. Result: Above provisions will ensure timely completion of the project.	Real Estate Authority has NO power/discretion to reject the registration of the real estate project. In fact, the authority is bound to grant registration within 7 days of submission of the application by the Promoter. No such provision of duration of registration. No such provision of extension of registration. Result: Above provisions will not ensure timely completion of the project.
5	Real estate agents are required to register with the Authority. Result: Allottees fully protected against frauds/deceptions by the estate agents.	Real estate agents are NOT required to register with the Authority. Result: Allottees NOT protected against frauds/deceptions by the estate agents.
6	Promoter cannot collect more than 10 % of the price from the allottee, before execution of the Agreement for Sale.	Allottee required to pay 20 % of the price before execution of the Agreement for Sale.
7	Allottee NOT liable for harsh punishment of disconnection of water, electricity in case of default of payment for a period of more than 3 months.	Allottee liable for harsh punishment of disconnection of water, electricity in case of default of payment for a period of more than 3 months.
8	Appointment of the Real Estate Regulatory Authority (RERA) is more objective, for which Selection Committee of HC Chief Justice+ Secretaries of Housing & Law Ministry.	Appointment of the Housing Regulatory Authority (HRA) is less objective. It is NOT by the Selection Committee but in the hands of the Government.
9	For appointment of Chairperson and Members, professional experience of minimum 20 & 15 years is a pre-requisite.	For appointment of Chairperson & Members, NO such professional experience of minimum 20 and 15 years is required.
10	Total bar on accepting any commercial employment in Housing Sector after retiring as Chairperson of Member of RERA.	Bar on accepting commercial employment in Housing Sector for a period of one year after retiring as Chairperson of Member of HRA .
11	Adjudication of claims for compensation by the Judicial Officer of the rank of District Judge.	Adjudication of claims for compensation by the HRA, which has also to perform other duties & functions, will increase the burden on it and consequently result in delay in disposal of claims of the allottees.
12	Formation of co-op Society within 3 months of the majority of allottees having booked their flats/apartments. have taken possession, whichever is earlier.	Formation of Co-op society within 4 months from the date of Occupation Certificate or minimum 60% of flat purchasers
13	Conveyance to be executed within a period of 3 months from the date of Occupation Certificate.	Conveyance to be executed within 4 months from the date of formation of co-op. Society.
14	Allottee shall be paid interest on the amount paid by him to the promoter, for every month of delay at the rate to be prescribed. This will reduce lot of litigation for only claiming interest on amounts paid, due to delay in giving possession.	No such obligation on the Promoter and that each such allottee will be required to go the HRA for seeking the interest on his amounts paid, in case of delay in getting possession.
15	Complaints to be disposed of by the RERA within 2 months.	Complaints to be disposed of by the HRA in 3 months.
16	Insurance of land and building by the promoter is mandatory	No such mandatory Insurance of land and building provided.
17	Proceedings before the Appellate Tribunal are not bound by Civil Procedure code or Indian Evidence Act.	Proceedings before Appellate tribunal are bound by Civil Procedure Code & Indian Evidence Act and hence complicated, and will be time-consuming.
18	RERA has a power to refer the compensation claims to the Adjudicating Officer who will be the sitting or retired District Judge.	No such power to HRA to refer the compensation claims to the Adjudicating Officer who will be the sitting or retired District Judge. This will lead to mounting pressure of HRA to handle complaint redressal as well as other functions of Registration of Housing projects, promoting growth of the Housing Sector etc.
19	It is obligatory for the RERA to recommend to the state government single-window clearance for ensuring time- bound project approvals/clearances.	No such obligation on HRA for recommending single-window clearance for ensuring time-bound project approvals/clearances.

that too on production of the certificate to that effect from his architect, engineer and the chartered accountant.

- The promoter cannot change/modify the building plans once registered with RERA, unless 70% of the allottees (home-buyers) approve the same.

What is more important, all the above information which the promoter is required to submit to the RERA for the purpose of registration, will be available on the RERA website for any prospective buyer to view. Thus, consumers can now visit the RERA website and first find out the details of the real estate project registered with RERA, see the track record of the promoter, see the amenities actually agreed to be given to the allottees and only then book the flat/apartment.

Yet another interesting feature of this RERA website is that the information given by the promoter is not going to be a one-time static information. The promoter is required to update this information including the progress of the work on site, every three months. Thus, the home-buyers, from any part of the world, can visit the web page of the real estate project in which he has booked his flat, and keep himself updated with the progress of the construction work.

Another beauty of the newly enacted RERA is that it covers even the on-going projects which do not have the Completion Certificate as on 1st May, 2017, when RERA came into operation fully. Besides covering the on-going real estate projects, the RERA also takes into its ambit any Government or Public Development Authority like MHADA or CIDCO, which undertake housing construction activity. Thus, RERA makes both private and public sector promoters/builders equally accountable to the consumers.

No longer the builder's game

RERA has changed many rules of the game in the real estate sector. Till the enactment of RERA, it was always the builder's game. It was like "Heads I win, Tails you lose". To give a simple example; the promoter hitherto was entitled to levy any rate of interest in case there was a delay in the payment of even one single installment. Invariably, the Agreement for Sale, which used to be one-sided, used to provide penal interest of anything from 18 to 24 % p.a. in case of delay in payment of the installment. But what if there was a delay in giving possession of the flat? Then the promoter was required to pay only 9% interest, if the home-buyer wants to withdraw from the project. And for getting this rightful amount too, he had to approach the consumer court or a civil court. RERA has radically changed this dirty game. Now the interest rate that the promoter will pay to the home-buyer and the home-buyer will pay to the promoter in the event of delay shall be the same, as prescribed by the state government. Thus, the arbitrary and unreasonable interest rate of 18 to 24 % to be paid by the home-buyers to the promoters in case of delay on their part has come to a happy end. RERA has put a cap on it.

What is most interesting and still not widely known is that in case of delay in giving the possession of the flats to

the home-buyers, there is no need for the home-buyers to go to the Consumer Court or even to RERA with a complaint. All that the home-buyer has to do is to raise a demand in writing to the promoter for the delay beyond the promised date of possession, and the promoter has to pay the home-buyer interest on the amount so far paid by him, every month, till the date of actual possession. It will be as automatic as how the promoter used to recover interest from the home-buyer for delayed payment, without approaching any court of law.

RERA has also imposed time limits on the promoters for formation of the society of the allottees. The moment more than 50 % of the flats are booked, the promoter is obliged to initiate steps for formation of the Society. Further, the promoter is also required to execute conveyance in favour of such society within a period of three months from the date of Occupancy Certificate. It needs to be noted that the obligations imposed on the promoters, if not fully discharged, then the allottees can approach RERA with their complaints. RERA mandates disposal of such complaints within 60 days. Even the appeals against the decisions of the RERA or of the adjudicating officers are expected to be disposed of by the RERA Appellate Tribunal within 60 days. It remains to be seen if the redressal grievance machinery of RERA meets this requirement or allows the professional lawyers to take them for a long ride, as it has happened in consumer courts.

It also needs to be mentioned that notwithstanding numerous welcome and stringent provisions in the RERA to curb the mischief and malpractices of the promoters/builders, there is definitely some room for further improvement in the RERA Act itself. In many states, the builders' lobby has succeeded in getting the state rules substantially diluted. This needs to be strongly opposed in the respective states. Mumbai Grahak Panchayat (MGP) has not only succeeded in getting the pro-builder Maharashtra Housing Act, 2014 repealed and getting RERA for Maharashtra, but has further succeeded substantially in opposing dilution of the RERA Act through the state rules. (See table in the previous page)

In ultimate analysis, one can certainly say that RERA has proved to be a game-changer. It has empowered the home-buyers. Now it is for these home-buyers to be alert and make use of the vital information of the real estate projects that will be easily accessible to them, and make the right choice of their dream home. ■

Shirish Deshpande is the Chairman of Mumbai Grahak Panchayat (MGP), the largest consumer organisation in Asia. He is also a leading consumer Advocate in India, with several landmark judgments under Consumer Protection Act to his credit. His authority on Consumer Laws earned him a prestigious assignment of European Union to draft the Consumer Protection Law for Fiji. He was also instrumental in initiating review and revision of UN Guidelines for Consumer Protection (UNGCP). His crusade against the pro-builder Maharashtra Housing Act – 2014 resulted in repeal of the same and applying RERA for home-buyers in Maharashtra.



Tall tales, false claims

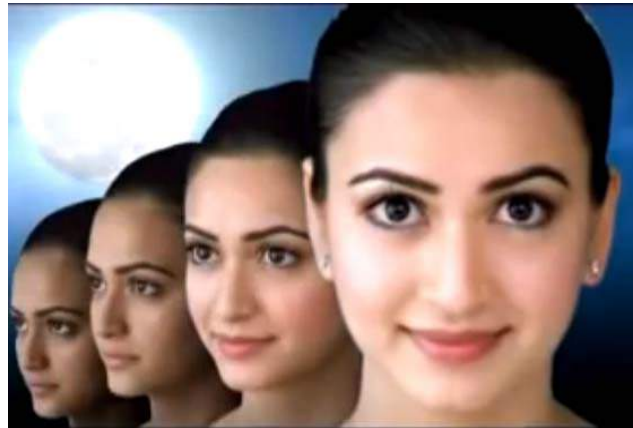
*This is the age of spiffy, smart and compelling ads, which promise consumers everything from a fair skin and lustrous hair, to intelligent kids and compliant spouses! How fair is it to subject consumers to such unsubstantiated claims, asks **Dr. Sapna Chadah**, as she discusses the checks and balances in place to curb misleading ads.*

THE 21st century is the age of media and advertisement. Advertising has become an inescapable part of our lives. You see advertisements while driving, walking, reading newspapers and magazines, watching television, listening to the radio, searching the Internet, as well as through communicating with others. Countless products and services are being marketed using attractive ads in the print, electronic and social media. In 2017, the Indian advertising industry is estimated to be worth ₹ 63,000 crore (US\$ 10 billion), with both print and TV having a share of 38-40 percent each.

The role of advertisements

Advertisements (ads) play a major role in changing the behaviour and attitude of consumers towards the products. The advertisements not only change the way a product is consumed, but also alters the attitude with which users look at the product. It is a ubiquitously accepted fact that advertisement can bestow special attributes upon a product or service that it may have lacked otherwise. Advertising has a common goal of persuading target consumers to adopt a particular product, service or idea by creating an image in the minds of the potential customers. Advertising persuades people to buy a certain product; it brings goods to the attention of consumers. Therefore, the companies strive to make consumers aware of, be interested in, try, and ultimately adopt the products and services they have to offer. Given the frenetic pace of the current competitive environment, companies relentlessly bombard consumers with persuasive messages in attempts to create, reinforce, or alter attitudes, and subsequent purchase behaviours. With technological advances, Internet and mobile advertising are also experiencing astronomical growth rates. With individuals spending more of their time in the virtual sphere, advertisers are also migrating to where the consumers are.

Thus, the influence of ads on consumer choice is undeniable. However, advertising is not all a fair game. This is being misused by companies which float all sorts of false and misleading claims in the ads which are nothing but gimmicks for luring consumers. Today's advertisements use



Fairness cream ads grossly mislead people

tactics that are invasive and controlling, which is an attempt to exploit the public on the strength, reach and influence of the media. These confuse or mislead consumers about the nature, identity, or quality of goods or services. Unscrupulous advertisers will sometimes advertise products that are just too good to be true, and are very different in reality.

The misleading advertisements

Advertisements very often mislead the consumer and create unnecessary new needs, thereby promoting materialism and consumerism. Consumer vulnerability to deceptive advertising is particularly acute in the area of financial services, where the individuals often have little knowledge. Advertisers' reliance upon the use of sexual imagery and text to attract consumer attention is increasingly common in today's saturated media culture. Then there are deceptions associated with various forms of comparative advertising where claims present statements that may be misconstrued as indicating the superiority of the advertised brand. Misleading ads distort competition and violate the basic rights of the consumers. Besides financial loss, these misleading ads also pose a serious threat to the health and safety of people. Advertising also has negative effects on the values of society. Religious and cultural values are being eroded by the type of advertisements that are aired today.

An ad becomes false or misleading, when false or misleading statements are used in advertising in an attempt to persuade the consumer to buy the product or service. Misleading advertising is any published claim that gives a consumer an incorrect understanding of the product. These use specific representational practices and produce meanings which cannot be found in reality. It creates false wants and encourages the production and consumption of things that are incompatible with the fulfillment of genuine and urgent human needs. Consumers have the right to know what they are buying. All necessary information on the label as well as in the content of the advertisement should be correct. An advertisement of Mcvities Digestive biscuits made the claim “whole wheat” and “Yeh habit hai fit”, giving an impression that the biscuit is made of whole wheat, and it is a good habit to eat biscuits and would contribute to physical fitness, whereas the biscuit had *maida* as a predominant ingredient; such claim was held by ASCI (Advertising Standards Council of India) as misleading and ambiguous. An advertisement of Amul Butter claimed to be a rich source of Vitamin A and stated that “Eat milk with every meal and live every day, worry-free”. The latter part of the statement was considered to be misleading by implication, as it was encouraging excessive consumption of butter which may not be advisable from the health point of view. Students are being lured by various private institutions by creating a false impression of facilities, placement and packages. One such ad by the Jaipuria Institute of Management, Lucknow, promising “Near 100% Placement with average package of ₹ 5.68 lac and highest package of ₹13 lakh”, was not substantiated with authentic data, and was held misleading.

The misleading nature of advertisements depends on a set of criteria, the characteristics of the goods or services (availability, nature or composition, method of manufacture or provision, origin, etc.), the results to be expected from their use, and the results of quality checks carried; the price or the manner in which the price is calculated; the conditions governing the supply of the goods or services; the nature, qualities and rights of the advertiser (identity and assets, qualifications, intellectual property rights, etc.). Advertisers of anti-ageing creams, complexion improving creams, weight loss programmes, anti-dandruff shampoos, and manufacturers of vitamins or dietary supplements are usually guilty of making exaggerated product claims. Indians have an obsession for fair complexion, and the companies are capitalising on this

psyche. Roop Mantra advertised ayurvedic creams, capsules and herbal face wash, claiming these are “helpful in protecting from dark complexion, scars, wrinkles, pimples and dull skin, which was found to be unsubstantiated and misleading. Many such health and beauty products are being advertised with exaggerated claims to attract consumers and have been found to be violation of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and other laws.

In several advertisements it is stated that ‘conditions apply’, but these conditions are not stated or a small asterisk is put and the conditions are mentioned in small fonts which go unnoticed. Not disclosing material facts amounts to deception.

In several advertisements it is stated that ‘conditions apply’, but these conditions are not stated or a small asterisk is put and the conditions are mentioned in small fonts which go unnoticed. Not disclosing material facts amounts to deception.

Such incorrect and wrong information violates consumers’ right to information. As the consumers’ choice and decision are based on the information which he gets, such deceptive advertisements also violate consumers’ right to choice. There are various misleading ads regarding the health cures and drugs of questionable efficacy and health gadgets of unknown value. This class of advertisements is the most dangerous, as they can also have a severe repercussion on the health and safety of the consumer, and hence violate consumers’ right to safety. The false and misleading advertisements now have a wider canvas. Earlier, the misleading advertisements were restricted to print and other conventional media such as pamphlets and hoarding, but today the canvas is widespread; there is proliferation of advertisements promoting health cures and ‘beauty’ gadgets of unproven value by celebrities on various television networks. Due

to the wider reach and impact of television, these ads are influencing a larger number of people urban and rural, literate as well as illiterate.

Freedom of speech?

Article 19(1)(a) of the Constitution of India protects the right to freedom of speech and expression, which is also extended to advertisements. Besides this, there are provisions in various laws to deal with misleading advertisements pertaining to diverse areas like: Drugs and Cosmetics Act, 1940; Emblems and Names (Prevention of Improper Use) Act, 1950; Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; Young Persons (Harmful Publications) Act, 1956; Indecent Representation of Women (Prohibition) Act, 1986; Cable Television Networks (Regulation) Act, 1995; Food Safety and Standards Act, 2006 etc. Section 2(1) (r) of the Consumer Protection Act, 1986, gives a

comprehensive definition of Unfair Trade Practices (UTPs) which includes within its ambit misleading advertisements. Consumer forums can give directions to the advertiser to discontinue such advertisements and not repeat it, and can award compensation for any loss or suffering caused on account of such false advertising. Most important, they can direct the advertiser to issue corrective advertisement to neutralise the effect of misleading advertisements at the cost of the opposite party responsible for issuing such misleading advertisements.

