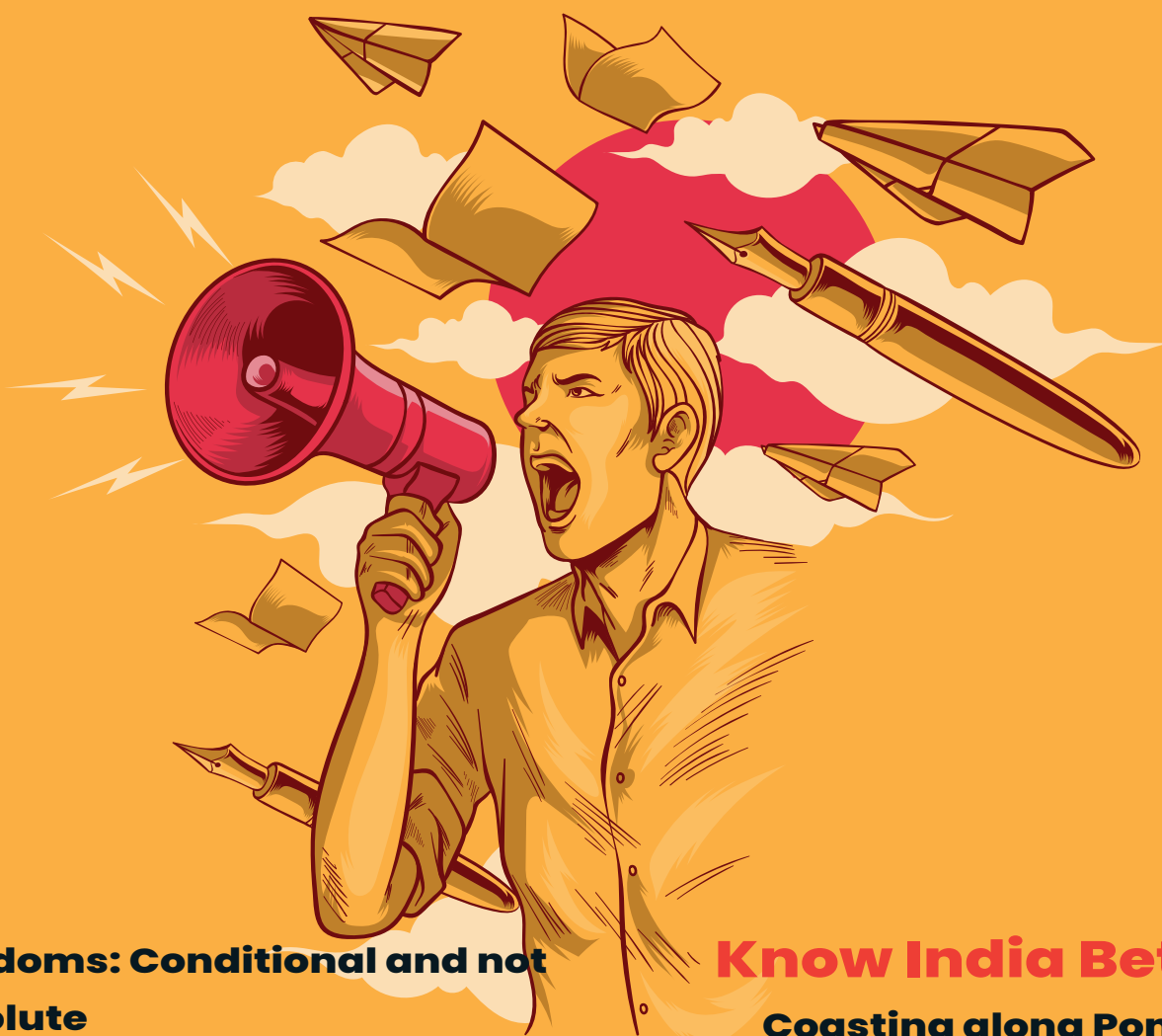


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FREEDOMS



Freedoms: Conditional and not Absolute

Social media, freedoms and risks

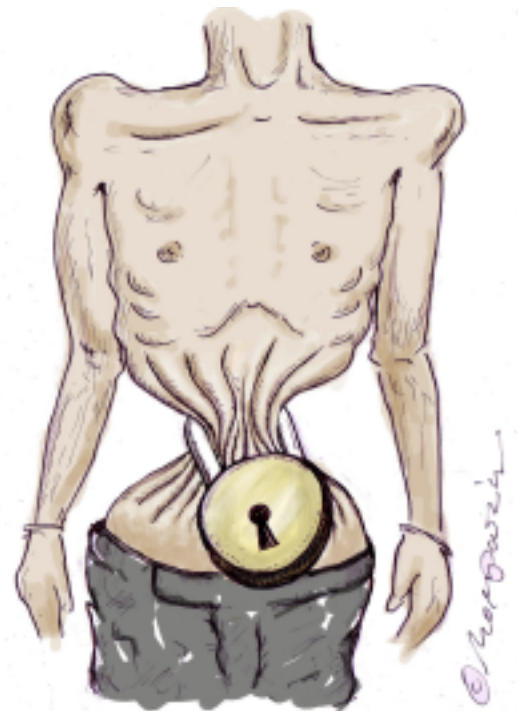
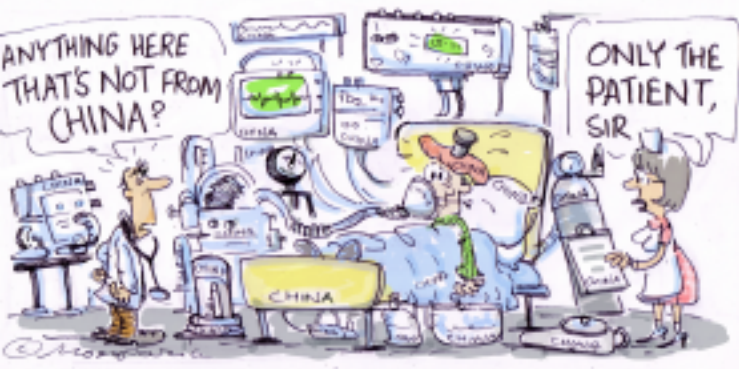
Of freedoms, exceptions and propaganda

Know India Better

**Coasting along Pondy's
tranquil churches**

Face to Face

Shilpa Sontakke



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Freedoms: Conditional and not Absolute

Gajanan Khergamker explains the distinction between Freedom and Liberty; debates through instances their significance and makes out a case the riders that come into play when it comes to their enforcement. The bottom line: Fundamental rights are conditional and not absolute.

Freedom and Liberty

While the concepts of Freedom and Liberty in Modern Day systems are used and often interchangeably too, loosely, they are distinctly different from each other. Liberty entails the responsible use of freedom under the rule of law without depriving anyone else of their freedom. Now, juxtapose that in the Indian context and you've got Article 21 that tackles the Right to Life and Personal Liberty. It reads: No person shall be deprived of his life or

personal liberty except according to procedure established by law, nor shall any person be denied equality before the law or the equal protection of the laws within the territory of India.

So, while the Article elucidating Liberty does not define Freedoms, it presupposes that all citizens shall enjoy Freedoms, including the Right to Life accompanied with the Freedom to all that's necessary to sustain one's Life. And that the Freedoms in themselves are not unbridled. And that all Freedoms are subject to conditions inbuilt: Starting with the Right to Life which also is conditional to procedures established by law. This, in effect, means that all are free to life and enjoy personal liberty unless curtailed or prohibited by a procedure established by law.

For example, if a man is arrested for an offence, he could be jailed for the purpose of investigation, in accordance with a procedure established by law. The Criminal Procedure Code (CrPC) or the Bombay Police Act, as the case may be, for instance.

After a due process of law and a judicial trial, an accused may be sentenced to jail for a period of time or sentenced to death and his Right to Life and Personal Liberty deprived but only in accordance to the procedure established by law.



Farmers' protest against farm bill

The concept of Freedom, as construed strictly, is understood by its presence in the Indian Constitution legally enforced in 1950 that is said to have 'borrowed' the most pivotal concepts from Constitutions all over the world. So, the ideas of Fundamental Rights and the Preamble were said to be elements borrowed from the United States Constitution while the concept of Liberty taken from the French Constitution.

Indian history, often traced only as far back at the nation's Independence gives rise to a fallacy most colonial nations suffer from. All 'theological' systems that tackle history and modern law tend to concentrate only on British, the post colonial era and present-day systems and completely disregard ancient knowledge and ethnic learnings of the land.

For purpose of brevity, we now concentrate on the legal systems that came into being only during this period but that, in no way, undermines the body of knowledge accrued during Vedic times and particularly so, during the genesis and growth of, say, Hindu law across India. A case in point being the Mimamsa, probably the earliest of the six darsanas, is fundamental to Vedanta, another of the six systems, and has deeply influenced the formulation of Hindu law.