The ASCI, a voluntary body, was established in 1985 to promote responsible advertising and enhance public confidence in advertisements. To regulate advertisement in India, ASCI has adopted a code for self-regulation in advertising, which applies to all involved in the commissioning, creation, placement, or publishing of advertisements. If a consumer or even an industry, feels that an advertisement contravenes the code or is of the view that an advertisement could be false or misleading, a complaint can be sent to ASCI.

The Department of Consumer Affairs in its endeavour to address the problem of misleading advertisements has launched a dedicated online web portal “Grievances against Misleading Advertisements (GAMA)” in March 2015, in partnership with the Advertising Standards Council of India (ASCI). Any consumer in any part of the country can register

on this site and can lodge a complaint against misleading advertisements. The department has also constituted an inter-ministerial group to tackle the menace of misleading advertisements. This group has power to take *suo motu* action against errant advertisements and also power to withdraw them. Besides this, the government has introduced the Consumer Protection Bill, 2015, in the Parliament, which has certain provisions to deal effectively with misleading ads. The new Bill proposes to hold celebrities liable for misleading advertisements. Besides this, it also proposes to establish a Consumer Protection Authority to *suo motu* take cognizance of consumer issues including misleading advertisements. ■

Dr. Sapna Chadah is currently working as Assistant Professor in Constitutional and Administrative Law at the Indian Institute of Public Administration, New Delhi. She holds her Masters in Law (LL.M) from University of Delhi, and a Ph.D from Jamia Millia Islamia, Delhi. Her major areas of interest include Constitutional Law, Administrative Law, Consumer Protection Law and Policy, Environmental Management, Laws in Urban Management, Regulation of Service Sectors and Privatisation. She has nine books and four monographs to her credit, and has published more than 30 papers in journals of repute.



Is the Indian consumer protected?

(Continued from page 7)

Because of this, the proceedings have become too technical, cumbersome, and expensive, as slowly the procedures of the civil court have crept into the proceedings of the district forums. Out of the total 47,54,029 complaints filed, 43,34,135 have been disposed and 4,29,8,94 are still pending. Those that have been disposed, also have taken several years to do so. This has negated the very objective of the CPA to provide quick and inexpensive justice to the consumers.

The district forums to a large extent lack the capacity to deliver speedy justice due to lack of adequate infrastructure, poor management of record, shortage of manpower, and the required skill and knowledge of the members manning the forums. The delay in filling up of vacancies at all the three levels of the redressal mechanism has further added to the problem, leading to a large pendency of complaints. Computerisation of the redressal agencies/mechanism should have helped in better management of data, and thereby bringing greater efficiency in the working of the redressal agencies. The impact of computerisation has been lacklustre due to a lack of computer skills among the members of the redressal agencies, shortage of technical manpower and

consumer peripherals, inadequate bandwidth leading to poor internet connectivity, as also irregular power supply. This has led to delays in the disposal of complaints, and the CPA has not been very effective in protecting consumer interests in the country.

It's nearly two years that the country has been waiting for a new Consumer Protection Act that will help strengthen the protection regime, and also cater to new challenges being faced by the consumers, particularly in the areas of e-commerce and cyber frauds that have assumed a greater menace, apart from plugging the loopholes in the existing Act. ■

Prof. Suresh Misra is a well-known expert on consumer issues and is currently Professor (Consumer Affairs) and Coordinator, Centre for Consumer Studies, a think-tank and knowledge partner of the Department of Consumer Affairs, Government of India, Indian Institute of Public Administration, New Delhi. He holds his Master's in Political Science from Jawaharlal Nehru University, New Delhi, Masters in Human Resource Management from Pondicherry Central University, and a D.Phil. from Allahabad Central University.



He has been associated with consumer studies for the last 25 years, and has carried out a number of research and evaluation studies sponsored by national and international agencies. His pioneering study on 'Food wastage in social gatherings' and a study on the 'Impact and effectiveness of the Consumer Protection Act' during the last 25 years have been received very well.

Women power

*The changing profile of urban Indian women has meant a tectonic shift in the consumer profile of our society as a whole, says **Roopa Vajpeyi**.*

It is important to define what is understood and meant by terms and words like 'Urban' and 'Consumers'. How is the Indian consumer specifically different from other consumers in today's globalised economy? Added to this is the dimension of the urban Indian woman and her varied, complex, and hence, interesting profile.

In general, the consumer profile has changed radically over the last century. The literacy factor, and the rapid strides made by the process of urbanisation of the Indian society has also influenced the growth of the female graph.

The following factors have supported and added to the growth and change, especially in the urban Indian woman's consumer profile:

- The increasingly mechanised production processes of the routine consumption products.
- The rise of the packaged goods market, alongwith the ease of transportation.
- The revolution in retailing.
- Compliance to safety standards laid down by agencies like the Bureau of Indian Standards (BIS).
- The rise of consumer awareness, in some degree related to the rise of literacy.
- The mandatory mention of the MRP (Maximum Retail Price), labeling, manufacturing and expiry dates of packaged goods sold in the markets.
- The growth of consumer and environmental NGOs (Non-Governmental Organisations), over a period of time.
- The workshops carried out in schools and colleges, and for the general public, by these consumer NGOs, have all added to centralising the consumer and his/her concerns, and their consumption profiles.



Womens' purchasing power has definitely increased over the past few decades

Defining the urban Indian woman

How can the urban Indian woman be defined? More than anything else, the urban Indian space reflects the emergence of educated, economically independent, and self-sufficient

women consumers in India. Corporations have been developing and marketing products specifically for this consumer sector. Women are increasingly not only making purchase decisions for the family, but for themselves as consumers. Indian markets are now increasingly dominated by products specifically aimed at the female consumers. The modern urban Indian women now have the purchasing power generated by their own earnings.

The working woman to some extent has specific needs, especially in the readymade garment sector, as also in the cosmetics sector. Globalisation and the rapid rise and accessibility of the media in its many forms (print, newspapers, magazines, radio, television etc.), have greatly influenced the 'dress sense' of urban women. More and more urban Indian women are now seen in jeans, palazzo-pants,

or dresses. They perceive these dresses as smarter, and more comfortable than the traditional *sari*. In work places, these dress norms are accepted as wearable. The ready-made

In general, the consumer profile has changed radically over the last century. The literacy factor, and the rapid strides made by the process of urbanisation of the Indian society has also influenced the growth of the female graph.

garments market has not lagged behind in making these available at affordable costs.

Urban Indian women consumers, thus have available cash to spend on themselves, and also more occasions to do so.

As per a survey by the NSSO (National Sample Survey Office), India's urban female work-force participation rate is annually growing at 5.6% since 1991, in comparison with 2% for rural females, and 3% for urban males.

The number of women working and seeking work grew by 14.4% annually between 1991 and 2011, even though the population of urban women grew at only 4.5% during the same time period, according to the 2011 Census. The total number of women *in the work force* increased more than three-fold, from nine million in 1991 to 28 million in 2011, while the number of women *seeking or available for work* increased more than eight-fold, from 1.8 million in 1991 to 15.5 million in 2011.

This means that the number of women in the workforce in 2011 would have been higher by more than 55%, if these 15.5 million women were able to find jobs. In comparison, the male workforce would have increased by only 13% if the 14 million men seeking or available for work found employment. This indicates a significant shift in women's participation in the labour market in urban areas since 1991. But it's also true that while educated urban women are increasingly seeking work, they are unable to find opportunities that meet their expectations, or their education level.

Illiterate and semi-literate women have a very low

unemployment rate. A possible explanation; they are absorbed in the informal sector that requires low skills and offers low remuneration in sectors such as services, manufacturing, wholesale trade and construction at low wages. Close to 20% of urban women work as domestic help, cleaners, vendors, hawkers and sales people, hence, 43% of urban women were self-employed.

Will schemes like Prime Minister Modi's 'Make in India' and 'Skill India Mission' benefit the women? Ironically, these schemes may fall short because while India has transitioned to a \$2 trillion economy in the past two decades, it has not created adequate and secure jobs for its large, mostly-unskilled labour force.

The current government is attempting to address this issue through two related sets of interventions. First, by promoting the industrial sector in India through the 'Make in India' campaign, and second, through the recently-launched 'Skill India Mission', which aims to train 400 million workers over the next seven years.

In their current form, these policies do not reflect the reality of the work force, particularly in relation to women, who comprise half of India's potential work force. Hence, there is a need to reconsider these policies. ■



Roopa Vajpeyi is a consumer activist, and currently works with an NGO called Consumer India.

Know your rights

Out of the various laws that have been enforced to protect the consumer rights in India, the most important is the Consumer Protection Act, 1986. According to this law, everybody, including individuals, a firm, a Hindu undivided family and a company, have the right to exercise their consumer rights for the purchase of goods and services made by them. It is significant that, as consumer, one knows the basic rights as well as about the courts and procedures that follow with the infringement of one's rights. In general, the consumer rights in India are listed below:

- *The right to be protected from all kinds of hazardous goods and services.*
- *The right to be fully informed about the performance and quality of all goods and services.*
- *The right to free choice of goods and services.*
- *The right to be heard in all decision-making processes related to consumer interests.*
- *The right to seek redressal, whenever consumer rights have been infringed.*
- *The right to complete consumer education.*

If there is infringement of rights of a consumer, then a complaint can be made under the following circumstances and reported to the closest designated consumer court:

- *The goods or services purchased by a person or agreed to be purchased by a person has one or more defects or deficiencies in any respect.*
- *A trader or a service provider resort to unfair or restrictive practices of trade.*
- *A trader or a service provider if charges a price more than the price displayed on the goods or the price that was agreed upon between the parties or the price that was stipulated under any law that exist.*

(Check the website www.consumerrights.org.in for more information)

JOIN THE MOVEMENT



SUBSCRIPTION FORM

Yes, I want to join the movement. I want to subscribe to One India One People

One Year [12 issues]

☐ Rs. 500 | US\$ 50

Three Years [36 issues]

☐ Rs. 1400 | US\$ 125

Five Years [60 issues]

☐ Rs. 2200 | US\$ 200

I am enclosing a Cheque/DD No. _____ drawn on: _____

dated: _____ favouring **One India One People Foundation** for Rs. / US\$. _____

Mr / Ms: _____

Occupation / Designation: _____ Age: _____ Gender: M/F Qualification: _____

Address: _____

City: _____ Pin: _____ Country: _____

Tel: (R) _____ Tel: (O) _____ Fax: _____

E-mail: _____ Sign: _____



GIFT SUBSCRIPTION FORM

I want to gift a subscription of One India One People

One Year [12 issues]

☐ Rs. 500 | US\$ 50

Three Years [36 issues]

☐ Rs. 1400 | US\$ 125

Five Years [60 issues]

☐ Rs. 2200 | US\$ 200

To: Mr / Ms: _____

Occupation / Designation: _____ Age: _____ Gender: M/F Qualification: _____

Address: _____

City: _____ Pin: _____ Country: _____

Tel: (R) _____ Tel: (O) _____ Fax: _____

E-mail: _____

From: Mr / Ms: _____

Occupation / Designation: _____ Age: _____ Gender: M/F Qualification: _____

Address: _____

City: _____ Pin: _____ Country: _____

Tel: (R) _____ Tel: (O) _____ Fax: _____

E-mail: _____ Sign: _____

I am enclosing a Cheque/DD No. _____ drawn on: _____

dated: _____ favouring **One India One People Foundation** for Rs. / US\$. _____

(For multiple gifts, photocopy this form or attach a list)

ADDRESS TO:

One India One People Foundation, Mahalaxmi Chambers, 4th Floor, 22, Bhulabhai Desai Road, Mumbai - 400 026, India. Tel: 2353 4400 Fax: 91 22 2351 7544 E-mail: oiop@vsnl.net/oiopfoundation@gmail.com

KNOW INDIA **BETTER**

Arni

A jewel in the Jagir's crown

We set out on the road less travelled, to a town that has existed for more than a thousand years – Arni in Tamil Nadu. This small town which has remained the capital of a Jagir, has palatial buildings, historical temples, and a rich heritage. Also known for its special silk which is more economical than the famous Kanchipuram silk, Arni remains a place less explored and less documented. The Second War of the Carnatic between Robert Clive-led British and Raza Sahib-led Franco-Indian armies, was also fought in this town.

Text & Photos: Nivedita Louis





We were escorted with much fanfare into the Kailasanathar Temple

Travel brings power and love back to your life

– Rumi

It was a hot summer morning, the sun was getting brighter and hotter as I waited for our van. A group of heritage enthusiasts had planned a day trip to a place called Arni, about 140 kms and three hours travel from Chennai, and I was all charged to enjoy the day. The van arrived and off we went, on the road less traveled. Arni is a temple town, well known for its famous Arni Silk, but our trip wasn't about Arni silks...

Mohan Hariharan, the renowned architect of Chennai who has designed so many theaters and schools, organised this trip, and I count myself lucky to have joined the group on this trip. The itinerary supplied to us read, "By the time you get back home it will be 9 pm. You don't have to bring water or headache medicines, we will provide". As the van zipped across the highway, speaking into a hand wielded microphone, Mohan gave us a small brief of the places enroute – Damel, Kaveripak, Ranipet, Arcot, and handed us a quiz questionnaire. The sheet had a clear disclaimer – "It is only for time pass – it does not matter if you do not know the answers, but the first two persons who score the most may be given gifts".

It was a hot summer morning, the sun was getting brighter and hotter as I waited for our van. A group of heritage enthusiasts had planned a day trip to a place called Arni, about 140 kms and three hours travel from Chennai, and I was all charged to enjoy the day.

The questions were on varied subjects – "Can you name any of the three names of Raja Tej Singh's horse?" Pat came my reply – Pancha Kalyani, but I had a tough time remembering the other names. Someone suggested Neelaveni. But it was the quiz master who revealed the last name – Barah Hazari. "What is the state flower of Kerala and West Bengal?" read the next question, and this time the answers just flew in – golden showers and night-flowering jasmine, *nyctanthes*. "What is *phirni*?" came last, and almost all of us shouted out the answer – A Mughal dessert! By the time the questions were answered, we arrived at our first stop of the trip, and I was mentally so charged up!

The name Arni

The name of the town Arni came from the Tamil word Ar+Ani which means, "beautified by Ar tree", Ar being the Indian *laburnum*. The town existed during the period of Rashtrakutas and Cholas, and came under Hoysala rule and Vijayanagara Empire. It was Maratha King Shahji, father of Veer Shivaji, who handed over Arni along with 192 villages around it to his Commander Vedhaji Bhaskara Punt in 1640 AD. During the reign of Bhaskara Punt, Veer Shivaji had visited Arni on his way to Tanjore (Thanjavur). The town with all of its 192 villages,



The gopura kalasams waiting to be refilled with grains

211 sq. miles in all, formed the Arni Jagir, thence ruled over by the Arni Jagirdars from the Punt family. The Jagir was abolished under the Zamindar Abolition Bill, 1948, when the annual revenue of the Jagir was about ₹ 2.5 lakhs per year!

The van crossed the nondescript Arni Fort area – where nothing remains except the Gori Maidan or Parade ground. Once there existed a fort and a moat. The exact year of construction of the fort is not known, but assumed to be around 1800-1820 by the Nawab of Arcot, later expanded by the Arni Jagirs. The fort area once had more than 100 barracks, stables for horses and elephants. It also housed a sub-jail, a few old Jagir bungalows, an Officer's Club and the Coronation School. We craned our necks to see the tall obelisk at its center. "That will come later", said Mohan sir, and the van screeched to a halt in front of a temple *gopuram*. As we got down from the van, a *nadaswaram* and *thavil* (tamil musical instruments) party surrounded us, and it was a divine feeling, being escorted into the Kailasanathar Temple.