Only by 'due process'

This means that any sentencing to imprisonment or death will be legal only if done by due process. Any police excess or anomaly leading to unlawful restraint or death by an illegal process will be stripped of any legal justification and concurrently call for a fresh investigation and inquiry based on the violation of Article 21 of the Indian Constitution. The Right to Life and Personal Liberty are guaranteed but aren't absolute.

Over the years, since India got her own Constitution and her version of Liberty, on a series of occasions, litigations have been initiated in the Supreme Court particularly with regard to how Personal Liberty was quashed by authorities, mostly investigation agencies, who had failed to follow due process. In 1979, lawyer Kapila Hingorani filed a petition and secured the release of almost 40,000 undertrials from Patna's jails in the famous 'Hussainara Khatoon' case. This case was then filed in the SC before a Bench led by Justice P N Bhagwati. It became India's first Public Interest Litigation (PIL).

Freedoms essential for humans

Now, as for the Freedoms themselves, as assured by the Indian Constitution and included because they were considered essential for the development of the personality of every individual and to preserve human dignity.

Democracy was useless if civil liberties such as freedom of speech and religion were not recognised and protected by the State. It is understood that a democracy by election is a government by public opinion and that the means to formulate public opinion must, at all times, be secured to the people of the democracy. Constitutions, for this purpose, must guarantee to all, the freedom of speech and expression and various other freedoms in the form of the fundamental rights.

The concept of Freedom of Speech and Expression as guaranteed by the Freedoms Article 19 of the India Constitution in 1(a) is, as a rule, conditional and not absolute. Nothing, the Article says, shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

Conditional and not absolute

'Nothing shall affect the operation of any existing law,' means that an existing law preventing a person or a section of the public from exercising Freedom of Speech to prevent violence cannot be challenged on grounds of Constitutionality. Also, the State may curb the Right to Speech or Expression, say a controversial drama performance, if it is

defamatory, an incitement to an offence, public order or in contempt of court.

Concurrently, the Freedom to assemble peacefully without arms is conditional to State imposing reasonable restrictions in the interest of public order and the sovereignty and integrity of India. Also, with regard to the freedom to form companies or unions or co-operative societies, the State can impose reasonable restrictions in the interest of public order, morality and the sovereignty and integrity of India. Citizens have the freedom to move freely throughout India yet reasonable restrictions can be imposed on this right in the public's interest; a case in point being the restrictions on travel within the state and across borders to control the spread of COVID-19. In such situations, restrictions on movement and travel can be imposed by the State and it would not be in violation of Article 19. Also, the Freedom to reside and settle in any part of the territory of India is subject to reasonable restrictions laid down by the State in the interest of public or for protection of the scheduled tribes of that state in question. The law permits certain safeguards that are justified to protect indigenous and tribal people from exploitation and coercion.

Freedom to practice any profession or to carry on any occupation, trade or business is conditional to the State's reasonable restrictions in public interest through statute. For example, nobody has the right to carry on a business that is dangerous, immoral or against public order. To practice certain professions or trades, professional or technical qualifications may be prescribed too.

In Article 21A of the Indian Constitution, the State gives free education to all children of the age of six to fourteen years yet in such a manner as the State may, on its accord, by law, determine. And, Article 22 protects citizens against arrest and detention in certain cases.

Government may restrict freedoms

The government may restrict these freedoms in the interest of the independence, sovereignty and integrity of India. The restrictions may be imposed also in the interest of morality and public order.

And then, there's the Right to Freedom of Religion and guaranteed by Articles 25, 26, 27 and 28, which maintain all religions are equal before the State and no religion shall be given preference over the other. Citizens are free to preach, practice and propagate any religion of their choice. Yet, the Haj subsidy and the Reservation for SCs and STs are argued by most quarters as indicative of the State's interference in matters of Religion.



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

Social media, freedoms and risks

*Many countries are facing consequences of the problems that have emerged with the popularity and reach of social media. The problem with social media is while fake news spreads rapidly and catches on, the information correcting or countering it doesn't, observes **Kriti Kalra** and traces how use and abuse of social media have become an integral part of protests.*



Post poll violence in West Bengal in May 2021

In early May 2021, immediately after the Assembly elections, the West Bengal CID tweeted a video link where a user had claimed that a man was assaulted with stones and sticks. The agency further mentioned that the video was, in fact, from Brazil and at least three years old. The fact that the video was tweeted first by a 'verified' user made things even worse in an already volatile political atmosphere in West Bengal where violence was ripe after the election results were announced.

West Bengal police identified and got hundreds of fake posts deleted from social media platforms that were spreading fake news about post-poll violence in the state. Perpetrated by mischievous elements on both sides of the spectrum, the fake content was responsible for clashes between rival groups, attacks and more. The situation in West Bengal is just the tip of the iceberg of the barrage of problems that come with the anonymity and the unabated 'freedom' on social media.

Social media triggering unrest

The Citizenship Amendment Act (CAA) protests that disrupted peace in the country towards the end of 2019 are living example of how social media can catalyse citizens, for good or for worse, and create 'dangerous' situations.

After the Indian government enacted the Citizenship Amendment Bill on 12 December 2019, widespread protests began to simmer in different parts of the country and beyond borders too. The protests were supposedly against the Act and the associated National Register of Citizens (NRC).

Interestingly, it was the 'use' and 'abuse' of social media that was integral to these protests that lasted for several months. The protests that began in Assam in early December 2019 soon spread to other north-eastern states such as Meghalaya, Arunachal Pradesh, Tripura and Delhi among several other Indian states. Soon after, academic campuses became the hot bed of protests. On 15 December 2019, agitated protestors gathered near Jamia Millia Islamia in New Delhi and Aligarh Muslim University in Uttar Pradesh. At Jamia Millia Islamia, protests broke out and mobs burnt down and ravaged private and public property. Railway stations were vandalised too.

With the reach of smartphones and internet connectivity in every hand, photos and videos from the day were widely circulated across social media platforms by the protestors that included many students. The posts went viral but due to the inability to maintain accuracy, such social media posts fuelled the fire and misled many more into the protests.

Fake news inciting violence

As the protests continued in India, particularly in Delhi, several fake posts started flooding social media and WhatsApp groups that worsened the volatile situation in Delhi. Fake posts included a picture of 'a policeman stomping on a student,' a protestor killed in police firing, a civilian thrashing agitators along with the cops, a video clip of a senior police official asking students to leave the city, etc. Delhi police took the threat 'very seriously' and, for the first time, formed a crack cyber team to nab those 'creating and spreading instigating content.'

South-East DCP Chinmoy Biswal said, "The emerging rumour machinery aided by information technology has become a big challenge in maintaining law and order. Rumours are always fuelled for vested interests. Those who don't want peace or want communal tension become hyperactive and misuse the situation." The DCP explained how a picture of a man in protective gear and plain clothes approaching anti-CAA protestors with a stick went viral on Facebook and Twitter and was being shown as 'a RSS-ABVP member'. He was, in fact, a Delhi Police constable who was deployed in the area to control the Jamia Millia protestors.

The problem with social media, however, is that fake news spreads very fast but information correcting or countering it doesn't and that makes fake news very dangerous. The freedom that comes with social media can hurt a person or a nation in more ways than one. Mr Biswal adds, "Our clarification on traditional and social media has not reached every victim of misinformation. Two days after the clarification, a Jamia student came to me and questioned why ABVP guys are included in the force against protestors. I then clarified to him."

Most countries battling social media scourge

Many countries around the world are facing consequences of the problems that have emerged with the popularity and reach of social media. On 6 January 2021 in the United States, for example, the Capitol in Washington D.C. was stormed during a riot. A mob comprising supporters of the then President Donald Trump went on an attacking spree against the US Congress where a joint session was underway to formalise rival Joe Biden's election victory.

The protestors and Trump supporters did so in an attempt to overturn Trump's defeat in the 2020 Presidential elections. During the incident, the rioters vandalised the Capitol for hours. More than 140 people were injured and five died in the protest, the complex was locked down and the lawmakers had to be evacuated.

Soon after the elections, several Facebook groups had mushroomed that were calling out Americans to 'stop the steal'. The slant echoed Donald Trump's tweets and posts even prior to the elections where he said that 'elections would be rigged and there'll be fraudulent voting

this time.'

Although the groups were deleted in time, the seed of anger and dissatisfaction had already been sown among Trump's supporters.

At a rally earlier that day, Trump had called out to his supporters and said, "Walk down to the Capitol... because you will never take back our country with weakness." Hours after the speech, thousands of supporters attacked the Capitol and disrupted the constitutional process underway in the Congress.

Too little, too late

Soon after the Capitol attack, YouTube deleted several videos Trump had posted on his channel including that of the rally he addressed earlier that day. In a statement, Google said, "Over the last month, we've removed thousands of videos which spread misinformation claiming widespread voter fraud changed the result of the 2020 election, including several videos that President Trump posted on Wednesday to his channel."

Twitter also blocked Donald Trump's account for 12 hours and removed three of his tweets including a video on 6 January 2021. President Donald Trump's Facebook and Instagram accounts were 'suspended until the inauguration of President-elect Joe Biden on 20 January 2021.' Facebook founder Mark Zuckerberg said 'the risk of allowing President Trump to continue to use the platform during this period is simply too great.' It was a first of its kind move against the head of a state.

Time to 'check' social media

The risks that come with the 'free' or uncontrolled use of social media are far too many. In the last few years, India and other countries have witnessed innumerable instances of mob lynching, attacks, riots that followed someone's rant or circulation of fake news on social media. After the Jamia Millia Islamia protest, Delhi Police formed a team to search for key words on social media. According to officials 'it's a time consuming process' where by the time the perpetrators are identified and nabbed, damage is already done.

Social media platforms allow the creation of fake accounts and provide anonymity with utmost ease that encourages anti-social elements and those with anti-national agenda to post inflammatory, misleading, vitriolic content, which is difficult to sift out from genuine one, and get away with it.

Kriti Kalra is an activist and field researcher with www.thewomansurvivor.com – an initiative of Draft-Craft International to protect and empower women by bringing on one platform the latest on rights and issues, strategic case studies, state initiatives and informed legal opinions

Of freedoms, exceptions and propaganda

*For speech to be unfettered, the need for a law specific to its protection and proliferation is needed strongly, less as an assurance and an exhaustive definition to identify range and reach but, particularly to create a buffer for punitive action and counter attempts to stifle the same, avers **Gajanan Khergamker** and says it's time "propaganda" is defined clearly.*



The Rohingya issue like most others in India's political scenario was peppered with propaganda

It is in the seemingly innocuous employment of propaganda, disguised with practiced deft as the exercise of a Fundamental Right camouflaged as 'freedom' that lie the bane of existence of the very same right. And, ironically too, the enforcement of the said 'freedom' itself risks quashing the constitutional right while on its intended path. Therein lies the truth and need to identify and weed out propaganda - the real stumbling block in the quest for freedom. So, while paradoxically, and on the face of things, a right may be curtailed, the restriction may work in the favour of upholding the very right that appears to be hindered...the intended reach of democracy could well justify the impediment.

Propaganda has been in existence since eons and used strategically, in the past, by nations, political leaders, sections of the media over the years and, of late, the social media. So, till a said 'truth' is spread without any resistance, it has the propensity of running amok unbridled in its reach. That is, till it is countered by another 'truth' that could expose the primary truth and reveal its real nature and intention while, at all times, hiding its own true identity, read, intention. The Freedom of Speech and Expression, when taken out in isolation from the cluster of Fundamental Rights 'guaranteed by the Indian Constitution,' is similarly assured in, albeit a 'conditionally-curtailed' version: Till, there is another entity which chooses to exercise its own

Freedom of Speech and Expression by resisting the original entity, but lawfully, for having subverted one or more of the 'conditions' that the Freedom was originally 'subject to.'

Need for law to counter attempts to stifle

For Speech to be unfettered, the need for a law specific to its protection and proliferation is needed strongly, less as an assurance and an exhaustive definition to identify range and reach but, particularly to create a buffer for punitive action and counter attempts to stifle the same. To understand the extent of Freedoms, that of Speech and Expression besides

those pertaining to Assembly, Association, Movement, Residence and Profession, it is imperative to realise that the Freedoms are firstly guaranteed only to Indian citizens and not foreigners. Case in point being the recent Supreme Court ruling that quashed the claim of the Rohingyas' right as a fundamental right under the Indian Constitution to reside and settle in India.

Instead of applying the Literal Rule of interpretation to the claim that the Rohingyas' right not to be deported would arise from the Right to Life and Personal Liberty as assured under Article 21 and, concurrently, available to all human beings, the Supreme Court employed the Golden Rule of interpretation, to primarily avoid anomalous and absurd consequences from arising, and chose to see the right not to be deported as arising from the Right to Reside and Settle in India under Article 19(1)(g). The said right applied only to Indian citizens and precluded the Rohingyas from availing its benefits and preventing deportation, the *raison d'être* for the very petition.

Rohingya issue peppered with propaganda

Now, the Rohingya issue like most others in India's political scenario is synonymous with propaganda. On the face of things, while freedom of speech for one could be

construed as propaganda by another, it's in the legality of the Act, legal liabilities that accrue and the conditional reach accorded by legislation to each that are distinctly diverse. Freedom of Speech is guaranteed by the Indian Constitution and comes with riders that control, restrict and guide citizens who are bound to conform to avail its benefits. Propaganda, on the other hand, is not defined in law and is, hence, open to selective interpretation.

Which brings us back to the original and plain understanding of Propaganda being a variant of Freedom of Speech and Expression!. What makes it different is that, for one, it is not defined in the law, particularly so, the law pertaining to Freedom of Speech and Expression. It is also not covered by limiting conditions or prerequisites of its own. Apart from the usual exceptions as laid down by the law to limit the Freedom of Speech and Expression itself, Propaganda cannot be curtailed by exceptions of its own. To think of it, Propaganda may be systematically skewed and sinister in intention but is protected by the Freedom of Speech and Expression. When the two-judge bench of Justices DY Chandrachud and Indira Banerjee pulled up the Maharashtra government over the case against Republic TV's Arnab Goswami, two days after the Bombay High Court turned down Goswami's plea against his arrest and the reopening of the case and granted him interim bail in a 2018 abetment to suicide case, Justice Chandrachud's comments, although *Obiter Dicta*, made for an interesting observation.

He said, "I do not watch the channel," adding if constitutional courts do not interfere, "we are traveling the path of destruction undeniably". Now, that off-the-cuff comment of not watching the channel went on to get amplified as "don't like it, don't watch it".

State 'interpreting' the law

For an Act to qualify as an innocent expression of Freedom of Speech and Expression and survive the light of the day, instead of being nipped at the onset by the exceptions as laid down by the law, is the issue of interpretation. Now, if the State decides to swoop down on private individuals for what is an unmotivated exercise of 'freedom of speech and expression' the judiciary steps in. Concurrently, if the judiciary perceives acts of 'propaganda' as innocuous expressions of Freedom of Speech and Expression, the legislature will have to step in with a law that identifies and examines 'propaganda' and weed out whatever is illegal, by definition.

Propaganda has been in existence since eons and used strategically, in the past, by nations, political leaders, sections of the media over the years and, of late, the social media. So, till a said 'truth' is spread without any resistance, it has the propensity of running amok unbridled in its reach.

Often, the issue of tackling freedom, particularly so of speech and expression, finds itself being tossed between the judiciary and the legislature with neither wanting to bell the cat. After all, any decision in this regard is bound to be received with overwhelming criticism and outrage within India and beyond borders. So, after pussyfooting the issue for months on end, the Supreme Court has now asked the Centre to consider framing a law to regulate content on OTT (Over-the-top) platforms and submit a copy of the draft

legislation for the top court's consideration. That way, the onus of upholding the 'freedom' will rest upon the judiciary but be restricted to a written law created by legislation and not open to wide interpretation.

'Entertainment' needs legal intervention

'Entertainment' platforms continue being unregulated in India and remain beyond the reach of the law of the land, while continuing to persist with malicious provocation, uncensored even ribald footage, sinister propaganda through programmes and shows. India is on the brink of a law on OTT. A law with teeth, a law that will distinguish between Freedom of Speech and Expression, its Exceptions by law and 'Illegal' propaganda on OTT platforms. This way, the seemingly innocuous employment of propaganda, disguised with practiced deft as the exercise of a Fundamental Right camouflaged as 'freedom,' will be brought, in part, within the ambit of law. An identification of propaganda and the creation of a definition by law could help sift out the 'illegal' component of propaganda from the innocuous rest.

To expect the judiciary to do it judiciously is like expecting the legislature to abdicate the onus of its prime role – Legislation. The recent spurt in the judiciary in India seeming to reprimand Legislature about its duties to the point of blurring the lines in an all-important separation of powers only underline the need to legislate and 'define' processes that risk being misused and tackled arbitrarily by motivated entities.

The need to define propaganda is felt now more than ever.



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

Freedom, Censorship and State controls

*The need for law to be in tune with social transformation is now felt more acutely by the film industry than before. Amol Palekar's PIL provides just the platform for the Supreme Court to re-examine the legislation and provide directions to the Centre and authorities to tweak the law so it matches the need of the moment. It's now over to the Centre and its subjects. **Ruchi Verma** lays the issue threadbare.*



Actor Amol Palekar

The censorship debate in India has picked up significant momentum in early 2021. That it emanates from the fundamental right to Freedom of Expression provided by the Indian Constitution adds fuel to the simmering debate which involves exponents of media, films, art and literature.