The Kailasanathar Temple

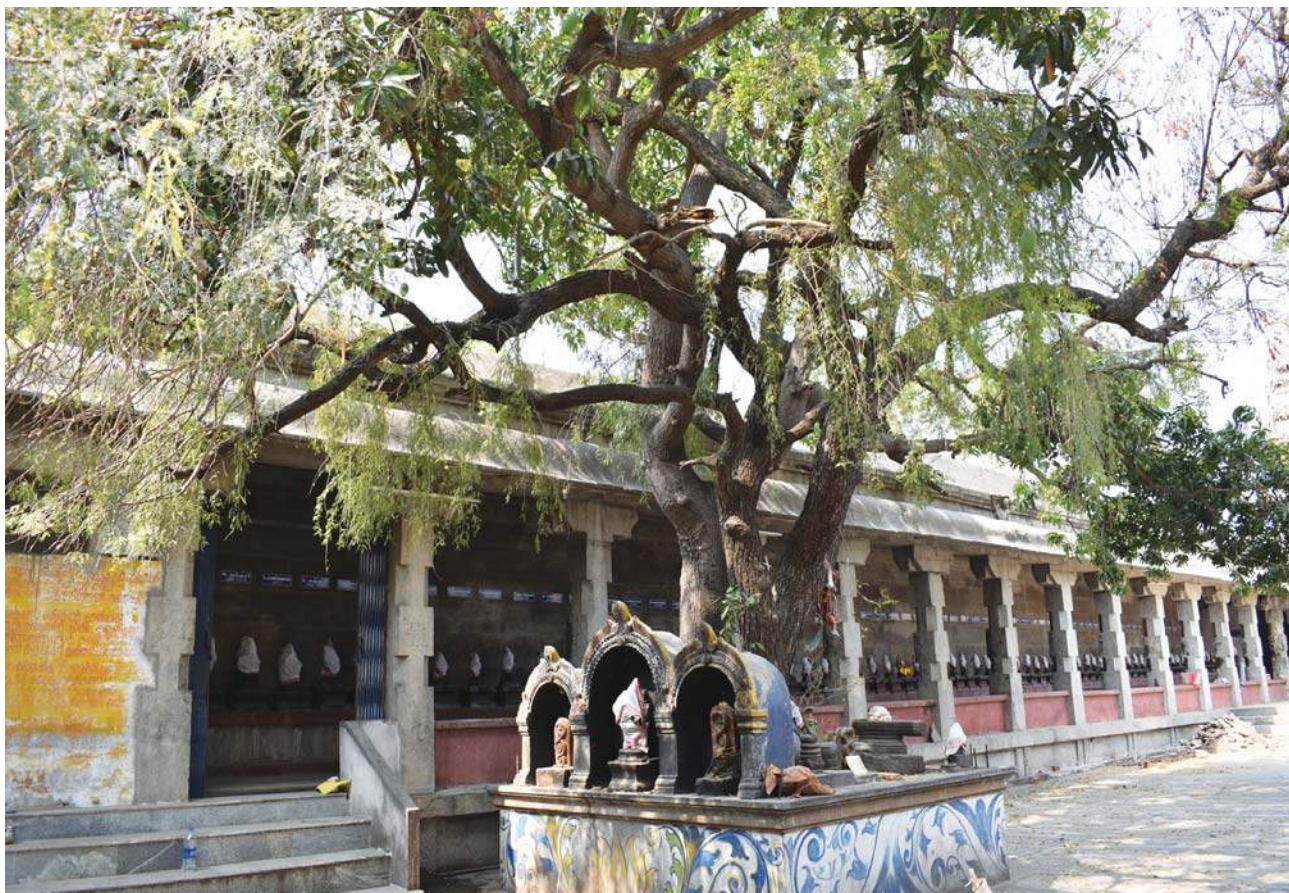
The temple was under renovation for *Kumbabhishekam* – an elaborate function where the crown of the *gopuram* is bathed and sanctified with holy water. The crown here is made of copper, filled with kodo-millet grains. Kodo millet is very special as it is difficult to de-husk. The ancient Tamil practice of storing grains in large copper sealed vessels atop temples was to ensure food during floods, and seeds during famines.



Kodo-millet, the grain stored in the gopura kalasams

During floods the temple *gopurams* were the tallest structures where waters couldn't reach, and during famines, it was the safest place to store. The grains remained intact for years when stored in the air-tight copper vessels, and were safe to use. Almost all Tamil temples have this practice of storing the grains even now. The grains of this temple were being replaced after a period of 12 years during this *Kumbabhishekam*, and it was a treat to watch.

The east facing temple has a five-tier *gopuram* that was concealed for *Kumbabhishekam* with palm leaves. As we entered the temple, we saw the Nandi Mandap, Dwaja Stambh and Balipeetam, all made of green granite stones. The temple's sanctum must have been built during the late Chola era – probably 12th-13th century, with additions by Vijayanagar and



The Vanni tree and the 63 Nayanmar-Saivite saints at the Kailasanathar Temple

Sambuvaraya Kings. The outer *prakara* has a beautiful Vanni tree, which is the *sthala-vriksha*, 1008 lingams all lined up, including the Brahma lingam, Jyoti lingam, Kasi Lingam, Vayu lingam, and a Vallabha Ganapathy dating back to the Chola era.

There are idols of 63 Nayanmar-Saivite saints, and a separate sub-shrine for Lord Muruga. The temple authorities were kind enough to show us a few Chola bronzes kept under tight security. The Nataraja occupying the center of the lot was so graceful that I almost forgot to breathe. With hair flowing wild in the wind, one leg holding his ear ring and his four arms circling wide, it was sheer poetry in metal. The Somaskantha idol is equally ravishing. The *dwar-palakas* are so huge and are of granite.

We walked past the *mandaps* that have intricate carvings and came to the right side of the *prakara* where the Moolavars or the main deities of the sanctum have been moved to. Enshrined in

a small asbestos enclosure, Kailasanathar and his consort Aramvalar Nayaki stand amidst all cacophony. The temple management had arranged a special *pooja* for us and with the divine music and chants of the priests, we conducted a prayer. We were honoured with garlands, a piece of intricately woven Arni silk piece with the motif of the legendary Pancha Kalyani, the horse of Raja Tej Singh, and a set of books by the temple management. We came out of the temple spiritually appeased and mentally satisfied. The holy pond is located just adjacent to the temple.

As the van approached the next stop, the sun was high. The Gori Maidan was used as a proper parade ground during the Raj. The center of the ground has the 45 feet tall Robert Kelly memorial obelisk. The memorial was erected in memory of the Chief Commander of the Western Army 4th Regiment Infantry, Robert Kelly. Robert Kelly was the Commander who fought for



A statue of a dancing girl with plaited hair at the Kailasanathar Temple



Lord Kailasanathar with his consort Aramvalar Nayaki

the British along with Mahmud Khan aka Maruthanayagam and secured Arni Fort for the British. Unfortunately, Kelly died in a duel with his subordinate Col. Vigors in 1790. The duel is said to be a fall out due to Mrs. Kelly. The memorial was curiously erected by the son of Col Vigors, Lt. Col. Urban Vigors. Was it out of valour or atonement or love, we will never know.

The capital of Arni Jagirs

Our next stop was the Capital of Arni Jagirs – Sathyavijayanagaram. The capital of the Jagir lies on the banks of River Kamandala Naganadi, about 5 km from Arni village. It was established by Venkatanatha Rao in 1825. It is said to be named after the Moola Uttaradi Mutt Jeeya Sathya Vijaya Theertharu. The once bustling Rajapattai (Royal Courtyard) now stands in stoic silence. The houses leading up to the dilapidated palace are those of the ministers during their reign, I muse at the century old street. The neatly lined houses are now devoid of any human

Unfortunately, Kelly died in a duel with his subordinate Col. Vigors in 1790. The duel is said to be a fall out due to Mrs. Kelly. The memorial was curiously erected by the son of Col Vigors, Lt. Col. Urban Vigors. Was it out of valour or atonement or love, we will never know.



The Robert Kelly Memorial obelisk, Gori Maidan

movement. The Diwan Khana or Sri Vilas has been the abode of the Jagirs for over 100 years. It housed their women folk and children and was a place to entertain their guests. Built in three tiers, all that remains of the palace are the walls and wood-robbd windows.

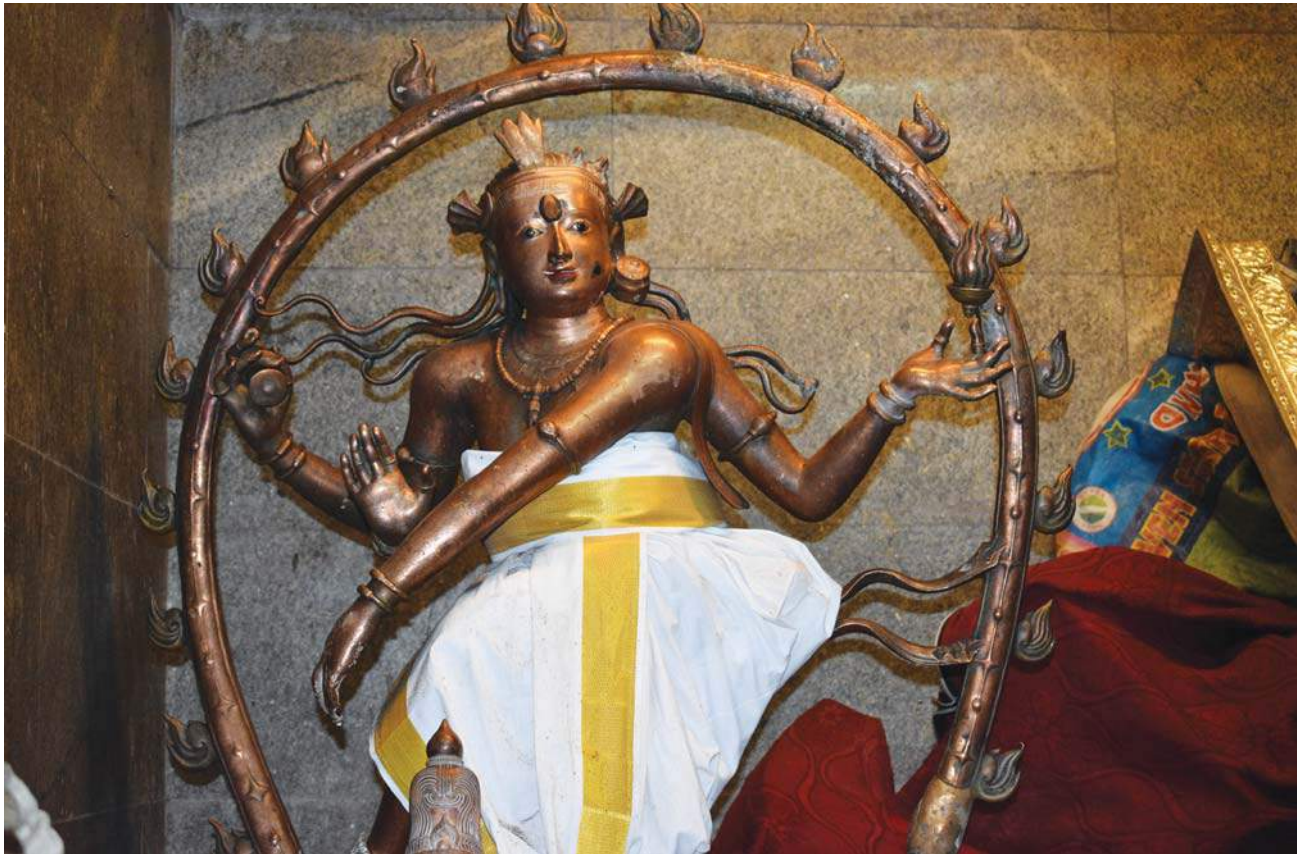
There is a plaque that says “renovated in 1876”. The arched windows, the lime polished walls, high columns, enormous corridors, all stand testimony to the fine architecture, the style called Stuart Architecture. The columns are distinctly Corinthian, the architecture a mix of European and Persian. A fine door-like concealed wall, complete with a padlock, has been built on the first floor, to confuse the opponents. The hand polished lime mortar has such smoothness that it can only be felt by running our hands over it. The high columns have unusual semi-circular bricks and a circular granite to ensure full support. The banisters are finely polished, and the pillars have beautiful stucco work of lions and faces.



Chola period bronzes at the Kailasanathar Temple

There are fine paintings on the walls and stucco peacocks grace the doorways. The lengthy corridors are held together by an overgrowth of banyan shoots, the entire structure is now

at the mercy of the vegetation to not give up on it. The palace is said to be sold to the government by the Jagirs. The harem of the palace has a separate entrance. The plaque mentioning



The Nataraja in full glory; a real vision to behold!



**Every child has the right to education.
Let's work towards a brighter India.**



MANUGRAPH

Technology in Print

Sidhwa House, N.A.Sawant Marg, Colaba, Mumbai 400 005.
Mumbai : 022 - 22874815 | Delhi : 011 - 23314768 | Chennai : 044 - 28410679
Ahemdabad : 079 - 26441830 | Kolkata : 033 - 22834041 | Hyderabad : 040 - 23202668
For further details : www.manugraph.com | sales@manugraph.com

MATCHSTICK

DIMENSIONS - 20cms x 27cms



The Sathyavijayanagaram Palace at the capital of the Arni Jagirs

renovation done in 1876 is found in this part of the palace.

The adjoining Queen's Palace has been renovated by the government as also the Durbar Hall. Please understand,

renovation here means scrapping the original flooring and relaying the floor with vitrified tiles. There is a huge well that brims with water even in the hot summer. The fountain and



The now defunct Durbar Hall at the palace



The Queen's Palace adjoining the Sathyavijayanagaram Palace

swimming pool have also been renovated, yet stand high and dry without water. The entrance door of the Queen's Palace has the emblem of the Jagirs affixed in glass - "Per Deum Et Ferrum Obtinui", meaning "By God and my Sword I have obtained". A government office also functions inside the premises, as we gawked at the last piece of furniture left in the palace ground – an ornate table, now used to hold a few books. This part of the palace has been well-maintained.

The Jagirs had also instituted a Jagirdar of Arni Gold Medal for outstanding students in Physics and Chemistry at the

Presidency College, Madras, in 1877. The medal reads "Presented in loyal Commemoration of the visit of HRH Prince of Wales to Madras by the Jagir of Arni". Two Nobel Prize recipients have received the Arni Gold Medal – Sir C.V. Raman in 1905, and Dr. S. Chandrasekar in 1930. Somewhere around 1936, this practice was discontinued. The Jagirdars had a lavish life style – at one time they owned 182 cars, all imported! They participated in betting heavily at all the races around Tamil Nadu – Chennai and Ooty mainly, and lost a fortune. The palace stands mute testimony to the lives of a clan so well-



Pillars with curved bricks and round granite at the palace



The faux door, which is actually a wall



The Arugar Jain Temple, Poondi

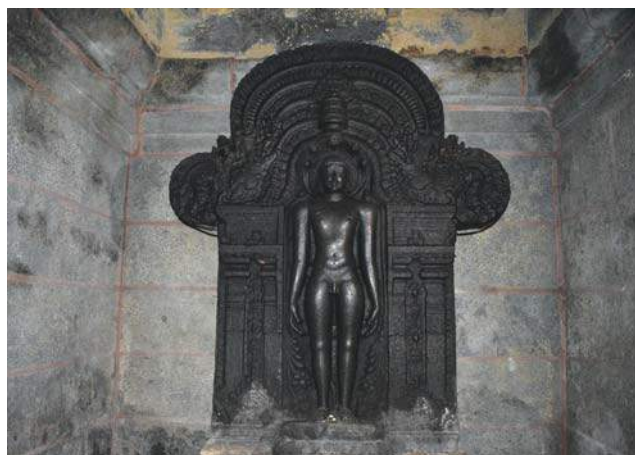
lived, that it got to its place by the sheer strength of sword and the grace of God.

The Jain temple at Poondi

As the sun sears our skin, we escape into Arni Aryas hotel for lunch. A sumptuous lunch and some banter later, we are off to our next stop, a village 3 km away from Arni – Poondi. The 13th century Jain temple at Poondi village is called Arugar temple. The temple is an architectural marvel, a stone structure standing atop a brick basement, built by Sambuvaraya Prince Veera Samban. It is an ASI (Archaeological Society of India) protected

monument. Mentioned in Chola inscriptions as Ponnezhilnathar temple, it has been mentioned in 13th century Sambuvaraya inscriptions as Veera Veera Jinalayam.

The three-tiered *gopuram* has interesting stuccoes that have been sand blasted recently. Renovation work was in progress as we marveled at the huge five feet tall Parashvanath inside the sanctum, in standing position, his head covered by a five-headed snake. The tail of the snake reached his leg and there are three more panels with all 24 Tirthankaras. Around the sanctum we find Dharma Devi, Brahmadeva, Jwala Malini, Padmavathy, Chakreswari, Chandraprabhanath. The Navagrahas



The five feet tall Parashvanath idol at the Jain temple at Poondi



The panel inside the Jain temple depicting the 24 Tirthankaras



The Poosimalaikuppam Palace, seen from the forest surrounding it

are called Navadevatas in Jain temples. Here, the Navadevatas are placed in an old dilapidated brick structure. There are two more Tirthankaras in the Mukha Mandap. The sub-shrines are supposedly later additions to the main sanctum.

The Hindu deities are worshipped by Jains as Yakshis, and so we find Hindu deities of Saraswathy, Lakshmi and interestingly, Ayyanar, in the outer *prakaras*. As we come out of the temple, we were greeted by the person in-charge, who gave interesting information about the Tamil Jains. He claimed about 1000 Jain followers around Arni. He also explained about the annual Aradhana Festival held at the temple during the fifth day of Tamil Thai month, roughly falling in the second fortnight of January. The Jain festival Mahavir Jayanti is also celebrated with equal gusto.

As we exited the temple, bunches of mangoes greeted us as we jumped with glee. The temple is surrounded by a huge mango orchard, and we struck a deal with a few women working there. We bought our mangoes and moved on to the next stop, 13 km away.

The 'shooting box'

The weather is swelteringly hot, and we sweat profusely. As we take a turn from the main road, thick vegetation surrounds us. The trees were planted by the Jagirdars to make the area surrounding their hunting palace, cool. Once teeming with game like wild boars and deer, the tropical forest wears a dull, dreary look. The air gets colder as we move further, greenery cloaks us. Paddy fields on either sides of the road greeted us with green carpets. The imposing red building at the end of the road loomed into vision and we alighted from the van, spellbound.

As the team walked to and fro admiring the building, I scrambled to the nearby fields to get a good shot of the building. The Poosimalaikuppam Palace, called the "shooting box" is a lovely piece of architecture, designed by W.N. Pogson. Built



One of the verandahs overlooking the kitchen at the Poosimalaikuppam Palace

like the Windsor Castle in 1860 by Srinivasa Rao Sahib, this was called the "shooting box" as the Jagirdars entertained their guests here. This is said to be constructed by the same contractor who built the Spencers building in Chennai. Locals call this place "Kannadi Maligai", meaning the Glass Palace.

The Madras roofing is evident as we stand mesmerised on the verandah. The Madras roofs of this palace are made of steel, bricks placed at 45 degrees from the wall, and lime mortar, gravel and sand connecting them. The graffiti on the walls of the abandoned palace are so horrifying, some literally, with all spooky movie names and dialogues written all over. The lower floor has few rooms, all equipped with a fire place. I wonder what a fire place must have been used for in the humid area.

The ornate ceilings have murals that have started peeling off. A bunch of "busy-bodies" slept on the floors, and we climbed the intricately polished steps to the first floor. The same type of rooms with beautiful roofs and columns look inviting. No two corners of the building are the same, each designed in a unique way. The sit-out on the northern side has cast iron pillars, which have the dual purpose of draining the rain water, and support. Interestingly, these pillars/pipes have the "Made in Glasgow" seal still intact, with the year 1860 imprinted. Here too, we find rounded 'corner bricks' in the palace.

There is a separate kitchen outside the palace, a well, and a large pigeon tower. The pigeon tower has multiple crevices for the pigeons to nest. May be the inhabitants of the palace loved to rear pigeons. Now the pigeon tower has huge termite nests and we didn't venture inside for fear of upsetting the army lurking underneath. The group scrambled for the proverbial group picture in front of the palace. Someone whispered, "This palace was built for the kept European mistress of the Jagirdar...and that's why we find the fire places and all that European touch. There is also a secret passage from the Sathyavijayanagaram Palace to this place..."



The kitchen and pigeon tower at the Poosimalaikuppam Palace

As the setting sun simmered, I stood behind one of the bay windows, looking at the endless fields in front of me, and the snaking road. If the story was true, what could have been the thoughts of the lone mistress kept here, far away from the town and civilisation? How would she have lived in the absence of company, thousands of miles and continents away from her family? A lump formed in my throat, as I thought of the poor soul.

Both the palaces of the Jagir are practically in ruins now, repeated appeals from heritage enthusiasts and local people to the government have fallen on deaf ears. With the help of a few architects, Mohan has planned to submit a proposal to the state government to preserve the buildings, as both the buildings come under the control of the state government. With child-like enthusiasm, this senior citizen architect shows his plans for reviving the Poosimalaikuppam Palace as the van moves on. I fervently wish someone will pay heed to his requests and will do something to save the heritage structures.

The van moves into town and I start looking out for the

famed sweet of Arni – the *Makkan peda*. The sweet-tooth in me refuses to be appeased, and at the sight of the sweet shop we all hurriedly clamber to the platform. *Makkan peda* is said to be the royal dessert of the Arcot Nawabs. Made of *maida* and unsweetened *khoya* (thickened milk), it is filled with nuts – raisins, pistachios, almonds, walnuts and cashews. The delicacy looks like *gulab-jamun*, but is its richer variant. As we taste the first *Makkan peda*, all slithery from sweat and heat, the first drops of rain fall on to the pavement. A sudden rain lashes the area, as I jump onto the platform, savouring the *Makkan peda* and the surprise summer showers. As it gets dark, the group pulls a reluctant me back to the van, and we set out on our return journey to Chennai. ■



Nivedita Louis is a writer, blogger and social activist by choice. Bitten by the travel bug, and smitten by nature, she loves travelling and cooking. She blogs at www.cloudninetalks.blogspot.com.

Our Last Six Issues

To order copies Call: 022-23534400 / E-mail: oiopfoundation@gmail.com



“For me, direction was a new high. I did not have to go through look tests, costume trials, workshops and an overload of make-up and all that goes with it.”



Konkona Sen Sharma began her career in films, very hesitantly, as an actress under the directorial baton of her mother Aparna Sen. But she flowered and flourished and bagged the national award for Best Actress for her outstanding performance in *Mr. & Mrs. Iyer*. More than a decade later, after featuring in several mainstream and off-mainstream films in Bollywood and Bengali cinema, Konkona has ventured into directing a feature film. She has already directed a short film called *Naamkaran* that is a hit on You-Tube, but *A Death in the Ganj* is her first, full-length feature film in English. It is a film

that cannot be boxed into any definite genre because it a genre-defying film. Konkona Sen Sharma in conversation with **Shoma A. Chatterji**.

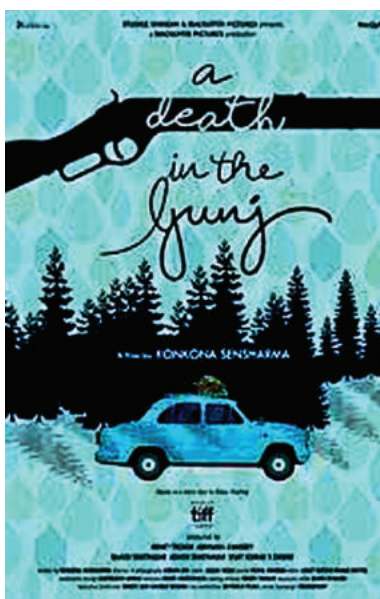
What is *A Death in the Ganj* all about?

The place setting is McCluskieganj. Set in 1979, it is a coming-of-age story of a gangly, awkward, 23-year-old Shutu (Shyamal Chatterjee). He uses a family road trip to McCluskieganj, an old, Anglo-Indian town, as an escape from his failed semester. The story is set within seven days of the last week of the year ending on New Year's Day. The near-perfect family story has something amiss. It is based on a true story, but of course, I have embroidered it with a lot of fiction and more characters, to make a full-length film.

But we are told it is a small-budget film. Is that right?

Yes, you are right. It is a crowd-funded film which means that lots of my friends have come together to make this film possible. It is truly difficult to find a producer willing to put in money in this kind of a film, because it is not really a mainstream film. I am deeply indebted to Raagi Bhatnagar, Ashish Bhatnagar, Abhishek Choubey who directed *Udta Punjab*, and Honey Trehan who is a casting director for many films. We could not

afford expensive stars or a lavish mounting, with the shoe-string budget we were working on. They are my friends and they all liked my screenplay. Thankfully, the film has turned out to be a sleeper hit, meaning that it is picking up slowly in the theatres, and critics too have liked it a lot. It was released on June 2, simultaneously in Kolkata, Bengaluru and Delhi.



A Death In The Ganj is a coming-of-age story

How do you react to the Best Director Award for this film at the New York Film Festival?

It was thrilling because I was not expecting it at all. I also won the Best Actress Award for my acting in *Lipstick Under My Burkha* which went into a lot of censor trouble, but is finally releasing. It had its Indian premiere at MAMI Fest last year, and at the Toronto International Film Festival internationally. While deciding to make a film and during the process of making it, these things do not bother me at all, because I am totally focussed on my film. The response is not in my control, so my concentration is on things that are under my control.



A Death In The Ganj cast

Do you think that all the pre-release attention the film drew would affect the market of the film when released?

Not really, because I am concerned about the quality of the film which does not change either by the accolades or the brickbats it draws. It will bag awards in some festivals and none in other festivals. All I can say is that it is not a bad film. It is different, true, and quite unusual, but that is about it.

You have acted in Bengali, Hindi and English films and have a successful career. Did you think about direction at any time during this phase?

Not really. After delivering my little boy, my work had slowed down a bit. My flat was being renovated at that time, so I went

to live with my father in Delhi for two months. We discussed a short story my father had written many years ago. I had heard the story from him as a child when we would visit McCluskieganj for holidays, as my paternal grandparents had a house there. But this time, when I read it again and discussed it with him, I felt it had scope for a lot of development to be made into a full-length feature film. The thought remained and kept haunting me even after I came back to Mumbai. That is how the script was born for *A Death in the Ganj*.

Tell us a bit more about this place, because very few people have even heard about it.

McCluskieganj is a small town in Jharkhand, about 70 Km from Ranchi. It was the brainchild of Ernest Timothy McCluskie who created this homeland of members of the Anglo-Indian community. It is roughly an eight-hour drive from Kolkata. Between the 1930s and '40s, scores of Anglo-Indians from all parts of the Indian sub-continent came as settlers to this remote location that was once called Lapra, in the erstwhile state of Bihar, now in Jharkhand. I felt it would suit my story and would also be economical as we were making the film on a shoe-string budget, and we could shoot at a single stretch. As a small girl, I had lots of fun with my father narrating stories to me. Remember we did not have Internet or any other form of entertainment at the time, no cell phones, no WhatsApp, nothing. But there were wonderful family reunions and lovely get-togethers, and lots of fun.

Some of this I have tried to bring into my film. But slowly, the fun and frolic faded, because the younger generation migrated to other places and the houses became empty. Today, it is a



On location of *A Death In The Ganj* ; Konkona in centre



This movie is Konkona's first full-length feature film

deserted place with very few senior citizens still pulling on. There are hostels and boarding houses for students who come to study here. But that is about all.

Did you miss acting during this process of direction?

Not at all. I have been observing and also working with my mother when she was directing. So, I am familiar with her work as director. For me, direction was a new high. I did not have to go through look tests, costume trials, workshops and an overload of make-up and all that goes with it. It was a thoroughly liberating experience, minus the mandatory baggage I must carry as an actress. It was very fulfilling in a different way.

Are you as disciplined and punctual and pre-planned like your mother as director?

Let me tell you that my directorial work has been deeply influenced by my mother's way of working, and the tight budget forced me to plan much in advance than we needed to. Everything was detailed in terms of shot-breaks, framing of shots, dialogue, all of which were done much in advance. We had already done enough readings and had the time and space to thrash it out too. It is a small-budget film and since we were ready to shoot, the question of improvisation did not arise at all.

You have featured a mixed cast of veterans like Tanuja and Om Puri, contemporary actors like Ranvir Shorey and relative newcomers in the roles of the younger characters. Was it difficult?

No, because the young actors are all friends and we worked for so long that they internalised everything in terms of acting. The late Om Puri and Tanuja aunty have watched me grow up, and were extremely cooperative right through. In fact, for me, it was a wonderful learning experience.

Was this directorial venture a challenge for you?

Of course, it was a very big challenge. The biggest challenge was to recreate the period – 1979 – which is not exactly a 'period' film but a film that is placed in the past. At that time, you had to go to the local post office to make a telephone or trunk call. Letters would be handwritten on inland letters and bordered envelopes.

Young, westernised men wore strange hair cuts, suits and jackets, even the glasses that Nandu, one of the character wears, the slow lifestyle of the old couple, even the old blue Ambassador car the young family drive from Calcutta to visit Nandu's parents. I must thank my entire cast and crew for making it possible to wrap up the shoot in six weeks. ■



Shoma A. Chatterji is a freelance journalist, film scholar and author. She has authored 17 published titles and won the National Award for Best Writing on Cinema, twice. She won the UNFPA-Laadli Media Award, 2010 for 'commitment to addressing and analysing gender issues' among many awards.

One India One People Club activities in Mumbai

First Aid Workshop by Dr. Annapurna Agarwal, Naturopath and Acupuncturist



St. Anne's High School (English Medium), Borivali (W)



St. Anne's High School (Marathi Medium), Borivali (W)



Anjuman-I-Islam Dr. M.I.J. Girl's High School, Bandra (W)



St. Rock's Jr. College of Commerce, Borivali (W)



St. Rock's Degree College of Commerce, Borivali (W)



Niranjana Majithia College of Commerce, Kandivali (W)

Disaster Management Workshops by Mr. A. Gopalakrishnan, Resource person for OIOP



St. Anne's High School (English Medium), Borivali (W)



St. Anne's High School (Marathi Medium), Borivali (W)



Anjuman-I-Islam Dr. M.I.J. Girls High School, Bandra



Chembur Karnatak High School, Chembur



S.P.R. Jain Kanyashala, Ghatkopar (W)



M.K.E. S English School, Malad (W)



**WORLD CLASS
QUALITY MEDICINES
AT AFFORDABLE PRICES**

BLUE CROSS LABORATORIES PVT LTD.

PENINSULA CHAMBERS, LOWER PAREL, MUMBAI - 400 013.
INDIA.

One nation, one election?

Is 'One nation, one election' just a catchy phrase, or can it really be adopted and adapted by India to meet her own specific requirements? Dr. P.M. Kamath discusses what such a move would entail.

THE 'who's who' of India's political fraternity together with business leaders met on midnight of 30th June at the Central Hall of the Indian Parliament to usher in the much awaited GST (Goods and Services Tax) on which the nation's best brains have toiled since the past 11 years, after P. Chidambaram proposed it in April 2006. Prime Minister (PM) Narendra Modi and his team gave it a catchy slogan: 'One Nation, One Tax.' On the day of the programme, the PM aptly compared replacement of multiple tax regimes with one GST regime to the Iron Man of India, Sardar Patel's efforts to consolidate over 565 princely states into one Indian nation, soon after Independence.

One nation, one election?

PM Modi has been very good at coining attractive phrases. Last year, after he felt the need for reforming the parliamentary system's frequent elections, Modi formulated a catchy slogan: 'One nation, one election'. He called for a national debate on the subject. This was also approved by President Pranab Mukherjee.

As a matter of fact, this is not a new idea, as it was also placed before the nation by former PM Atal Behari Vajpayee. While speaking at the golden jubilee celebrations of the Election Commission of India (ECI), he had said: "A fixed tenure for our Parliament and State Legislatures is essential for our democratic system to mature and deliver good governance." Prior to him, the former Indian President, K. R.

Narayanan had also aired similar views.

However, opposing views have been expressed by politicians mainly of regional parties which are now in power, like the Trinamool Congress (TMC) in West Bengal, the AIADMK in Tamil Nadu or Biju Janata Dal (BJD) in Orissa. They feel that if all elections are held simultaneously through the nation, voters might be carried away by the campaign issues raised by the national parties.

PM Modi has been very good at coining attractive phrases. Last year, after he felt the need for reforming the parliamentary system's frequent elections, Modi formulated a catchy slogan: 'One nation, one election'.

In my opinion, most significantly, the proposed change of giving a fixed term to the directly elected bodies in states and at the federal level, cuts at the very fundamental principles governing the parliamentary form of government. In a parliamentary system, the executive is a committee of the legislature; hence, the legislature can always threaten the executive with a 'no-confidence motion' to enforce the executive's political accountability and responsiveness.

However, the Parliament's right to move a 'no-confidence motion' against

the cabinet in theory is balanced by the executive's right to threaten the lower house with dissolution before its term ends. If you provide a fixed term to the elected house, it amounts to making it hyper-powerful, as the lower house can remove the cabinet, but the cabinet cannot threaten to cut short the tenure of the elected house by dissolution of it. It will essentially provide for legislative dictatorship.

The presidential system

A fixed tenure to the executive and legislature is the basic feature of the presidential system. However, in India, there is a feeling that the presidential system may lead to dictatorship. In my opinion that is erroneous, because Indira Gandhi turned even the Indian parliamentary system into a dictatorship – at least during the National Emergency (June 1975-March 1977).

Hence, when Barrister A. R. Antulay in the 1980s publicly proposed the introduction of the presidential system, after Indira Gandhi was re-elected early in 1980 with a decisive mandate, many suspected his intentions. This was in light of the later admission by Sanjay Gandhi that while imposing National Emergency they had thought of not holding elections for perhaps even 20 years! Many advocates of the presidential system then, like the late eminent lawyer Nani Palkhivala or this author, argued that the time for the switchover was not ripe.