In March 2021, the Indian government announced new rules on how digital and social media should operate in the country. While announcing the rules, Electronics and IT Minister Ravi Shankar Prasad said 'it's a soft-touch oversight mechanism.'

The new rules called the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 have modified the protection available to social media and OTT companies. The rules have also increased the expanse of compliance obligations of such entities.

Freedom's comes with riders

Films have always been associated with freedom but the latter is not absolute and comes with riders. In layman's language, freedom of one person should not curb

that of another. In one's quest for freedom, one must ensure not to break the law. Also, the issue of curbs being 'unequally distributed,' across media and hence violative of Article 14 of the Indian Constitution that guarantees Equality is of topical importance.

In 2017, noted actor-filmmaker Amol Palekar challenged the 'pre-censorship' of films and, in particular, the provisions of the Cinematograph Act, 1952 and the Cinematograph (Certification) Rules, 1983 which, in turn, impose pre-censorship on the freedom of speech and expression of the artistes as well as the audience through a Public Interest Litigation (PIL).

Censorship vs Freedom of Speech

This issue, however, is not a new one and has existed since the concept of censorship came into being. Palekar touched upon a new issue though in his petition when he contended that in the age of internet and social media, the existing rules providing for pre-censorship of films have to undergo change.

He said, "Today modern technology makes

dissemination of information available in real time through a variety of media, many of which are either not regulated or if regulated, not subjected to pre-censorship.”

The content uploaded on social media is free from pre-censorship but the same attract alteration, deletion or cuts when it comes to films, he said seeking a revamp of the Cinematography Act, 1952 and the Censor Board.

Films vs Online platforms

His petition read, “When content on television and internet is free of censorship, the same content being altered, cut or deleted before being shown in a cinema hall is an attack on our right to equality.” In its response to the petition, the Supreme Court then issued notices to the Centre and CBFC asking them both to file replies to the plea. That is being perceived, in itself, as a win of sorts as the moot issues came to fore and got to be examined legally, once again.

According to the Cinematograph Act, 1952, all movies aimed at “public exhibition” will be first examined by the CBFC. The Board can ask for parts of the movie to be cut or removed before showcasing it in public in case it is “against the interests of the sovereignty and integrity of India the security of the state, friendly relations with foreign states, public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence”.

Law should be in sync with society

The CBFC is a constitutional body constituted under the Cinematograph Act, 1952. Section 3 of the same, titled ‘Board of Film Censors’ provides details of the constitution of the Board, which shall consist of a Chairman and not less than twelve and not more than twenty-five other members appointed by the Central Government.

The main issues highlighted through Amol Palekar’s petition are as follows: First, the role, extent and jurisdiction of CBFC in certifying films and second being filmmakers’ Right to Equality being flouted owing to lack of censorship in screening and airing of content across online fora. The need for law to be in sync with social transformation is felt by the film industry more now than ever. Amol Palekar’s PIL provides the perfect platform to the Supreme Court to re-examine the legislation and provide directions to the Centre and authorities to tweak the law, once again, to match the need of the moment. But, it remains to be seen if the Centre and its subjects will be content with any directives if passed.

Role of CBFC, Censorship

It may be recalled that it was decided by the Supreme Court, in K.A. Abbas versus Union of India, in September 1970 that the CBFC has the right to ask for cuts while certifying a film. The court had then approved of censorship and noted in its judgement, “Our standards must

be so framed that we are not reduced to a level where the protection of the least capable and the most depraved amongst us determines what the morally healthy cannot view or read. The standards that we set for our censors must make a substantial allowance in favour of freedom thus leaving a vast area for creative art to interpret life and society with some of its foibles along with what is good.”

It ruled that censorship, including cutting parts of movies before public release, was valid under the Constitution and that films were a powerful media and had greater impact than books. It also ruled that in the absence of any self-regulatory organisation that could suggest or ask for cuts in films, it was up to the government-appointed CBFC to do so. So, the issue of the authority of CBFC to censor and ask for cuts in films too has been tackled in a precedent.

Film censorship analysed by Committee

Fundamentally, the Khosla report, an Enquiry Committee on Film Censorship headed by G.D. Khosla, a former Chief Justice of the Punjab High Court appointed on March 28, 1968 envisaged an “independent and autonomous Board of Film Censors.” It urged repeatedly that the censorship code be drawn up by the Board itself and not by the government. The code, it then suggested, was a diktat by the government, which also acted as the supreme authority for its enforcement.

In the absence of an alternative authority to censor, which, in itself, is not being questioned or refuted, the Supreme Court judgement of 1970 in the K.A. Abbas case, ruled that the government-appointed CBFC was the only available option. But, that was then. More recently are the recommendations of the committee led by Shyam Benegal set up by the Information and Broadcasting Ministry to look into revamping the Censor Board.

India all set to establish its own standards

In April 2021, Twitter and other social media platforms took down around 100 posts and URLs after the Indian government asked them to remove content that was ‘critical of the handling of the current medical crisis or spreading fake news around the pandemic.’ The move didn’t augur well with USA and the White House Press Secretary Jen Psaki said, “That certainly wouldn’t be aligned with our view of freedom of speech around the world.”

The Indian government, however, is setting its own course to form a comprehensive legal ambit for censorship so that all kinds of media platforms and content that is available for public viewing are taken into consideration.

Ruchi Verma is a media researcher with The History and Heritage Project – A DraftCraft International Initiative to document details, analyse facts and plug lacunae generated by oversight or to further national or foreign agenda in History and Heritage Across India and Beyond Borders

Sabarimala, Triple Talaq and Freedom of Religion

*Despite the inclusion of the term ‘Secularism’ in the Preamble of the Constitution, the Indian State has, even within the framework of Indian Constitution itself, permitted intervention and legislated on issues that, if applied in the strictest of senses, could be in stark violation of the very term ‘Secular’, argues **Gajanan Khergamker**.*



Sabarimala protest

To understand the Right to Freedom of Religion in present-day context, the best indicator would be to analyse the manner the Sabarimala episode played out. The Sabarimala imbroglio was, for obvious reasons, a populist bone of contention for political parties that aligned swiftly despite differences for fear of upsetting a sizeable religious faction. It may be pertinent to note that the issues here were primarily dual in nature.

The Right to Equality of women being compromised by an arguably ‘patriarchal’ custom barring and selectively, those of menstrual age entry being in direct opposition to the Religious Freedom of the Sabarimala Temple Authorities in conducting their internal affairs as guaranteed by the Constitution of India. The September 2018 Supreme Court verdict upholding the rights of women of all ages to enter Sabarimala Temple stirred a hornet’s nest.

Despite the inclusion of the term ‘Secularism’ in the Preamble of the Constitution, the Indian State has, even within the Indian Constitution itself, permitted intervention

and legislated on issues that could, if applied in the strictest of senses, be in stark violation of the very term ‘Secular’.

If followed in the strict sense, the State would not be permitted to intervene in any religious situation that would include the Reservation System, protection of Muslim Personal Laws and the Directive Principle to protect cows, all of which the Constitution ultimately went ahead with.

For the State to follow the spirit of secularism while avoiding its inclusion in the Preamble, the chairman of the drafting committee of the Constitution B. R Ambedkar had, during the Constituent Assembly discussions, said, “What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstances. It cannot be laid down in the Constitution itself because that is destroying democracy altogether.”

When the Preamble to the Constitution was discussed in the Constituent Assembly at the onset, there

were huge debates over the incorporation of secularism on which all the members agreed yet through extensive debates in the Constituent Assembly revealed the ambiguity inherent in the terminology predominantly Western, when applied in the Indian context. Questions were raised regarding the nature of its application and to what extent it was even possible.

In the debate on December 6, 1948, Lokanath Misra had said, "Do we really believe that religion can be divorced from life, or is it our belief that in the midst of many religions we cannot decide which one to accept? If religion is beyond the ken of our State, let us clearly say so and delete all reference to rights relating to religion." Even vice president of the drafting committee H C Mookherjee had stated "are we really honest when we say that we are seeking to establish a secular state? If your idea is to have a secular state it follows inevitably that we cannot afford to recognise minorities based upon religion."

Secularism, in the truest meaning of the term, as was meant to be understood at its place of origin, could just not be applied blindly to the Indian context. The term 'secularism' is known to have originated in late medieval Europe coined first by English secularist, co-operator, and newspaper editor George Jacob Holyoake was modelled on the theory that governments ought to have no religious connection, nor indeed anything to do with matters of religious belief or ritual. It was an extension of Democracy and Freedom, itself, from the control of the government.

It was manifestly a Western intervention, specifically a product of the Protestant Reformation and the Enlightenment. It went on to be treated as the ideal theoretical basis of nation-states utilised in lands outside the European continent, such as the United States, even Turkey. It was only inevitable for the creators of free, modern India, shaped by European thoughts and practices, to be ardent supporters of secularism.

Consequently, the Constituent Assembly adopted Articles 25, 26 and 27 of the Indian Constitution in order to further Secularism that, despite not being formally inserted in the document, was definitely embedded in the constitutional philosophy.

Incidentally, the very concept of Secularism was introduced only later through the 42nd Amendment of the Indian Constitution which gave unprecedented powers to the Parliament. Almost all parts of the Constitution, including the preamble, were changed with this amendment. Thereafter the description of India in the preamble was changed from "sovereign, democratic republic" to a 'sovereign, socialist, secular, democratic republic.'

The State's controversial intervention on the Instant Triple Talaq issue, revived after the erstwhile Shah Bano Case, and its swift concurrence with the Supreme Court view followed by an ordinance, despite loud opposition in Parliament, wasn't perceived as being violative of Secularism or 'interference with religious affairs,' but

instead positioned and lauded as a win for Women Rights.

Interestingly, it may be noted here that Congress MP Shashi Tharoor recently, in a written question in Parliament, asked the government to clarify its position on Female Genital Mutilation - a practice among the Bohra Muslims in India.

Now, this move, for all obvious reasons, was politically motivated and reeked of mischief. After all, if the Congress MP was so keen on addressing the issue on Female Genital Mutilation, it could have well introduced a bill through its political party, in this case, the Congress Party.

However, to ask the government to clarify its position on Female Genital Mutilation, was an attempt to put the ruling party in a spot over the issue that could have well snowballed into a controversy. The move to legislate on a 'personal' religious issue, in the absence of a common code, could well be interpreted as interference from the government.

The government had replied that it was not introducing any legislation to ban it and that, in case of any objections raised, the Indian Penal Code (IPC) and the Protection of Children from Sexual Offences Act (POCSO) had adequate provisions to tackle issues arising. This, in short, meant that the affronted could avail justice under prevalent provisions of law while those who perceived it as a religious right could continue to enjoy the same.

The issue had been tackled with deft and finesse while the damage was averted. An attempt in the future to legislate on the issue could well have been seen as an affront to Secular fabric of India and interference in religious affairs.

In a democracy as vibrant and diverse as India's, the voice of reason is often inundated by political posturing and populist positioning. Distinct from what 'is' right, sadly, it's what is 'seen as right' that matters in a democracy driven by populism and the vote of the majority.

Now, whether the legislation likes it or not, the view of the agreeing majority matters to them the most. Any move to oppose a popular notion could only elbow any political party out of power. Going against the majority is like cutting the very branch one is sitting on.

It is a situation of conflict of interests where deft balancing holds the key to governance in a democracy. Reason is restricted by the sheer power of numbers which matter the most.



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Freedom of movement and migration

Renuka Goel takes a long, hard look at the phenomenon of migration in the times of pandemic – first in March 2020 when frantic crowds scrambled to reach to the safety of their home states and their subsequent return to work while the state govts grappled to cope with the new-found problem on their hands – and now again as the second wave hurtles the migrants in similar situation. She feels the management this time appears better.

When the national lockdown was announced on 25 March 2020, no one had expected it to last that long or its crippling aftermath to the economy and the mass exodus of the sea of migrant workers from cities to their home-towns and villages across India. The lockdown meant to restrict all kinds of ‘unnecessary’ movement of people and vehicles, triggered mass movement of millions of migrants across the country.

Months later, not only did these migrants survive the pandemic but as soon as cities started easing down the restrictions, they started to trickle back to their places of work to resume from where they had abruptly left, months ago. It was heartening to see the migrant community's spirit of survival and resilience at display during one of the worst public health crises in the country's history.



state governments provided support to the stranded migrants, a few took advantage of the situation to ‘rid’ their state of ‘outsiders’. Thousands of migrants started walking to their villages because of apathy from the States, the non-availability of facilities for shelter, food, etc., where they were working.

The movement started with the restrictions

The lockdown severely impacted the migrant community across India as many of them lost their jobs with the shutting down of operations, factories, industries, construction work, etc. All activities except those related to essential services and the production and supply of essential goods were halted. Other services and activities were partially or fully suspended during the lockdown. Simultaneously, the requirement of labour, maids, cleaners, washer men, helpers, private drivers, taxi drivers, etc. also came to a naught as most people were staying at home now and all such movements of people were prohibited to control the spread of the virus.

During this time, millions of migrant workers and their family members were left stranded in cities. While most

Understanding migrant numbers

According to 2011 Census, 45.36 crore Indians i.e., 37 per cent are migrants in India. These numbers include those who have migrated for several reasons including marriage and not just for employment and work opportunities.

In the 2011 Census data, of the total number of persons registered as ‘migrants’, only 11.91 per cent amounting to 5.43 crore had moved to one state from another (inter-state) whereas 39.57 crore had moved within their states (intra-state). Uttar Pradesh and Bihar were responsible for the highest number of migrants - 20.9 million people who migrated to other states. Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh account for 50 per cent of India's total inter-state migrants.

The biggest migrant attractor states are Maharashtra and Delhi and in metros like Delhi and Mumbai migrants constitute more than one-third of their population. Maharashtra, Delhi, Gujarat, Uttar Pradesh and Haryana are home to 50 per cent of the country's inter-state migrants. Maharashtra had more migrants from Madhya Pradesh than from Bihar and Gujarat had double the number of migrants from Rajasthan as compared to those from Bihar.

The freedom of movement paradox

During the lockdown, even as more than a billion Indians stayed indoors, following the government guidelines to contain the infection, millions of migrants from multiple states in India walked miles to reach homes.

In September 2020, the Minister for Labour and Employment informed that the ministry 'didn't have any data of migrant workers who lost their jobs and their lives during the COVID-19 lockdown.' However, he provided data of the number of migrant workers who returned to their home states during the lockdown - a 'total of 1,04,66,152 workers had returned of which 32,49,638 returned to Uttar Pradesh and 15,00,612 to Bihar.'

Government actions saved lives

Soon after the migrant movement began, several state governments acted to protect their own. Odisha Chief Minister Naveen Patnaik and West Bengal CM Mamata Banerjee wrote to state leaders asking them to assist people of their respective states who were stranded. Rajasthan Chief Minister Ashok Gehlot communicated with Gujarat CM Vijay Rupani to ensure workers from Rajasthan in Gujarat reach the state borders safely from where they can be transported to their respective villages. Gujarat government also tried to convince the migrant workers to not leave. Some even announced relief measures for migrants and arranged for them to travel to their native places.

The Minister of State for Home Affairs Nityanand Rai in response to a query by a Lok Sabha member said, "The migration of large number of migrant workers was triggered by panic created by fake news regarding duration of lockdown, and people, especially migrant labourers, were worried about adequate supply of basic necessities like food, drinking water, health services and shelter." He added, "Central government allowed the State governments to use the State Disaster Response Fund (SDRF) on 28 March itself for making provisions of temporary accommodation, food, clothing, medical care, etc., to homeless people as well as migrant workers. To augment the funds with the States, Central Government released an advance Rs 11,092 crores from the SDRF to the States on 3 April, 2020."

On 27 March 2020, the Home Ministry permitted the States to use the National Disaster Response Fund (NDRF) for providing food and shelter to the migrants. State governments set up thousands of camps to house lakhs of migrants and prevent their exodus. By April 2020, 37,978 relief camps and 26,225 food camps had been set up and

75 lakh people were being provided food across the country. On 14 May 2020, Finance Minister Nirmala Sitharaman announced free food grains targeting 80 million migrant workers by spending INR 35 billion. The government launched the Garib Kalyan Rojgar Abhiyaan initiative to tackle the impact of COVID-19 on migrant workers in India. On 1 May 2020, the central government permitted running of 'Shramik Special' trains for the migrant workers and others stranded citizens. A few days after the Shramik Special trains were launched, Karnataka government cancelled the trains allegedly to revive the state's economy. Bihar, on the other hand, temporarily cancelled trains coming from Kerala.

Judiciary intervened to ensure relief

The judiciary also intervened when the Supreme Court reviewed transportation and relief arrangements by the government for migrants stranded in different parts of the country. The Apex Court, in May 2020, provided interim directions to the central and state/UT governments that included:

- No train or bus fare to be charged to migrant workers
- Free food to be provided to stranded migrants by respective state/UT
- States to simplify and speed-up registration process of transport of migrants
- Registered migrants to be transported at the earliest
- States receiving migrants to provide last-mile transport, health screening and other facilities free of cost

In June 2020, the Supreme Court directed central and state governments 'to complete transportation of remaining stranded migrants and expand focus of relief measures to facilitate employment for returning migrants.' Additionally, orders were given to decentralise the registration process to include police stations and local authorities; to keep records of returning migrant labourers including details about place of earlier employment and nature of their skills; to set up counselling centres at the block level to provide information about central and state government schemes and other avenues of employment; to consider withdrawal of prosecution/complaints under Section 51 of Disaster Management Act filed against migrant labourers who allegedly violated lockdown orders.