(Continued on page 51)

The congress of ideas

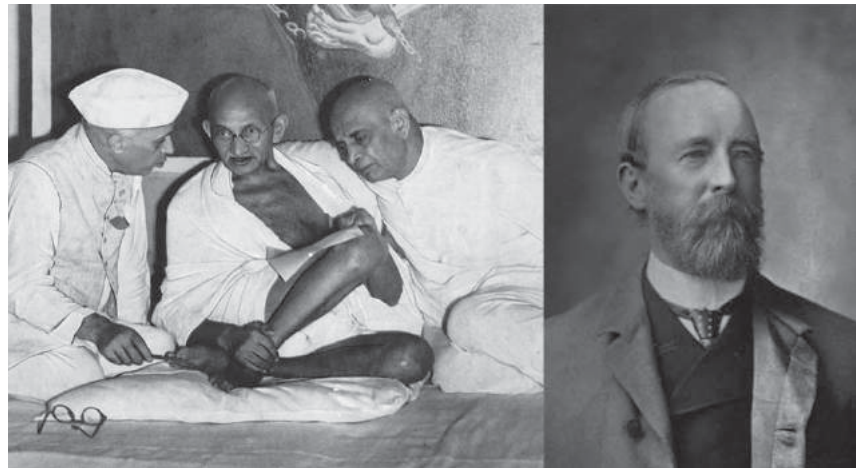
*In this month of India's 70th anniversary of Independence, it's worth looking at the founding of the Indian National Congress which played such a seminal role in our freedom struggle, says **Ram Punyani**. In the process, he also salutes the Mahatma.*

MUCH has been written about the nature of our freedom movement. As per many, the party which led the national movement, the Indian National Congress (INC), was constituted as a club by a British man (Lord A.O. Hume), and it was later converted into an organisation engaged in India's freedom struggle. Many think the INC was a loose body bereft of any ideological commitment, except that of anti colonialism. These beliefs are superficial and are a distorted presentation of the complexity of the origin and struggles of this party, which led the national movement.

The rise of the educated class

With the British introducing modern transport, education and industrialisation, the society started transforming quickly, and newer social classes, industrialists, industrial workers and educated classes started coming up. These groups gradually could see that the British policies were aimed at enriching England at the cost of this land; they also could see that adequate facilities which could enhance the potential of this land were not being promoted. This led to the formation of many organisations, like Dadabhoy Naworji's 'East India Association' (1866), Anand Mohan and Surendra Mohan Bose's 'Indian Association' (1876), Justice Ranade's 'Pune Sarvajanik Sabha' (1870), and Viraraghavachari's 'Madras Mahajan Sabha' (1884), among others.

It is these organisations which felt the need for an all-India organisation. At



Nehru, Gandhi and Patel: Lord A.O.Hume (right) who founded the INC

the same time, Lord Hume, also thought of an all India organisation for Indians. Many feel that he was keen to provide a 'safety valve' for letting off the anger of Indians. These emerging organisations representing interests of an emerging India, cooperated with Hume in the formation of the Congress, with the clear idea of setting up a platform which could intensify the Indian national consciousness for political and economic enhancement. As per historian Bipin

Chandra, Indian nationalists in a way used Hume as a lightning conductor by using this as a platform for an emerging India consciousness.

The national movement was based on aspirations of the rising classes, while the roots of the communal organisations lay in the declining sections of landlords and 'Raja-Nawabs'. So rather than just being the fantasy of the British officer as many think, Hume's initiative was the best option for Indian nationalists to express their political ambitions. The national movement, in practice, was being founded on the grounds of Liberty, Equality and Fraternity. In the process, we see people of all religions, castes and regions overwhelmingly associating with this organisation. Rather than an organisation bereft of principles, the national movement and the Congress were firmly rooted in Indian nationalism, secularism and democracy. It is true that Hindu and Muslim communalists were allowed in the party till 1934, after

With the British introducing modern transport, education and industrialisation, the society started transforming quickly, and newer social classes, industrialists, industrial workers and educated classes started coming up.

that the Congress did take a decision to keep them out. It is also true that some mild communal elements continued to be in the Congress, but their prominent ideology was Indian nationalism.

The national movement focused on the arousal of national feelings. This was in contrast to the sectarian-communal organisations, who wanted a nation in the name of religion, a Muslim or a Hindu nation.

The national movement was strongly critical of economic policies which were keeping the country poor. The proactive part of this movement led by the INC was to unite the nation, cutting across the boundaries of religion, region and caste. It is interesting that while the INC united most of the Hindus and Muslims, bringing them into the national movement, Hindu and Muslim communal organisations had a following among the elite upper caste of those societies only.

The national movement also addressed the major issues of social reforms. Ambedkar's agitations for social justice and Gandhi's campaign against untouchability shook the very foundations of caste-based practices. While the struggle for these issues were within the framework of the colonial system to begin with, later this assumed the form of an anti-colonial movement. The national movement led to the formation of the Indian nation, so the process was called 'India is a Nation in the making'. This was in contrast to the Muslim League's assertion that 'We are a Muslim nation since the time of Mohammad bin Kasim', and the assertion of Hindu nationalists that 'We are a Hindu nation since times immemorial'.

With a communal vision today, Hindu nationalists hold Gandhi as responsible for emboldening Muslims and weakening the Hindu nation, and the partition of the country. It was their formulation and hatred for

The national movement also addressed the major issues of social reforms. Ambedkar's agitations for social justice and Gandhi's campaign against untouchability shook the very foundations of caste-based practices.

Mahatma, which led one of them, Nathuram Godse, to murder him. This hatred was expressed in Hindu communalists distributing sweets after Gandhi's murder. (Letter of Sardar Patel, September 11, 1948). Today, for electoral reasons, they cannot speak the language of Godse so openly, still, to oppose Indian nationalism, they have been giving pinpricks to undermine the Indian nationalism.

Gandhi's vision

The leader of the national movement Gandhi, is called as a *bania* by many. Through his life actions he overcame his caste. This got manifested in his interaction with people of all caste, living in *bhangi* colony and doing the manual scavenging himself. He gave shelter to a *dalit* family in his ashram despite opposition from many inmates of the ashram. He put forward a version of Hinduism where people of all religions are respected.

These were the life principles of Gandhi, due to which he could unite the scattered communities, into a single overarching identity of being an Indian. Cutting across all the divisions, Indian society emerged as a single fraternity. The process was incomplete without the coming into mainstream of the poor, the untouchables and the women. His very concept of national movement was to involve all the people through

Satyagrah (invocation of truth). All the major movements launched by him, from Non Co-operation to Quit India had participation from people of all religions, all regions, all castes, and men and women both.

His drive against untouchability shook the age old foundation of the caste system. The parallel streams which helped build India into a nation pertained to the initiatives taken by Jyoti Rao Phule, Babasaheb Ambedkar and Periyar E.V. Ramasamy, who worked for social justice and for a society with values of equality. Starting with Savitribai Phule, many a women came forward for the dignity and rights of women. Industrial workers and peasants also saw in the national movement a path for their betterment. Barring the declining sections of Raja-Nawabs, landlords and the upper caste; most people came to identify with the concept of 'India as a nation in the making'.

The principles of this movement got enshrined in the Indian Constitution, which underlined the values of 'Liberty, Equality, Fraternity', with social justice as the guiding principle. It recognised the pluralism and upheld the diversity in matters of customs, languages and food habits. This unique document is the apt representation of what India stood for, and what it should aspire for, in the future. The spirit of this document should guide our actions in times to come. Our path for future should be clear, a journey from formal equality to that of substantive equality through a democratic process, which is the core guiding principle of India! ■



Ram Puniyani a former Professor at IIT, Mumbai, is also involved with social issues, particularly, those related to preservation of democratic and secular ethos in our life.

Out of sync

People in India's rural areas lack resources, they don't lack in anything else, asserts Anvi Mehta, after spending a few months living in Uttarakhand's villages. Can this resources gap be bridged?

HAVING spent the last few months in the villages of Champawat district in Uttarakhand, I have realised many things.. To start with, I had my own perceptions of the rural areas in our country; like any other urban kid, I thought our villages were underprivileged and poor. The villagers migrate to cities to earn money as farming is failing, and they have no other skills.

It is only when I lived with the same villagers that I came to conclude that they aren't poor, but they are deprived. They are the result of the shortcomings of the 60 plus years of an independent government which has on central level worked hard to plan and form schemes to help the rural population, but the implementation of the same has terribly failed.

For instance, let us talk about the education system in the villages. Not just I, but a few others who I know are working in rural India, would agree that the teaching here is far from the current standards in the schools in cities. If I had to elaborate on the problems faced here, I would do it point wise, because they are all inter-related and one problem solved can actually solve the whole issue of lack of a proper education system in rural India.

Shortage of staff

Government schools are the only accessible schools for a lot of villages in the district of Champawat. Unlike the neighbouring districts of Almora and Pithoragarh, Champawat has very few private teaching institutions and



India's rural areas lack resources, and very few schools have access to computers

due to monetary constraints, not every family can send their children away from home.

The main problem in a government school is shortage of staff. Why would teachers choose to live in a remote village to educate children? Though it may sound selfish, but because of glamourised urbanisation, not many government teachers would want to spend their years in a village. Very few, dedicated teachers are available for these students. In the 10 villages I work with, no school has teachers for every subject. There is a shortage in staff in major subjects like Science and Maths, which in turn affects the performance of the children in board exams and other entrances.

What can we do for this? Fellowships, scholarships and short teaching programmes can be a good solution. While teachers with families

to support would not want to join the schools in remote places, the youth in the cities would love to take a break from their hectic schedules and work in the rural areas for a short period of time. Regularised programmes can ensure an inflow of teachers from different parts of the country, increasing the exposure for the children.

Stereotyping further education

Meet any student appearing for the 12th boards and ask them of their future plans, rarely will you get the answer different from a BSc, BA or BCom degree. In the cities we are aware that these bachelor degrees are close to extinction and there are many other career choices apart from these. But, do these children have that kind of exposure to educate them on career options? Definitely, not.

The children here have no guidance

to what can be their career options post boards. The families who can afford to send their children outside the district have ensured their kids get counselling, and they select a course as per their liking and capability. The ones who have to stay back do not have much support. They take up courses just for the sake of having a graduation degree and end up in jobs with meagre pays, because that is how they are trained. A Bachelors in Science and a Bachelors in Arts, these are the only options they are told that are meant for them by the family and the school.

What can be done? A career counselling each year at higher secondary classes, so that the children know their options, is important. Also, if extra efforts are put in by the teachers and school authorities on training children for entrance examinations, they could at least try for options like engineering, architecture, interiors, mass communication and so on. The children will not know of their options unless they are educated about them.

The boy bias

In most of the villages, girls' education does not go beyond a degree in arts. They are meant to be married, right? The disheartening part is that a few principals and teachers I spoke to also showed a similar attitude.

So, yes, a majority of the girls here opt for home science instead of mathematics for their 10th boards. It is only a rebel who decides to take up differential and integral problems instead of cooking and cleaning solutions, and these are rare, very rare cases.

What can be done? Equality, the first step towards change, is important. The children and their families need to be educated so that a girl can study maths as much as a boy can choose home science. The gender does not define the interest or capability of a child in any subject.

Teachers should be told to make a separate group of female students who are interested in mathematics, and make sure their parents are convinced to let them choose that subject. One successful case of a group may change the mindsets of many.

Lack of digital education

Every school has been given CDs and computer labs have been equipped to educate children using digital methods. Looks good on paper, in reality, kids have admitted to studying nothing but how to draw using paint.

There is a big gap between the digital education systems that we talk of, and the ones that exist in rural India. Where on one hand we dream of digitising India, the graduates in the villages have no idea of how to use a laptop. This is not because they have poor minds, it is because they lack in resources.

From school, children should be taught to use the latest technology and that is possible only when the school infrastructure and the teaching staff is capable of doing so. Showing interactive videos and study material would help in increasing the understanding of the subject for a student, this can also help in balancing the teacher to student ratio to some extent. If a teacher is not present for a particular subject, maybe, the videos on the same will help the student to understand, and make it easier for their examinations.

What can be done? As mentioned above, strengthening the staff and infrastructure will help in providing the students with the kind of digital education apt to compete with the students from other cities.

Introduction of auxiliary study material

The main reason children in these rural villages do not appear for competition exams is a lack of study

material. The children here do not have access to books apart from their regular academics. They need to read other books to get a hold on current affairs, technology, language skills and so on.

For the overall development of a child, not many resources are available. Hence, the child is limited to what is available. There are very few who have used colours to sketch or paint, played games to enhance their memory and focus, read books to improve on their creativity and imagination. All this is required for overall development of a child. I was once told by a school staff that the kids are low on IQ and have no sense of imagination or creativity, a few days later we handed a box of crayons to the same kids and they did wonders.

What can be done? Addition of creative classes like painting, drawing and reading where the teachers actively participate is needed. Once the teachers participate, it gets easier to involve students.

Conclusion

These are my personal views as per my observations of a few schools I got a chance to visit, and after discussions with staff and students. Also, there are some government schools setting an example of providing exemplary education to children. While these schools and their dedicated staff need to be recognised, the others need to be pushed to go beyond the norms of education in a government school. ■

After completing her engineering, Anvi Mehta interned for a newspaper and has been freelancing since then. Currently working in Uttarakhand as a Fellow, she travels to document different cultures and arts.

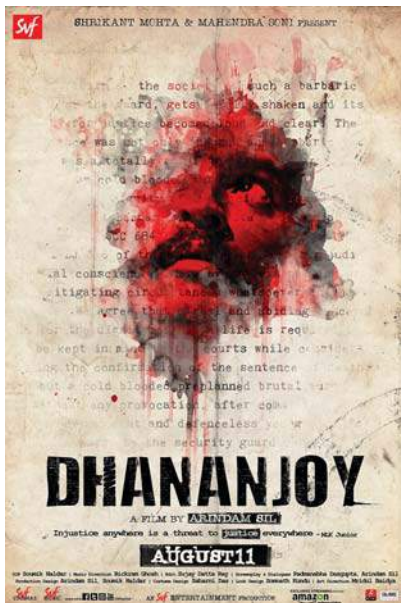


Did Dhananjoy Chatterjee deserve to die?

*A film based on Dhananjoy Chatterjee, who was hanged to death for raping and murdering a young girl, questions the very basis of his conviction. It also questions the validity of capital punishment in a democratic society, says **Shoma A. Chatterji**.*

WHO is Dhananjoy Chatterjee? Few remember him today as the young man sentenced to death by hanging on August 15, 2004, for raping and murdering 14-year-old Hetal Parekh when she came back from school and was at home alone. Dhananjoy was the security guard in the building. He was sentenced and placed behind bars for 14 years, and then sentenced to death. Presidential clemency did not come and finally, despite his insistence that he had neither raped nor killed the girl, Dhananjoy was hanged.

To relive our memories of this tragic event in the history of the death sentence in India prior to the Nirbhaya case, noted filmmaker Arindam Sil has made a fictional film called *Dhananjoy*



The film *Dhananjoy* raises many questions

that will release on August 15 across the country. Says Arindam, "We are not drawing any definite conclusions or making any arbitrary statements about Dhananjoy being guilty or not being guilty of the crime. We are not questioning the execution also. We are only raising questions around whether the death sentence in his case was justified as it was solely on the basis of pure circumstantial evidence.

We are asking the audience to arrive at their personal verdict about Dhananjoy's involvement in the crime, after watching this film."

Only circumstantial evidence

"In the history of the death sentence in India, this is the first death sentence of a civilian citizen carried out without a single shred of physical evidence and on circumstantial evidence alone, and that too, after the man had already served 14 years of rigorous imprisonment. That is what this film *Dhananjoy* seeks to do. On the basis of our research for this film, we have concluded that Dhananjoy's death sentence was premised on the massive media outcry, so it was possibly a media-created trial that sentenced him to death," says the director Sil.

He is right. Studies have shown that many executions in India have been consequent to; (a) massive public outcry against crimes and murders committed



Anirban Bhattacharya essayed the role of Dhananjoy

in cold blood, and (b) wide and continuous media coverage highlighting the crimes. The executions of Pheroze Rustom Daruwala, the four hired killers in the Manwat murders, Billa and Ranga, and the four killers of the Joshi and Abhyankar families of Pune, are cases in point. Daruwala was denied presidential clemency. He was executed on December 31, 1975. The death sentence of the Manwat murderers of 11 little girls in a series of ritual killings was carried out in September 1979. Interestingly, the actual culprits were let off scot-free 'for want of evidence.' In actuality, it was because of the political clout Uttamrao Barhate and his mistress Rukmani commanded in the area. Billa and Ranga were caught and hanged for the senseless murders of Geeta and Sanjay Chopra in Delhi. On October 1983, Rajendra Jakkal, Dilip Sutar, Shantaram Jagtap and Munawar Shah

were executed for planning and executing the murders of the Abhyankar and Joshi families.