After the ebbing of COVID-19 cases in India, most migrants returned to the metros, their place of work where a large number were seen returning to Mumbai. With the surge of the second COVID wave, the future of migrants is shrouded in uncertainty again. This time, however, with better inter-state cooperation and lessons learnt from the past, it won't be that bad.

Renuka Goel works with DraftCraft International as a Media Researcher and writes mostly on issues affecting the Fourth Estate. She likes reading contrarian literature and analysing sources of news.

India needs legislation for LGBTI community

To enjoy the freedoms ranging from Speech and Expression to the Freedom to Movement and others lies the concurrent need for legislation to protect the community. However, protagonists of LGBTI rights are mostly silent on the absence of laws to govern their lives and give meaning to the true sense of their 'freedom', observes
Manu Shrivastava.



Interestingly and contrary to popular notions within India, a while back, joining the Parkfield Community School at Birmingham in United Kingdom were four more schools putting an end to lessons on 'Diversity and LGBT issues.' These followed following complaints by, none other than, parents and the authorities complied.

The Leigh Trust suspended the 'No Outsiders' project, which teaches tolerance of diverse groups, including those of different races, genders and sexual orientation, until an agreement with parents had been reached.

Students were taught about the positive values of diversity, tolerance and acceptance, in a broad curriculum encompassing LGBT (lesbian, gay, bisexual and transgender) rights, same-sex relationships, gender identity, race,

religion and colour but this sparked off protests, with mothers and fathers objecting to the teaching of the 'No Outsiders' project.

While this was appalling, to say the least, especially coming from United Kingdom which has, the Equality Act 2010 that brought together over 116 separate pieces of legislation into one single Act to provide a legal framework to protect the rights of individuals and advance equality of opportunity to all, it was indicative of the mood of the nation. The pieces of legislation merged into the Equality Act 2010 included: The Sex Discrimination Act 1975, The Employment Equality (Sexual Orientation) Regulations 2003, and The Equality Act (Sexual Orientation) Regulations 2007.

(continued on page 28...)



Coasting along Pondy's tranquil churches

A casual, random interaction with a retired professor on facebook takes Nivedita Louis to a scintillating and ecclesiastical detour of the once French colony of Pondicherry and the grandeur of its quaint churches. The resplendent beauty of the Gothic structures evokes in a feeling of awe and serenity, and as she puts it, "faith, hope and love".



Muthialpet Church

With lockdown clamped for major part of 2020 and travel restrictions in place, I was yearning for some solitude early this year. An escape from the stifling concrete jungle that we call home! The decreasing numbers of Covid cases in January 2021 gave me some hope that I could venture out. Desperate to move out and not wanting to expose the children to the virus, I had planned a solo trip along the North coastline of Tamil Nadu.

I had hired a car and was ready to leave on my solo trip early in the morning. Traffic was at normal pace, with the driver opting to travel to Tindivanam inland and from there branch out towards the coast. Seeking inner peace, I wanted to avoid crowded places. What would be a better place to sit back, think, and enjoy the solitude than the churches?

I had spoken with Mr Arockinathan, a retired professor of Pondicherry University and he had graciously agreed to take me around some quaint old churches of Pondy during the forenoon.

“You come straight to my home ma, let us then go from there to the churches. I will show you the best of them”,



Inside Notre Dame Des Anges Church



French description in Way of the Cross

he chimed through the phone few days before my trip. Fun part was neither had I ever met him in person, nor did we have one on one communication other than in random facebook posts. From what little I knew, he taught Tamil to lot of international students and had penned a very important book- The Churches of Pondicherry. That was enough to pique my interest and request him to show me around the town.

A quaint church amidst a maze of streets

Pondicherry has always been my 'go to' place for fun, but this time it was different. As the car pulled up in front of his house, he welcomed us cheerfully and immediately we left to the church close to his house, the Muthialpet Holy Rosary Church. Said to be one of the oldest parts of Pondicherry, Muthialpet is like a maze. A literal choc-a-block town of narrow streets and boulevards snake around a quaint church.

A beautifully whitewashed and clean, yet old church welcomed us. At the compound wall, Arockinathan showed me the plaques that he helped erect. One was a list of priests who had worked there and the other a dateline of important events centered around the church. The church was functioning from a small thatched shed from 1863. Pondicherry was a beautiful French town by then, with a handful of European Missions continuing their work in christening people. The French were staunch Latin Rite

supporters and carried on the religious work with as much enthusiasm as the colonising work. Fr. Guyon Pierre had laid the foundation stone of this church in 1873 and it was completed in 1886. Intermittent droughts and natural calamities delayed the work of the church building. It was consecrated on 25.12.1886 by Fr Jules Mette.

The dome of the old churches served two purposes. One, they offered lot of ventilation owing to the height and light, owing to the stained glass fixed on the domes and also played vital role as sound amplifiers. Most of the old churches have huge domes that can carry the sound from the altar to almost all parts of the church. Built in the usual cross shape of the past, the church has large doorways on all three sides and a Sacristy behind the altar. The Corinthian pillars and arches inside the church give one a nice old age feel. One side of the church has an elevated platform for the choir to perform. The Way of the Cross paintings kept in the church have descriptions written in French, another gentle reminder about the French Colony.

I pick a song leaflet left on the benches. It has lyrics of a couple of hymns to be sung in a 'requiem mass'. All of them are in Tamil except for one which was transliteration of the Latin Hymn "Libera Me Domine", the Gregorian chant.

Quite surprised, I ask Arockinathan, "Sir, who sings in Latin here?". "Oh most of us do...our death masses

definitely have Libera Me. Our people believe one goes to Heaven only if that chant is sung in Latin!", he exclaims.

The love for the teenaged saint

Our next stop is the famed "Notre Dame Des Anges" church, or in Tamil simply the "kapskoil". A beautiful edifice facing the beach, this church was built by the Capuchin Fathers and hence the name. As I get down from the car and march to the church, Arockinathan stops me and points to a statue placed in a small park facing the church. The marble statue of a woman, holding aloft a flag with pride stares back at me. Without a clue as to who it might be, I turn to Arockinathan. "She is Joan of Arc", he beams. Another surprise, I never knew Joan of Arc had a statue in Pondicherry!

One of the nine patron saints of France and now a Saint canonized by the Roman Catholic Church, Joan gave the French a mighty push during the 100 years War with the British. She was 19 when she was captured and burnt at the skates in 1431. But her success in the siege of Orleans helped King Charles VII's consecration. She is venerated by the French as their "Jeanne d' Arc"; she is an embodiment of bravery often looked up to by women. Her meteoric rise from a common uneducated peasant girl to a woman who fought with vigour in the bloodiest battles endeared her to the French and the statue now stands at Pondicherry beach,

overlooking the Notre Dame church in her honour.

"Do you know they never allowed us inside for a long time?", asked Arockinathan. He recounted how the Capuchin Fathers never allowed dark skinned Indians anywhere near the church. It was an all French affair. Even today the Notre Dame has masses in French. The lettering "Domus Dei" (House of God) welcomes us as we climb up the porch steps.

A tall, resplendent Gothic architecture church with arched ceiling, splendid Corinthian pillars, arches, huge, colourful stained glass windows, antique furniture and marble flooring, the church does have an old world allure. Here too the Way of the Cross wood panels have French headers. We sit quietly for some time, with bowed heads. There is such warmth and quiet enveloping me, as I sit listening to sparrows chirping merrily on the orange flame flowering Palash trees.

Here time stood still

We got back to Arockinathan's house for a quick lunch, after which I bade him goodbye and walked out for the afternoon exploration. Busloads of tourists throng the Sacred Heart Basilica- La Basilique Du Sacre Coeur. Wary of the crowds most of them unmasked, I sanitize my hands once again, don the mask and alight from the car. At the



Joan of Arc statue facing the Notre Dame Church



Sacred Heart Basilica

entrance above the doorway the Latin phrase “sanctificavi locum istum, ut sit nomen meum ibi” which means “I have consecrated this house that my name may be there forever. My eyes and my heart will be there forever”, is etched. The plaque announcing the Basilica as minor basilica is displayed right in front of the church. The imposing Gothic edifice painted in red and ochre looks inviting as I walk in. Tall pillars, arches and stained glass windows welcome me in. Construction of this church started in 1902 and the church was consecrated in 1908.

Despite the crowd trailing in and out the church, the calmness is soothing. I admire the baptistery as I walk in. Sitting back, I take in the patterns on the floor formed by light streaming through bright coloured stained glasses. The nave is broad, the reredos of Joseph and Mary on either side of the altar have remarkable wood work. The tabernacle is hoisted on a beautiful white and gold apse. The stained glass murals of Saints adorning the side walls capture my interest. I find another Joan of Arc painted glass here too. The French do have lots of love for the teenaged Saint! Time is at standstill here. As I ventured out, I saw a couple buy baby dresses from the church stall.

“Why are you buying kids wear from the church stall?”, I enquire the lady and she shyly replies she is expecting a baby and believes her prayers with this dress worn by Baby



Inside the Sacred Heart Basilica

Jesus statue in the church will save her child. “Once the baby is born, we will don her with this dress”, she quips. I was reminded of my cousin who is expecting a baby and I too dash into the stall to buy a dress. During Christmas, it is said lot of such expecting mothers/new mothers buy baby dresses to adorn the Baby Jesus as their offering. The church puts these once worn dresses for sale and the money so received is set back as offering money. I bought a white dress, unaware of my cousin’s baby’s sex. It was by pure instinct that I bought it and as I look at it awaiting its new owner, I am sceptical if my cousin would even understand the faith behind it.

We reach Nellithope, another part of the town that had active Christian presence from 1840s. The first seminary for Indian priests “Le Petit Seminaire” had its beginnings here and so did Roman Catholic evangelisation of North Tamil Nadu. Originally said to be a gooseberry garden, the land for the Assumption Church was donated by Madame Jeanne Dupleix, the wife of Joseph Marquis Dupleix, the then Governor General of French India. Said to have been built in 1750, the new structure in place was consecrated in 1851.

A group of women clad in saffron sarees sit singing and praying, a Friday tradition of lent days. I sit quietly, taking in the beauty before me, the devotional altars to either side of the altar have mural work. The stained glass

paintings of the Holy Family, Peter and Paul look astounding. The painting of Assumption Mary at the back of the church has the classic Renaissance look. Despite the fans whirring above, the heat is oppressive and I take refuge under the cannon ball tree just outside the church. The prayers of the women keep reverberating as I relish the fragrance of cannon ball flowers, my eyes feasting on a navy blue saree clad Mother Mary statue holding a blue frock wearing Baby Jesus, in an alcove outside the church.

The next stop of the day was a huge let down. I was expecting to see an ancient edifice; I was so looking forward to visit the 300 year old Our Lady of Health Church. What stood in front of me was a front porch elevation renovated in 2004. The original structure must have been demolished long back. The ceiling is still asbestos and I could feel profuse sweat breaking a few minutes inside the church. Yet, women sit here, calm and quiet, one in a bench, silently praying, and some shedding silent tears. I move outside quietly and am surprised to see the original dome of the church propping up from under the asbestos sheets. There is a small shrine for St Antony to the right of the church. I loiter around the graveyard nearby, trying to look out for any old graves and spot one with Tamil inscription.

Faith, hope and love

The last stop of the day however lived up to its



Nellithope Assumption Church



Ariyankuppam Our Lady of Health Church

expectations -- the St Andrew's Church in Reddiyarpalayam area, another wonderful Gothic architecture church. The large area around the church with trees, birds and quiet looked alluring. This church is one of the oldest churches of Pondicherry, originally built in 1745 by Pedra Kanagaraya Mudali, the longest serving Dubash of the French East India Company. Kanagaraya Mudali lost his only dear son Belavendra Mudali, a young man of 21 years. In memory of his son, Kanagaraya built St Andrews Church and held its consecration on November 30, 1745. The famed Pondicherry chronicler Anandarangam Pillai notes in his diary that the consecration feast was attended by people from across all caste backgrounds. Kanagaraya served a meal for everyone irrespective of their caste, something unheard of during those times. It is said that the old church was demolished in 1761 and the new church was built in 1800s.

Unfortunately, Kanagaraya died the very next year and is buried in the precincts of the Church, in a vault where his son was buried earlier. One of the oldest Christian Tamil inscriptions is found in the vault. The relief work in the porch of the old church has images of vines, birds and sun. A small cupola is to the right of the church that has memorial plaques of priests who had served in the church. A completely broken chariot lies in shambles along the wilderness around the church and I sit outside in a bench watching the sunset, listening to the birds returning home.



St Andrews Church



Joan of Arc stained glass painting

Great churches are built by great people, in memory of those dead and gone, I tell myself. Kanagaraya's son will be remembered along with the Church he built and so will be Joan of Arc who intently watches the "kapskoi" from the promenade. The way those alive mourn/venerate their dear departed is going to be the same. With the virus on a killing spree, all I can pray and wonder is, "will there be another travel to reminisce and write?" Grateful for what I was able to ponder upon in the midst of the lockdowns.



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.

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“Poetry, at all times reflects the happenings in society and the resultant joy and sorrow in words expressed by the poet.”

Born Gujarati and married to a Maharashtra, **Shilpa Sontakke** is a polyglot whose poetic instincts have found a creative expression in an array of emotions through Hindi poetry. A published writer of six books, she earnestly believes that the appreciation of poetry is a complex affair and that the ecstasy and agony resonating from it could be spontaneous or incidental. With a throbbing, pulsating mind of her own, she finds elixir in poetry.

Here she chats with
A. Radhakrishnan on matters poetic.



Shilpa Sontakke

Describe yourself.

I am simple, straightforward, loving, and strive to spread positivity wherever I go. Since childhood, I was very keen to learn new skills to enhance my creativity. I also had a fondness for various languages. I can converse in ten Indian languages, though I can write only in six and can speak pretty fluently in most of them.

This has proved to be a great asset as when we converse with someone in their own language, it creates a quick strong bond. While travelling in different cities in India, especially in the South, it helped me and my family explore conveniently as the locals felt that we were one of them.

When did you start writing poetry?

I wrote my first two liner poetry in 1998. The appreciation of friends encouraged me to pursue it further. A poem is like a friend to me. It lets me express my feelings and emotions freely. It is a joy since it gives me immense happiness. It is also a good instrument to express my thoughts in a few words on various subjects of society, human behaviour, etc.

What is the role of a poet in today's society? Are poets made or mostly born?

Poetry, at all times reflects the happenings in society and

the resultant joy and sorrow in words expressed by the poet. It is their responsibility to present the good and bad things prevailing in society and encourage youngsters create a better and responsible society.

Mostly born....with the instinct to write.

Has the writing style of any poet inspired you?

Not exactly. I feel reading others' creations might influence my thinking and writing. So I like to write/say/ convey my own message as much as possible through minimal words.

Does a poem have to have a message?

No, it is not necessary to have a message. It's the poets' prerogative to convey it according to his/her moods.

Are poems generally negative or can it be positive? Is poetry the wrath of a person sitting in loneliness?

Both. It may start with the pain and sorrow of loneliness but, a good poet brings out the positive vibes out of negativity, bringing hope for suffering souls. Personal pain and sorrow can be one of the aspects, but a sensitive person cannot remain aloof from the wrong things happening around him/her, and if he/she is a writer, either prose or poetry, the pain and agony will be reflected in his/her work.



Sontakke being felicitated at a poetry reading and literary award function

Do you write poetry of protest?

Sometimes. I do express my protest, but that is in a constructive way for the betterment of the society and mankind. But I write more on human feelings, human behaviour and personal inner feelings, since I am pretty observant about people in their day to day lives and how they behave differently in a given situation. I have tremendous hatred for politics and against people who spread wrong messages to divide and rule the society /country.

Why are Hindi poems and poets underrated in India? What is the situation of female Hindi poets?

Honestly, I do not feel that Hindi poems and poets are underrated in India. There was a time when literary creations such as poetry, musical and stage plays, etc., were looked down upon. However, the situation has improved a lot. Today, a lot of people have turned towards these creative fields and are putting in a lot of efforts in order to provide fame and glory to these forms of art. Even some of the female poets are doing very well, earning name, fame and money. I myself have come across quite a few who have created effective poems and have been rewarded for their work.

Influential people earn good money here too. What is important is getting to the right people/opportunity at the right time. Some people are lucky enough to have good luck on their side, and they succeed. Nothing succeeds like success.

Any yardsticks to help you define a 'good' poem from a 'not so great one'? Can one understand poetry?

The poetry itself is the yardstick. Whether you can understand poetry is a debatable question. Many a times, a poem does not necessarily have a single meaning to it. Some poems have different meanings understood in different angles by different individuals depending on their individual perspectives. No wonder, poetries of Kaifi Azmi, Nida Fazli, Basheer Badr, and Gulzar are appreciated by one and all.