Coming back to the film *Dhananjay*, it came about when Arindam Sil was sent a book based on research on the entire case done by Paramesh Goswami, a social activist, and Debashish Sengupta and Probal Mukherjee, who are professors at the Indian Statistical Institute. The book was titled *The Court, Media, Society and Dhananjay Chatterjee's*

Death Sentence, by another filmmaker Atanu Ghosh. Ghosh suggested that Sil make a film based on this new perspective the research offered about Dhananjay's involvement in the crime and his subsequent sentence and execution, and "added our own research that ran into 5,000 pages of findings and data and trial notes. Then I asked my scriptwriter Padmanabha Dasgupta to create a script out of these findings. But he also needed to be convinced," says Arindam.

Though the entire unit visited the suburbs where Dhananjay lived and grew up, the sets for the film were recreated within the studios. "We met



Director Arindam Sil, who has helmed the movie

a lot of people within his family and in the neighbourhood where he lived, and it was a terrible, emotionally draining experience. We could neither eat nor sleep after staying there and interacting with his family for some days. His family, already poor, was reduced to the last dredges of penury and was barely breathing, and we cannot call that being alive." Filmmaker M.S. Sathya made an outstanding documentary *Right to Live* on the death sentence using the Dhananjay Chatterjee case as a frame of reference. The film questions the validity of capital punishment in a democratic and civilised state. "At that time, he had interviewed both Dhananjay and his father, and we have recreated that entire interview in this film," informs Arindam Sil.

Till the last moment, Dhananjay cried out that he was innocent. He also told his brother not to grieve for him, because he would definitely come back. "I am innocent. I have not done anything. Please have faith in the fact that I will come back," he said repeatedly to his brother and other members of his family who came to visit him. The body of Dhananjay was not handed over to his family following the execution. Why? Perhaps the law and order machinery

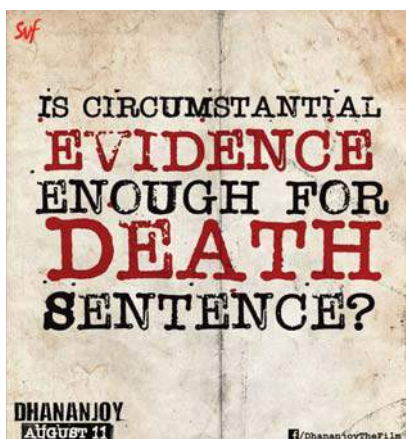
wished to block any possibility of a post-mortem after the fact, who knows? He was asked to sign on a blank sheet of paper by the police in charge and he did it. Why?

Who is the actor who has fleshed out the very challenging character of Dhananjay in the film? His name is Anirban Bhattacharya who comes from theatre and has already proved his mettle as an actor in a few films recently. He says, "This is the most challenging character I have portrayed in my entire career on stage or screen. It

is a character that does not have any frame of reference to fall back on. Dhananjay's experience is something very difficult to internalise and portray. It was so emotionally draining for me that at times, I felt that I just could not take it anymore. I never met Dhananjay, so I just had to visualise and realise the character on the basis of my perceptions of the man I got from my director, the script and Dhananjay's family in Chhatna village, which I visited many times. Besides, I had to create the body language, the dialect he used in his speech, which was truly quite difficult. I will now wait for the audience to judge my performance just as they are being invited to sit on judgment whether the death sentence was right or wrong." ■

Shoma A. Chatterji is a freelance journalist, film scholar and author. She has authored 17 published titles and won the National

Award for Best Writing on Cinema, twice. She won the UNFPA-Laadli Media Award, 2010 for 'commitment to addressing and analysing gender issues' among many awards.



Dhananjay's hanging gave rise to a lot of debate

In short

The recently held *Bhishmotsav* – a staging of five of literatureur Bhisham Sahani's short stories – was a feast for the senses, says **Prof. Avinash Kolhe**. He lauds the initiative and the phenomenal casting.

BHISHAM Sahani (1915-2003) was a big name in Indian literature. A Padmabhushan awardee, he strode the world of Hindi literature like a colossus. Seema Pahwa and her group 'Kopal Theatre' decided to stage some of the best Hindi stories of Sahani in the year 2015, which was his birth centenary year. Out of this came 'Bhishmotsav', a highly watchable, entertaining, and yet thoughtful theatre experience.

Bhisham Sahani earned an MA in English Literature from the famous Government College, Lahore. Those days, anyone worth his salt was an alumni of this college. In 1948 he became a member of the Indian People's Theatre Association (IPTA). Later, he joined the freedom struggle during the Quit India movement of 1942. He was the General Secretary of the All India Progressive Writers' Association from 1975-85. In 1987, Govind Nihalani converted his novel *Tamas* into a TV serial, and this is how Bhisham Sahani became a household name.

The stories

Seema Pahwa's Kopal Theatre has mounted this wonderful show by choosing five short stories from Sahani's vast collection of stories. These five stories include *Oob*, *Sir ka Sadka*, *Dholak*, *Yaadein*, and *Samadhi Ram Singh ki*. Almost all of them were solo performances.

Let us begin with *Oob* which means boredom. This depicts the plight of a college teacher who has to take on the duty of invigilator during a college examination. Students are busy writing



Stills from plays staged during 'Bhishmotsav'

their answers while the teacher is moving up and down the class room getting more and more bored with each passing minute. He tries all tricks to kill time, but time seems to be moving at a snail's pace. That's when he notices the peon sitting on a stool outside the principal's room. The peon had wanted this teacher to put in a word for his son so that his son gets his job, as he is on the verge of retirement. Suddenly the teacher realises that while he had got bored with the three hours of invigilation, here was a person who had done nothing but sit on that stool for practically 30 years of his life; and now he wanted his son to follow him! This ordinary story suddenly takes metaphysical tones.

Sir Ka Sadka shows the world of women. Here is a woman who has no children. Since her husband is rich, they badly need an heir to the property. He gets himself another wife with whom he has a child. The first wife celebrates this occasion on a mega-scale. *Dholak* is about the grand Indian wedding. This story is set a few decades ago when the young generation had contempt for traditions like applying *mehendi*, the

bridegroom coming on horse-back, etc. Ramdev, the bridegroom, flatly refuses to mount a horse despite intense cajoling. When things seem stuck, a wise old man appears on the scene, who joins the celebration along with a couple of foreigners. They question the bridegroom about the rituals, and the groom realises the inherent poetry involved in these apparently silly rituals. And he finally agrees to climb the horse.

Yaadein is a story of two ageing woman who are left with nothing but memories of an era gone by. Since they meet after a very long time, they walk down the memory lane where the children have no role. And there is the last story of *Samadhi Bhai Ramsingh*. This again depicts a typical Indian rural reality where a man becomes a 'Baba' or saint simply because he predicts that he would die on a particular day. Though he does not die as he had predicted, he does die a little later. The repentant villagers decide to build his memorial, which in turn brings prosperity to this little known village.

(Continued on page 49)

Tearing up!

We all have cried at some time or the other, though women are considered more susceptible to tears than men. A. Radhakrishnan debunks some myths, and explains the science behind tears.

FROM the iconic dialogue in the Bollywood film *Amar Prem*, where Rajesh Khanna delivers the line effortlessly “*Pushpa, mujhse ye aansu nahi dekhe jaate, I hate tears*”, to the recent debate over an Indian judge who claimed that peacocks do not mate, but sire their offspring through tears, there is a lot of hype around tears!

While Wikipedia defines tears as ‘a tearing, lacrimation, or lachrymation is the secretion of tears, which often serves to clean and lubricate the eyes in response to an irritation of the eyes’, crying is scientifically defined as ‘the shedding of your tears in response to an emotional state; very different from ‘lacrimation’, which is the non-emotional shedding of tears’.

Why do we cry?

Tear drops, though small, carry the weight of a thousand hardships in them. When reading or watching a touching scene, tears come to the eyes because the author has smoothly slid into your mind and is tugging at the strings of emotion that make us human. Your tear drops enter the pages of a world you yourself have created.

Sometimes, the simplest sentence moves us into deep-seated emotions. Movie scenes often melt my heart, and I shed tears unknowingly in the dark! Sometimes, songs or background music cause me to break into tears. Stories, also make me emotional when it reminds me of my departed loved ones, and soon a tear joins the ink!

In nearly all cultures, crying is seen as a specific act associated with tears



Tear drops carry the weight of a thousand hardships in them

trickling down the cheeks, accompanied by characteristic sobbing sounds. Crying can, apart from being triggered by sadness and grief, can also be triggered by anger, happiness, fear, laughter or humour, frustration, remorse, or other strong, intense emotions.

Crying mainly is associated with babies, children and women, but considered undignified and infantile in those who cry publicly, except if it is due to the death of a close friend or relative. Some modern therapy movements such as Re-evaluation Counselling however, teach that crying is beneficial to health and mental well-being, encouraging it positively.

I am generally bad at controlling tears, like when I lost my mother, though it was justifiable. The realisation that it was not the solution, as it wouldn't bring my mother back, made me more stable and strong. Tears sometimes gush out even for small reasons, even when I don't want to cry. Is it too emotional and wrong, and do I have to blame myself?

No, as sensitive people, we are priceless and beautiful in our own ways. There's no need to change it, and we just have to be proud about it.

Coping with tears

- Try to divert your mood by thinking and focusing on another topic or just engage yourself in some work.
- Converse with someone about a completely different topic that won't add up to the emotions that you are trying to control.
- Call up friends with a really appreciable sense of humour so that merely initiating a conversation with them can help in boosting the mood.
- Motivate and encourage yourself silently with phrases like ‘I am a strong person’, ‘Calm down’ and ‘Don't cry’.
- Exercise for at least 45 minutes. The aim is to tire yourself out. Exercise also helps release endorphins, the ‘feel-good’ hormones.

- Pen down what's bothering you. Pursue a hobby. Divert yourself with books.
- Music and dance help!

When moments make us so happy that they drive us to tears, let it overtake you. I shed tears of undefined happiness, when I held my friend's child the first time, after she underwent many miscarriages and the sufferings/ blames she bore and the taunts she heard.

A moment of nostalgia can also move a person to tears. With powerful emotions attached to it, your brain remembers how you felt. What triggered the nostalgia? Did you smell something? Did a colour reignite the memory? The hippocampus is a part of the brain that stores objective memories. The amygdala stores the emotional aspect of these memories. You remember that at the same restaurant, you spoke to a new friend for hours, creating a strong bond between you two. The fact that you can never relieve that exact memory gives you a twinge of sadness. Crying is not an indication of being weak, but a sign of a person with true emotions.

Tears also arise when you raise your voice especially when the truth will make you lose someone you are close to. It makes one feel weak. Usually, when a person is in a sorrowful condition or in an extremely happy mental state, the blood pressure increases, causing various detrimental effects on the human body.

Our body immediately sheds tears, giving us relief from strong emotional stress. So, it is an involuntary action which cannot be controlled completely. But you should not let it stress you.

We must not forget however, that if we are reluctant to spend our money in useless expenditures, then we shouldn't also waste our tears, because they're way more precious. Before you drop tears for someone, check if they are even worth your tears.

When men tear up

When is it okay for a man to cry? Men are known as the less emotional sex; they are supposed to be bastions of stability; the rock in the middle of a storm; unflappably cool, no matter what the circumstance. *Crying: A Natural and Cultural History of Tears*, explains that men have always cried. In *Homer's The Iliad*, while *Odysseus'* heroic qualities also include many episodes of his weeping for home, loved ones, and fallen comrades, he never yields to loneliness or frustration.

The ancient Jews wept as part of their supplications to God and before going to battle. Medieval Japanese and European epics are chock full of male crying. Popular culture in the Romantic Era featured men and women falling into each other's arms and bathing one another with their tears. Tears were seen as proof of a man's sincerity, honesty,

and integrity.

During the Victorian Era, those virtues thought to be exclusively feminine in nature were celebrated. With a vulnerable and submissive quality to them, tears began to be seen as more befitting a woman than a man. As the 20th century emerged, the ideal of the tearless male emerged with it. Of course, it's not wrong for men to get emotional. It's unhealthy to keep one's feelings bottled up. A man need not be perpetually stoic.

Interestingly, we humans shed tears when we feel emotional or to moisturise our eyes and clear the debris, one of those few species who produce two types of tears. But dogs don't fall under this bracket. They produce tears only to clear debris and moisturise their eyes. So they cannot cry tears when they are sad or when emotional.

We have a choice.

"When someone is crying, of course, the noble thing to do is to comfort them. But if someone is trying to hide their tears, it may also be noble to pretend you do not notice them."

— Lemony Snicket



A. Radhakrishnan is a Pune-based freelance journalist, poet, short story writer, social media fan, young at heart and loves to make people happy.

In short

(Continued from page 47)

The cast

This is a wonderful bouquet of stories of Bhisham Sahani mounted by 'Kopal Theatre' group. These stories are directed by Seema Pahwa, a senior theatre-hand. She got a bunch of talented actors who do justice to their respective roles. Rakesh Chaturvedi (teacher in *Oob*, Heeba Shah (*Sir Ka Sadka*), Seema

Pahwa and Ratna Pathak-Shah (the two old women in *Yaadein*), Mayank Pahwa (*Dholak*), and Naseeruddin Shah (as Bhai Ramsingh) are excellently cast. It is sheer pleasure to watch Naseeruddin Shah, Ratna Pathak-Shah and Seema Pahwa on stage. Their excellent acting skills enhance the appeal of these stories. This is a new trend in Mumbai theatre circuit which in a way was started by Naseeruddin Shah's theatre group Motley Productions. This group has staged Ismat Chughtai's stories for many years now. Today we have

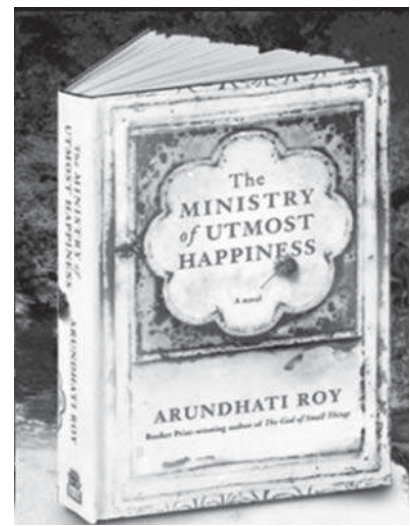
numerous groups staging works of many stalwarts from Hindi and Urdu literature like Manto, Rajinder Singh Bedi, Munshi Premchand, etc. This is a different theatrical experience, and so worth watching. ■



Prof. Avinash Kolhe is Asst. Professor in Political Science at D.G. Ruparel College, Mumbai.

The Ministry of Utmost Happiness

Author: Arundhati Roy
Publisher: Penguin Random House India Pvt. Ltd
Pages: 445
Price: ₹ 599



ARUNDHATI Roy is the author of two books of fiction. The first being the *The God of Small Things* and the second being the recently released *The Ministry of Utmost Happiness*. That it took two decades to publish her second piece of fiction (she wrote other non-fiction books in the interim), has left many readers aching for far too long. But as Arundhati Roy re-emerges after a long hiatus, she produces a complex text which is an admixture of fiction and the political thought she has affiliated to in the two decades between the two books. The Booker Prize winning author's own life journey has had its share of conflict due to the stands she's taken on volatile issues that have engulfed India. But if you remove Roy's personal journey and India's current political climate, and evaluate the book itself as a literary piece, you might get disappointed. But if one reads on and contextualises its subtle meanings and its relevance to the '*Duniya*' in which we live in, then a small window opens up where all of it comes together. What brings it together? Perhaps it is the reader's own life experience.

The Ministry of Utmost Happiness describes the journeys of two women. The first being Anjum, and the second being Tilottama. Anjum wasn't born a woman or a man, but chooses to be a woman, and life takes her to 'Khwabgah' where she lives among a community of Hijras (transgenders). Anjum's journey is complex because she battles a

constant violence which exists inside her body, while living in the environment of violence that exists in the 'Duniya' around her. She adopts a child and experiences motherhood and calms her demons inside, but she can't fight the demons outside. She witnesses murder and is almost killed herself because of a massacre that erupts after sixty Hindu pilgrims on a train are burned alive by 'miscreants' in Ahmedabad. Anjum leaves Khwabgah and makes way to the graveyard, the only place where she can find some solace.

The second story is that of Tilottama, who is in love with 'Musa'. She has an admirer in her landlord, but eventually marries another man. Her personal journey is a representation of the politically volatile Kashmir because her lover 'Musa' is from the valley. He

has loved, lost, struggled and lived in its complexity and accepted his facticity and is now trying to make a change. His losses can be witnessed through Tilottama's eyes. The armed forces plague the valley with their torture and a dystopia is created much like the Orwellian 1984, just that in this dystopia there is no big brother but an 'Amrik Singh' who is also called the butcher of Kashmir. Tilottama, with her adopted daughter 'Miss Jebeen, the second', eventually lands up in the same graveyard where Anjum lives, to silence her demons.

The Ministry of Utmost Happiness is a framework where a clear political message is imbibed into the structure of a narrative. Many of the episodes and characters in the book are the ones which we know. 'The Poet Prime Minister', 'Gujarat ka Lalla', and the 'saffron parakeets' aren't ambiguous terms, but specific figures that have lived and breathed in the politics of India, and Roy's direct attack on them is evident. There is no grey in these characters, their hearts are black and power is fundamental.

Kashmir and its struggle for self-determination is also another extremely important theme in the book's narrative. The portrayal of the Indian army in the said struggle is again a reinforcement of all the literature, and cinema, that has emerged out of the valley. Be it the play *Djinns of Eidgah* by Abhishek Majumdar or the film *Haider* by Vishal Bhardwaj, these pieces of art have very

But as Arundhati Roy re-emerges after a long hiatus, she produces a complex text which is an admixture of fiction and the political thought she has affiliated to in the two decades between the two books.

strongly condemned India's part in the struggle, showing India as the outsider, and not the country that Kashmir belongs to. In fact, at no point in the book does 'Musa' consider India as his own country. It is evident from his manner of speaking and the sentiment of utter alienation.

Many political commentators have written about Kashmir and the struggle for 'Azadi', some providing ridiculously simplistic solutions to its problems. One among them is Chetan Bhagat, the bestselling author of many novels. The open letter he wrote to the Kashmiri youth had a rational argument which wanted the youth of Kashmir to assimilate with India because it is their best bet, Pakistan is a bad option because they are not a stable country themselves and 'Azadi' would be equally problematic because

having giant neighbours and no self-sustaining capacity, it would become a hole of drugs and smugglers. Bhagat's oversimplification of the struggles of living in a war torn valley were answered by an open letter by journalist Barkha Dutt, who provided a humanistic side to the struggles of living in Kashmir. *The Ministry of Utmost Happiness* is a full account of that struggle. The side we are not so privy to. The hopelessness that these youth feel. The losses that these mothers have seen, and the coffins of all those children that have gone inside the beautiful soil of an ironical heaven on Earth.

And so it is apt that *The Ministry of Utmost Happiness* functions in a graveyard. Its inhabitants are a *hijra*, a *chamar*, a *bandicoot*, and a mother with an adopted child. The histories of these people, is in a way, the struggle

of India. When 'Dystopia' or '*Duniya*' unfolds, there aren't simple rational answers. But it doesn't have to stay that way, because there is hope as there is always a new history born, which is yet to unfold. ■

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.

One nation, one election?

(Continued from page 40)

Today, some may feel, and rightly so, that a switch over to the presidential system might be a better option to meet the challenges posed by frequent elections or political instabilities in our parliamentary system; but there are also many in this country, who might even now fear the proposed 'One nation one election' as a precursor to an eventual switch over to the presidential system.

Thus, for instance, when the NDA-I led by then PM Vajpayee proposed appointment of a commission to review the Constitution and proposed the name of a former judge of Supreme Court, Venkatachaliayya, the latter laid a condition that he would accept the appointment only if the PM gave an assurance to him that the purpose of the constitutional review was not to propose a presidential system!

The middle path

Hence, to ensure that history does not repeat itself on this subject, Prime Minister Modi could adopt a via media to achieve the nation's goals of safeguarding the Indian democracy, give it the much needed stability, reduction of frequent elections and strengthen the government to provide for good governance.

Two steps can be taken: First, make the Upper House, at both the federal and state level, elected directly by the people. Second, experiment with direct election of governors with a fixed term in the states as providers of leadership, with a council of ministers working to implement the governors' policies. Finally, if the nation is happy with the efficacy of the above measures, the nation could discuss the switching over to a presidential form of government.

In the American presidential system – not to be imitated – it is said: From the President to the dog catcher, all are elected on the same day. Such a system, with a fixed tenure for the executive and the legislature, gives a nationally elected president enough time to serve the people, without worrying constantly about retaining his position till the next election. This form is better suited to promote democracy and through it, good governance, in a caste-ridden multilingual, multicultural, multiethnic, multiregional and multi-religious nation like India. Then PM Modi might say: 'India: One Nation, One President'! ■

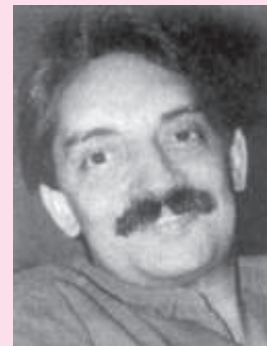
Dr. Kamath was a Professor of Politics in Mumbai University; currently he is Chairman and Hon. Director, VPM's Centre for



International Studies (Regd.) affiliated with University of Mumbai. After his retirement, he did a UGC funded project on India switching over to a Presidential System.

The evolutionary climate

The story of evolution continues to intrigue us, even as the debate about Darwin's natural selection theory picks up more steam.



Bittu Sahgal
Editor, Sanctuary magazine

Our planet is a lonely speck in the great enveloping cosmic dark. In our obscurity — in all this vastness — there is no hint that help will come from elsewhere to save us from ourselves. It is up to us.

— Carl Sagan

DARWIN's explanation of 'Natural Selection' demonstrates how heritable traits in species that aid survival in a given environment are more likely to be passed on to the next generation than characteristics that diminish chances of survival. To date, this logic remains unassailable by all but the very myopic (notably godmen of all colours!). Because there was a greater understanding of geology than genetics and consequently a huge reliance on the fossil record, most of Darwin's supporters, notably Sir Charles Lyell, strongly defended the proposition that evolution was a gradual, adaptive process involving micro changes, which over time ended up creating new species, or virtually unrecognisable versions of themselves.

Then came along a geneticist called Richard Goldschmidt who coined the non-scientific term 'Hopeful Monster' to describe creatures that mutated as a result of quick, catastrophic events that caused changes (speciation) that favoured their unusual physical attributes. The idea of sudden evolutionary change was ridiculed by most scientists of the day and used against Darwin by many clergymen who still constantly clutch at straws to discredit Darwin. Then in 1972, paleontologists, Niles Eldridge and Stephen Jay Gould, came up with a theory they called 'punctuated equilibrium' to

explain how gaps in the fossil records were probably caused because a small population of survivors with markedly different physical attributes to their nearest relatives possibly thrived in a relatively small area, perhaps just one valley, or island, and went on to colonise larger landscapes. This they suggested would leave very geographically isolated and difficult-to-discover fossils. Richard Dawkins (*The Blind Watchmaker*), one the most brilliant evolutionary biologists alive, opined that evolution was neither gradual, nor rapid, but variable.

And so the debate continues.

If I had a time machine that enabled me to look into the future, the one thing I would like – more than anything else – is to learn how man-made climate change eventually influences the evolution of species. Adaptive radiation, convergent evolution, speciation, Mendelian genetics... people presume that such terms concern only scientists and academics. How wrong they are. They are the stuff of life and they affect you and me on a daily basis, only so slow that we are unaware of their influence.

Darwin, Lyell, Wallace, Haldane, Goldschmidt, Eldridge, Gould and Dawkins all agreed on one thing – the planet's

physical circumstances, notably climate, must affect the physical characteristics of species. Seen in this light, I would bet that *Homo sapiens*, for all the science and arrogance at their command, will prove to be little more than a petulant, evolutionary blip, a victim of their own mad genius, when compared, to the track record of *Latimeria chalumnae*, *Rhinoceros unicornis*, *Ailurus fulgens* or *Boselaphus tragocamelus*. ■

If I had a time machine that enabled me to look into the future, the one thing I would like – more than anything else – is to learn how man-made climate change eventually influences the evolution of species. Adaptive radiation, convergent evolution, speciation, Mendelian genetics... people presume that such terms concern only scientists and academics.

Electing the President

Though the election to the post of India's President is not as dramatic as the general elections, it is used by political parties to demonstrate their strength.



C. V. Aravind

is a Bangalore-based freelance journalist.

WITH the tenure of the present President Pranab Mukherjee ending in July 2017, the stage is set for the election of the country's next First Citizen, and he/she will be in place by the time this article sees the light of day.

The odds-on favourite of course is the candidate nominated by the ruling National Democratic Alliance (NDA), Ram Nath Kovind, the former Governor of Bihar, who is expected to secure over sixty percent of the votes. An eminent lawyer who practiced in the Supreme Court, a two time Rajya Sabha member, a non-controversial Governor and also a member of the BJP, Kovind certainly has impeccable credentials, and is a deserving candidate for the President's post. But if one were to scratch the surface the *raison d'être* for his nomination becomes clear.

An opinion has been steadily gaining ground not only in political circles, but in the media and elsewhere that his candidature had much to do with his Dalit background and hence the NDA (read BJP) was actually playing vote bank politics even in the matter of sending someone to Raisina Hill; unabashedly wooing the Dalit community which traditionally has not formed a part of its support base.

The announcement of his candidature was immediately followed by a statement by a minister in the Union Cabinet, a Dalit, Ram Vilas Paswan, who stated in no uncertain terms that anyone who opposed Kovind's nomination was anti-Dalit!

However, Kovind's selection left the opposition parties with no option but to put up their own Dalit candidate, Meira Kumar, thereby reducing the whole affair to a caste battle between two highly distinguished persons. Meira Kumar is the former Speaker of the Lok Sabha and daughter of the Dalit icon and former Deputy Prime Minister Babu Jagjivan Ram. She is also a lawyer and former diplomat, and has served as a Union Minister in the Dr. Manmohan Singh cabinet. Yet,

her chances of defeating Kovind are highly remote, as it will be difficult for her to garner the necessary votes.

Independent India has seen a number of Presidents in the last seven decades and while most of them have had political backgrounds, there have been philosophers like Dr. S. Radhakrishnan, educationists like Dr. Zakir Hussain, an Ambassador like K.R. Narayanan and an atomic scientist and a 'Bharat Ratna' like Dr. A.P.J. Abdul Kalam, who served the country with great distinction.

An apolitical President has never proved to be a bane. Dr. Kalam, dubbed the 'People's President', was easily one of the most popular occupants of Rashtrapathi Bhavan, who used his tenure to reach out to the youth, travelling the length and breadth of the country on lecture tours.

This time around too there was talk that an eminent personality sans political affiliations could be proposed as a candidate and names like Gopalakrishna Gandhi, grandson of Mahatma Gandhi, E. Sreedharan, the brain behind India's metro rail project floated around, before the Government decided to plump for Ram Nath Kovind, and the opposition for Meira Kumar.

India does not have a presidential form of government, and the President is constitutionally bound to act as per the advice of the Union Cabinet. Where the ruling party in the centre commands a comfortable majority, his role becomes even more restricted. However, all legislation that have been passed by both houses of Parliament should necessarily receive his sanction before they become law. He is also the supreme commander in chief of the country's armed forces. A lot of dignity is attached to the office and political figures who don the mantle are required to shed their political affiliations and act impartially keeping the interests of the country and the people uppermost in their minds. Considering his track record, Ram Nath Kovind can be expected to rise to the expectation of every Indian. ■



DISASTERS IN HISTORY-2

Potato Famine

Crop failure, grinding poverty, an insensitive government and a million deaths – this is the story of Ireland's Great Famine (1845 - 51).

19th century Ireland was a poor country under British control with most of its population living on small rented farms. Poor farmers were heavily dependent on the potato crop for their livelihood and food – an average man ate about 4 – 5 kilos of potatoes everyday!

In September 1845, blight (plant disease) destroyed the potato crop. Thereafter, the crop failed for three consecutive years. Thence unfolded a human tragedy that devastated the lives, morale and economy of the Irish people.

With no potatoes and no money to buy food, vast numbers slowly starved to death or died from famine-related diseases like cholera, typhus and dysentery. Moreover, ruthless landlords began to evict them from their homes for failure to pay rent.

In desperation, a million people emigrated to Canada, USA and Australia. Hundreds were packed off in ill-equipped over-crowded 'coffin ships' where almost one in five died of disease or malnutrition.

The British Government devised inadequate measures to

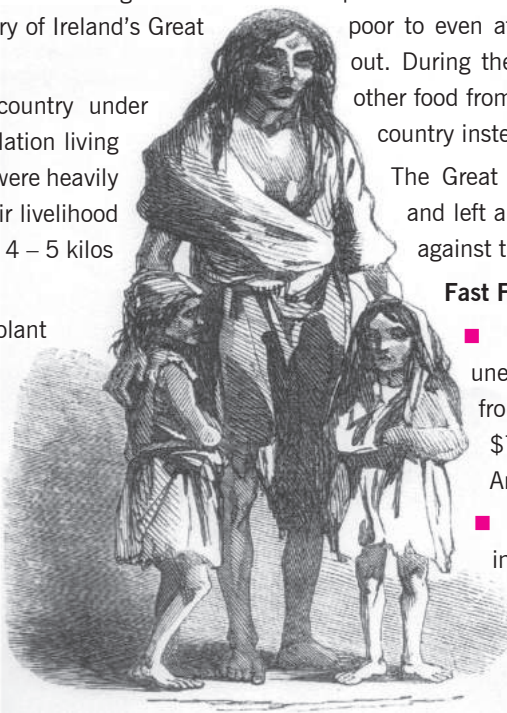
cope with the famine – the hungry masses were too poor to even afford the subsidized food being doled out. During the famine, England was still importing other food from Ireland. So food was going out of the country instead of feeding its starving people.

The Great Famine brought Ireland to its knees and left a deep sense of bitterness and mistrust against the British.

Fast Facts

- Help for the Irish came from unexpected quarters including £16,500 from Calcutta, £3000 from Bombay, and \$710 from the Choctaw tribe in North America.

- At the Great Famine Event held in Millstreet, Co Cork in 1997, British Prime Minister Tony Blair apologised for the past Government's inadequacy in handling the Irish crisis.



India has lost millions to famine. One such was the Bengal Famine of 1943. When food was scarce, rice was being exported from Bengal to the troops stationed in Middle East and Ceylon fighting the Second World War, instead of feeding the hungry. By the time the Government swung into action and imported food into Bengal, 1.5 million people had died.

AMAZING LIVING WORLD

Tiniest tortoise

The speckled padloper is the world's smallest tortoise. It measures 6-8 centimetres long and weighs about 100 grams! The padloper is one-tenth the size of the Galapagos giant tortoise, the world's largest.

The tortoise is found in South Africa. It gets the name 'padloper', from an Afrikaans word which means 'path walker'. The tortoise has a light brown shell with black patches. This helps it to merge with its surroundings.

The padloper feeds on succulents (water— filled plants) and other vegetation, including leaves and grass.



Tabla maestro



When Pandit Vijay Ghate was barely three, he surprised his mother by keeping rhythm with her as she hummed a song in their home in Jabalpur, Madhya Pradesh. Recognizing his talent, his parents urged him to learn the tabla.

As a teen, he once watched Pandit Zakir Hussain perform in his city and he was mesmerized. That inspired him to learn the art form and he came to Mumbai to train under Pandit Suresh Talwalkar for over twelve years.

Pandit Ghate provides accompaniment to all the three streams of Indian classical music, namely, vocal, instrumental and



dance. He has shared the stage not only with eminent classical artists like Ustad Vilayat Khan, Pandit Hariprasad Chaurasia, Ustad Amjad Ali Khan, Pandit Birju Maharaj, Pandit Jasraj, and many others, but also with contemporary musicians like Louis Banks, Shankar Mahadevan, Shivmani etc. He has also collaborated successfully with Western musicians to produce fusion music.

Pandit Ghate established Taalchakra, a Pune music festival to encourage young and upcoming artistes and to financially support the needy ones. He was awarded the Padma Shri in 2014.

STORY TRAP

Something's not quite right here. Can you put your finger on it? It'll help if you know your history.

A Lesson in History

Ms. Preeti Haas looked around at the nervous faces.

"Who will read his essay first?" she asked.

Only Mohit's hand shot up.

"It was the year 1492," Mohit read. "King Ferdinand and Queen Isabella of Spain were excited. Their admiral had returned from a great voyage of discovery.

Ferdinand and Isabella rose from their thrones to receive him. Vasco da Gama gave them a vivid account of his voyage. Impressed, they fell to their knees to thank the Almighty for making such a wonderful discovery possible."

Mohit stopped. He noticed his classmates whispering to each other and giggling. Ms. Haas too looked amused. Mohit couldn't understand why.

Can you tell him what the class found so amusing in his essay?

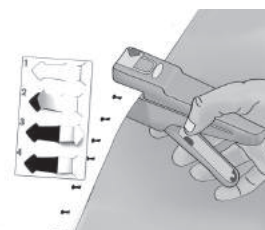


Answer: Mohit has confused Vasco da Gama with Christopher Columbus. What he is reading out is an account of Columbus's triumphant return to Spain after his voyage of discovery (of America) in 1492.

CURIOSITY

What is a stapleless stapler?

Though a stapler that does not use staple pins has been around for decades, it did not become popular because the older models had a few flaws. First, an unsightly hole was visible, second it could only staple a few pages together at a time and the third drawback was, it was expensive.



In 2009, a Japanese company came out with a better and cheaper model that used a different method. The stapleless stapler has a row of serrated teeth that cuts tiny wing-shaped flaps in the sheets on the top side. The flaps go through a notch or slit, locking the sheets together at the back. The pages are much easier to separate and there are no metal pins to remove when recycling documents. To detach the sheets, one has to merely rub the pressure bond with a hard object such as a pen cap to smoothen out the crinkles.

Current models can staple 10 sheets together and are available in a range of colours and in both metal and plastic. Though traditional staplers still rule the market, the stapleless variety has grabbed around 30 per cent of the share because it is seen as environmentally friendly.

© 2017 Amrita Bharati, Bharatiya Vidya Bhavan

GOVIND TALWALKAR

A fierce crusader (1925-2017)

GOVIND Shripad Talwalkar born on 23 July 1925, – and respectfully known as *Govind Times*, was a veteran journalist and former editor of *Maharashtra Times*, as well as the author of 25 books. A distinguished scholar-editor, thinker, and prolific writer, he was the recipient of the Lokmanya Tilak Award from the Government of Maharashtra, the B. D. Goenka Award and Durga Ratan Award for excellence in journalism, and the Ramshastrī award for social justice.

Graduating from Bombay University, doing odd jobs to pay his fees, Talwalkar at 23 years, became a sub-editor with *Loksatta*, a Marathi daily of the Indian Express Group, and even wrote the editorial on his first day. From 1950 to 1962, he served as Assistant Editor. Talwalkar then joined the *Maharashtra Times*, a new Marathi daily launched by the *Times of India* group, becoming Chief Editor in 1968, and remaining in that role for 27 years until he retired in 1996.

He used simple Marathi to make difficult subjects easily understandable to ordinary readers. He was the guiding light and greatest influence over the Maharashtrian literary, political, educational, social, cultural and intellectual fabric of post-Independence Maharashtra, for over forty years.

An editor with a vision, who led a rich journalistic life, he wrote prolifically on politics, international affairs and literature. A visionary, he gave Marathi journalism a new direction, by including various aspects of life, and wrote hard-hitting articles and editorials whenever the powers that be, erred, forcing them to correct themselves.

His hard-hitting editorials and articles appealed to reason and were his identity; he was much respected and feared by the politicians and people in powerful places, and immensely admired by the masses and the scholars. Raj Thackeray felt Talwalkar was “justified being recognised as *Agralekhan* *Badshah* (the emperor of editorials)”; the late Marathi writer, journalist and intellectual, S.M. Mate admiringly remarked that he “had a felicity of pen”.

He selflessly exposed corruption in politics, universities,

and hospitals, social and public matters and tried to mitigate the problems faced by the common man. He never had to ever address a public event from a rostrum and neither did he need the crutch of television news to be known.

On retirement in 1996, Talwalkar settled with his daughters in the United States, but continued to contribute to various newspapers and magazines by way of critical articles and essays in Marathi and English on world politics, economics, history, social issues and books.

Fluent in both Marathi and English, his many books have been well received for their wealth of information,

insight, scholarship and style, a treasure trove and a great joy to read. His book on the

transfer of power in India (*Sattantar*) is now in its third edition. Several of his

editorials and articles are collected in his books, including *Agralekh*,

Bahar, *Pushpanjali*, *Lal Gulag*

and *Niyatishi Karar*. His book

‘Badalta Europe’ and writings on

the communism in China and

crumbling of the once mighty

Soviet Union were widely

read. At a time when it was

fashionable to be a communist,

Talwalkar wrote against the

totalitarianism of both the Right as

well as the Left. “Accurate reporting is

a must”, he averred, “Not being aware of

the background makes even the hardworking

journalist a mere stenographer”. He added, “You

have to peel the onion, layer by layer, but not be affected by

the vapours that could bring tears.”

He felt the reporter must not be part of the story. A

reporter’s editor, he stood by them regardless of pressures

from the authorities, as he had the gumption to stand up

for his belief. He died on 21 March 2017, at the age of

92, in Cleveland, Ohio. Mahesh Vijapurkar Author at *First*

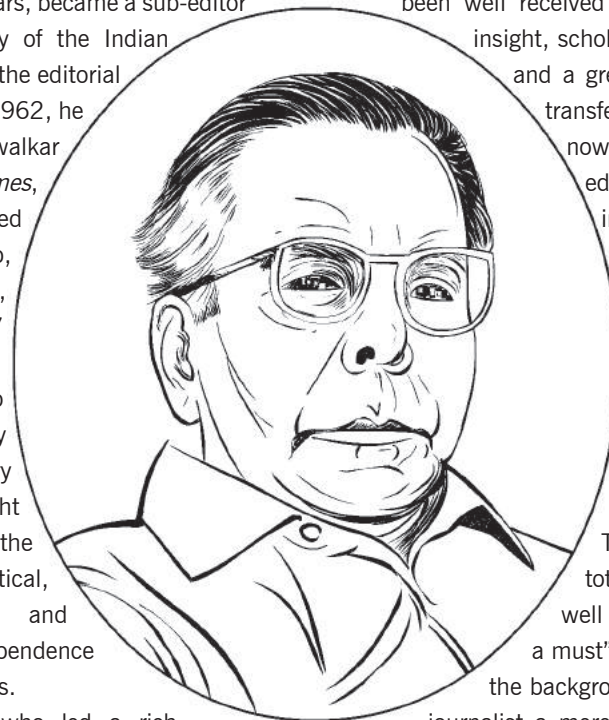
Post, paid tribute saying “On this day, one may wonder if we

would get another gem like him. But, chances are slim, for in

this changing world, journalism has evolved, and journalists

have changed their approach to news and opinion.” ■

– A.Radhakrishnan, poet, freelance journalist, short story writer, dreamer, social media poster who otherwise loves to make people laugh and be happy.



DR. SUNITI SOLOMON

A life devoted to research (1938-2015)

SUNITI Solomon nee Suniti Gaitonde was an Indian physician and microbiologist who lived and worked in Chennai, and is credited with the diagnosis of the first known case of AIDS in India in Madras (now Chennai). Her pioneering work in the field of AIDS research and prevention led her to establish the Y.R.Gaitonde Centre for AIDS Research and Education, an organisation she nurtured till she passed away on 28 July 2015, in Chennai.

Born into a Maharashtrian family in Chennai, Suniti had professed an interest in medicine at an early age, and trained in pathology at the renowned Madras Medical College and also in countries like the UK, USA and

Australia where she had emigrated after her marriage to the famous cardiac surgeon, the late Dr. Solomon Victor. The doctor couple returned to India as they felt that their services were needed more in their homeland. On return to Chennai she secured a PhD in Microbiology and joined the faculty of the Institute of Microbiology at the Madras Medical College and worked her way up to become a professor. She had earlier worked as Junior Physician in the renowned King's College in London, gaining valuable experience in an elite institution.

While at the Madras Medical College she had been taking a keen interest in literature revolving around the clinical description of AIDS, the discovery of HIV in 1983, and in 1986 conducted tests on a hundred female sex workers, of whom six had tested positive for HIV. She then sent the samples to the John Hopkins in Baltimore which confirmed the findings. This discovery became the first HIV documentation in India.

Thereafter, Dr Suniti dedicated her life to working on HIV/AIDS research, treatment and awareness much against the wishes of her well-wishers and even her husband who did his best to dissuade her from pursuing her quest as she had to deal with hundreds of infected men and women, many of whom were part of the gay community. Many of her contemporaries too had reservations when it came to

treating HIV/AIDS patients. Undeterred she strove hard to remove the stigma attached to the disease as sufferers were generally shunned and ostracised by society. Suniti even observed that it was the stigma and discrimination against the disease that killed more people than the disease itself. She soon set up the first ever AIDS resource group at the Madras Medical College and ran various AIDS research and social awareness programmes.

In 1983 she set up the Y.R. Gaitonde Centre of AIDS Research and Education, one of the earliest centres in the country devoted exclusively to voluntary HIV counseling

and testing. Among other things, the centre was also involved in assessing the significant factors that weighed in slowing down the spread of the HIV epidemic and in imparting training and education to other doctors and students about HIV and its treatment.

Dr. Suniti served as the President of the AIDS society of India and collaborated in studies on the disease at an international level, presented a number of papers at seminars and conferences, and also participated at a multi-country HIV/STD prevention trial at the US National Institute of Mental Health. She was also a part of the HIV Prevention Trials Network run by the US National Institute of Allergy and Infectious diseases.

Dr. Suniti Solomon, who was conferred the National Woman Bio-Scientist award was also the recipient of a Padma Shri awarded to her by the Indian government posthumously. Her son Sunil Solomon serves as an epidemiologist at the John Hopkins University in Baltimore. Dr. Suniti who was active even in her seventies, was diagnosed with pancreatic cancer a couple of months before her death on 28 July 2015. She has left behind a rich legacy in the form of her phenomenal research work on HIV/AIDS and her services in the field and an indomitable spirit, which will serve as a beacon light to the medical fraternity for all time to come. ■

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



LT. RANJEEV SANDHU, MVC

A brave warrior (1966-1988)

RAJEEV Sandhu was born on 12 November 1966. He studied at St. John's School and DAV College, Chandigarh. A keen sportsman, he won the national skating championship for seven years in a row. He joined the Officers Training Academy, Chennai, and was commissioned into 7 ASSAM on 5 March 1988.

The Indo-Sri Lanka Accord was signed between India and Sri Lanka on 29 July 1987, to end the civil war between the Tamil militants, the LTTE, and the Sri Lankan forces. The Indian military force called the Indian Peace Keeping Force (IPKF) was dispatched to Sri Lanka to disarm the LTTE. Initially, the IPKF was instructed not to take part in military action. The IPKF tried to disarm the LTTE by force. This led to a conflict with the militants. 7 Assam was deployed in Batticaloa sector in Sri Lanka. On 19 July 1988, a convoy of two vehicles of 7 Assam was moving from Madurang Keni Kulam to Mangani to collect dry rations. Rajeev was in a jeep leading the convoy and a one ton truck was following about a hundred metres behind. Sepoy N.K.K.S. Rajkumar was driving. Lance Naik Nandeshwar Das and Sepoy Lalbuanga were sitting in the rear. As his jeep reached a track junction, a rocket fired from the undergrowth hit the vehicle, lifting it into the air and turning it on the side. The militants sprayed the overturned vehicle with automatic arms fire.

Rajeev received severe injuries due to a direct hit by a rocket. Both his legs were mutilated, and he was bleeding profusely. Even though crippled, he crawled to a firing position with his 9 mm carbine. The militants presumed that all the occupants have been killed and one of them came out to pick up the weapons and ammunition from the jeep. Rajeev's body was perforated with bullets and his legs were totally smashed, but his spirit was high. He sprayed the militant with bullets from his carbine and did not allow any of the militants to approach his fallen comrades or their weapons. Rajeev displayed conspicuous courage and acted

in the best traditions of the Army. The militant who was killed by Rajeev turned out to be Kumaran of the group led by the militant leader Karuna of Batticaloa sector.

Rajeev was awarded the MVC posthumously, by a grateful nation. He is the youngest officer to receive this honour and the first MVC to be earned by the Assam Regiment. He was the only child of Jaikanta and D.S. Sandhu. Rajeev's father D.S. Sandhu observed that they could not see the dead body, but he will always be with them.

He still wears his son's chain, ring and bracelet. His mother said "His bravery is an achievement for us. It gives us strength at every moment of our life." They also announced that after their death, their entire movable and immoveable property will be transferred to the Assam Regiment. They have put all his belongings from childhood to being commissioned as an officer in the Army in 1988, in one room. On the 19th of every month, they provide food to mentally and physically disabled children.

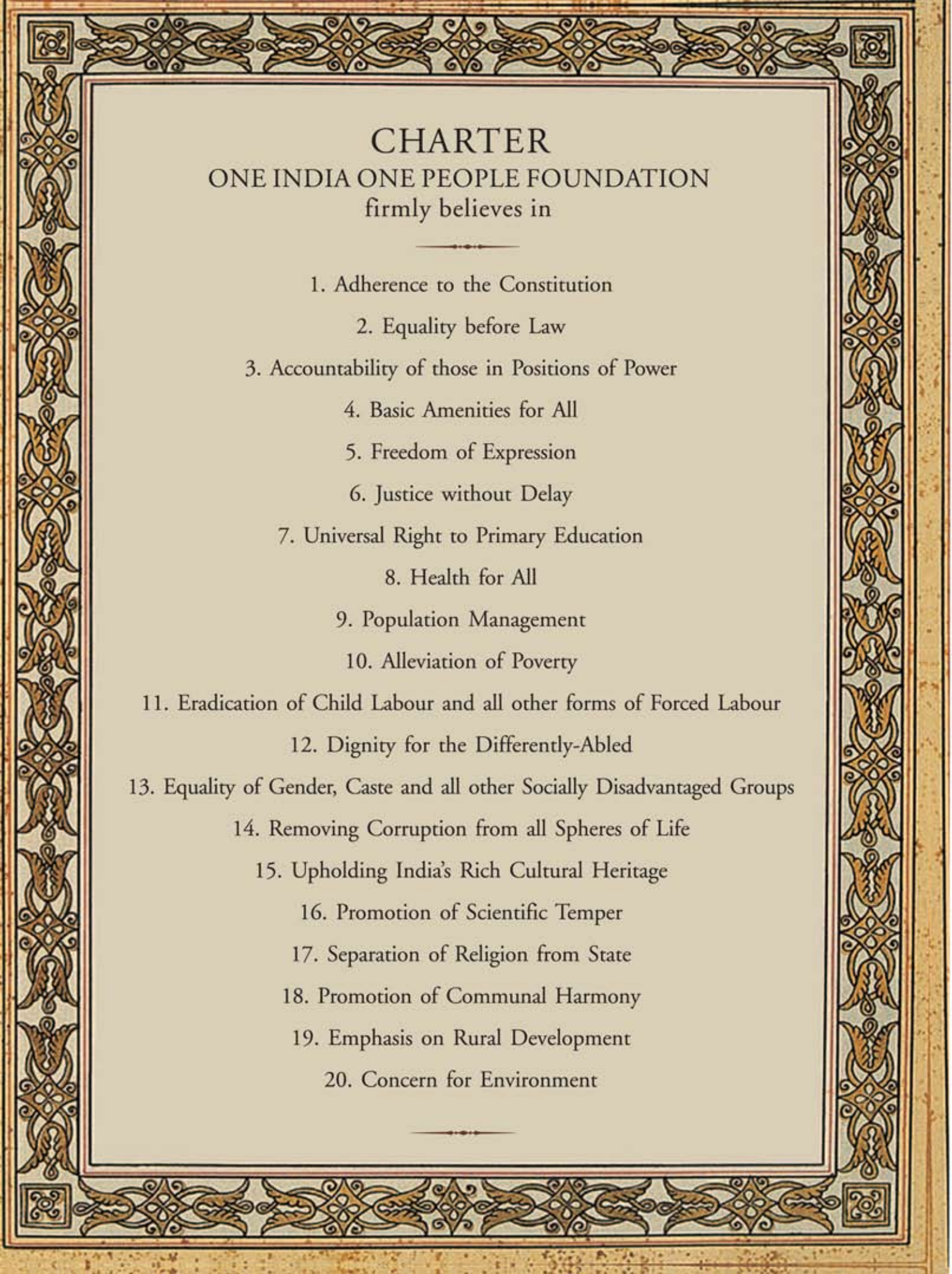
The DAV College has a tradition of honouring the students who have made the supreme sacrifice in service of the nation. There are four pillars at the entrance to the

Administrative Block and the names and the laurels of the martyrs have been inscribed on them. The College follows the custom of offering floral tributes to the heroes before start of a function. Rajeev's name has also been added at the war memorial in Terrace Garden in Sector 33. The government has also honoured the martyr by naming the gymnasium hall and dining hall after him. An area in Mani Manjra has also been named Rajeev Vihar.

A Rajeev Memorial Park was inaugurated at the Leimakhong Military Garrison by Rajeev's parents, and a marble statue of the martyr was unveiled by Maj. Gen. R.N. Singh, Colonel Commandant of the Assam Regiment and Arunachal Scouts. ■

– Brigadier Suresh Chandra Sharma (retd.)
(Sketches of Great Indians by C.D. Rane)





CHARTER

ONE INDIA ONE PEOPLE FOUNDATION

firmly believes in

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

WHO AM I?

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

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



Sadanand A. Shetty, Founder Editor

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

ONE INDIA ONE PEOPLE