What is your writing process like? Where do you get your ideas? How much rewriting, reworking, forgetting, retrieving is involved? Has there been a change in the way you write over time?

There is no set process as such. Some ideas come naturally, or sometimes certain situations or incidents also give ideas; more or less it is an instinctive process. Yes, lot of rewriting and forgetting is involved since thought process keeps on changing and accordingly the wordings get changed, added, deleted etc. Yes, there is a change in writings with time.

Do you have any particular audience in mind?

Not really, I write for my own pleasure and for friends who like and understand my writings. For me, being a poetess is not a job. It is more of a hobby or a passion for me. I am very passionate about my creations and it matters a lot to me as to who will be my audience; they should at least have

a liking for poetry, no matter how good or bad they are in understanding the depths of it.

I believe, that a person with a liking for something, will definitely put in their honest efforts to understand it in detail. However I am very uncomfortable with the elite audience class.

Does writing energize or exhaust you? Can you work anywhere or is there a certain space and quietude required to write?

Yes, writing poetry certainly boosts my energy. Ideally my creativity is the source of all my positivity in life. I can write anywhere since creativity is never place specific. Writing can occur to someone at any given point and in any given situation. I remember a funny anecdote, where one of my friends offered her back to me for jotting down thoughts in a crowded local train. If I have to write on any particular subject, wherein I'll need to think and write, then a quiet place is preferred.

Did you write under a pseudonym?

I generally write under my real name only, but I have a pseudonym 'Deep' which means a 'Diya' or a 'Lamp'.

How long do you research before beginning a book? How long on average does it take you to write it?

No, I do not do any research, since my writings usually involve poems, shayaris and very rarely some short stories, as I am not much of a prosaic person. Now these creations usually do not require any market survey or any statistical data. I just write from my mind... in my own way. There is no standard time taken for writing a book. It depends upon the quantity of poems written and other factors, financial feasibility being prime. My last book was published in the year 2011 and the next one I could be publishing in late 2021.

Can a translated work truly do justice to the original poem?

It depends on the person who is translating it, and how efficient he or she is in both the languages, since mere knowledge of language is not enough, but, they should be well versed with the art of writing poetry as well.

Can you earn money writing poetry?

Many of them do that. However, that idea never came to my mind. I was a literature student and I never wanted to make poetry, the means for my livelihood. I always wanted to present my creativity to the world in its true form, easily understood and appreciated by everyone in simple language, for all to be able to comprehend.

Talk about your published books of poetry. What are the themes involved? Also any other achievements.

I have published 6 poetry collections: Ahsason Ke Beech; Mrigtrishna; Mere Indradhnush; Shabdun Se Pare;

Panchwan Mausam and Alav Par Zindagi.

There was no theme in particular but general poems (two liners, four liners, poems and songs).

Projects you are working on?

I am working on one short story collection, one picture poetry collection, bhajnavali, articles on various social subjects and one Gujarati poetry collection.

Share a few lines of a poem of yours in Hindi you like most.

Here are a few:

Sirf Sadagi pe hoke nisar chuna tha maine safed rang
Kya ta pata ki usme bhi sat rang hote hai

Ye koi zindagi ka pehla haadsa nahi
Wo mujh jaisa hokar bhi mujhsa nahi,

Dil se sukoon aankhon se neend churayi jaati hai
Ye wo duniya hai jahan aasthayain bhunayi jati hai

Paas jakhar kabhi bharam hamne toda hi nahi
Wo door se hamme apna sa dikhayi deta tha.

Your awards, and other achievements?

I have received the Mahadevi Varma Sahitya Ratna Samman, the Sahitya Saraswati Samman and the Agnisheekha Gaurav Ratna Samman.

My name has been endorsed in the World Record Book (London) for participating in Doha (verses of Tulsidas) Marathon. During my Masters, I had submitted my dissertations on five novels of Himanshu Joshi, renowned Hindi writer /novelist/ journalist. I have done translation work for various books and a few documentaries by Discovery Channel. I have also broadcast poems and drama on Akashwani and Vividh Bharati.

As a cancer survivor, there are mixed feelings of joy and fear, as there are many side effects of the therapy. During that period, I learnt how to create decorated picture frames, named 'Sajavat Kala'.

What advice or message do you have for new poets?

Be true to yourself, do not plagiarise, have patience, write responsibly and ensure that it does not convey any wrong messages to the society. Always remember to be positive and constructive.



A. Radhakrishnan is a Pune based freelance journalist, poet and short story writer, who when not enjoying is favourite cup of kaapi, loves to make people happy.

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All the resistance, despite the legislations being in place.

Concurrently, in another part of the world, 3,960 kms away, from November 2017, Turkey has banned all events by lesbian, gay, bisexual, trans and intersex rights groups to protect “public security” in its capital city, Ankara. The ban imposed to last for an ‘indefinite’ period, applied to all LGBTI film screenings, theatres, panels and exhibitions.

The governor’s office maintained that such events may cause animosity between different groups and endanger “health and morality”, as well as the rights and freedoms of others. It warned some groups may be provoked by LGBTI events and take action against participants due to “certain social sensitivities”. And, homosexuality is ‘not a crime’ in Turkey and numerous LGBTI associations are even legally registered with the state.

In India, the entire LGBTI community has been fixated on Section 377 of the Indian Penal Code that has been, in a shocking display of ignorance, reported by the media across the world as having been ‘struck down’ by the Supreme Court in a 2018 verdict preceding vociferous campaigning against a ‘Victorian law’ and, concurrently, tumultuous joy at the verdict.

Sadly, following the 2018 verdict which, factually, ‘read down’ the Section, the LGBTI movement has literally fizzled out. The Apex Court had then, underlining the prerequisite processes of law, laid down that Section 377 cannot, in any way, criminalize homosexuality, gay sex or LGBTIs, in any manner.

And, the LGBTI community was exhilarated at what it perceived as a vindication of their position in law: A position that was anyway not threatened in law, surely not by the letter of the law and arguably not by the spirit.

For a mostly heterosexual community that’s mostly male-dominated in form, the risks of a male-perpetrated molestation, rape and sexual assault of females are

the more obvious aberrations. So, the development of jurisprudence in such societies leans towards identification of crimes against women and preventing them or deterring potential criminals by way of punitive measures is the norm.

So, Section 375 of IPC identifies and tackles the scourge of rape and, with time amended by the more-re-

cent Criminal Amendment Act of 2013 following the Delhi gang rape, to extend the punishment for gang rape and the commission of more heinous offences to extend to the death sentence. In 2018, a Criminal Amendment Act was introduced to include child rapes, amend relevant Acts and sections including Section 375 and further the punishment to death for child rapist. However, despite all the amendments to Section 375, it remains gender-specific and can be applied only against a man perpetrating an offence against a woman.

There are no attempts to make Section 375 gender neutral for if that happens, the need for the presence of Section 377 itself would be defeated. Also, with rape not restricted to physical abuse but extending – by definition - to the manipulation and extraction of ‘consent’ by myriad means, the law ought to extend to rape committed by women on men. Yet, there is no space to fathom this within the existing, skewed and narrow framework of Section 375 of the Indian Penal Code. There is an urgent need to take a relook at this.

Now, for a homosexual community that interacts primarily with members of the same sex, the crimes that may occur are those that are perpetrated to the same sex; i.e., men being raped by men or women being molested by women. Members of LGBTI community are at high risk of rapes, molestation and forced

sexual encounters and, a gender-specific Section 375 of the Indian Penal Code that tackles the issue of rape offers absolutely no protection to them.

Ironically, it is Section 377 of the Indian Penal Code that documents the term ‘unnatural sex’ and ‘against the order of nature’ flayed by the LGBTI community finding

In India, the entire LGBTI community has been fixated on Section 377 of the Indian Penal Code that has been, in a shocking display of ignorance, reported by the media across the world as having been ‘struck down’ by the Supreme Court in a 2018 verdict preceding vociferous campaigning against a ‘Victorian law’ and, concurrently, tumultuous joy at the verdict.

the terminology politically flawed that will be applied in case a member of the LGBTI community is sexually assaulted. It, actually, is an extension of the range of freedoms enjoyed by members of the LGBTI community. A law specifically enacted to prevent abuse and risk to members of the community could be well in place...but till that happens, Section 377 of the Indian Penal Code would suffice.

The Supreme Court's recent ruling has laid down that the interpretation of Section 377 to criminalize homosexual behavior done in private among consenting adults violated fundamental rights putting to rest the vitriolic on the issue restricting its reach even if warranted. In view of this, the police will - and for obvious reasons, be completely reluctant to apply Section 377 against anyone however realistic may seem the 'accusation' of the commission of an offence. This may only defeat the purpose of the Section that was often misused by the authorities in British India and is mostly feared, albeit wrongly, in present-day context.

To enjoy the Freedoms ranging from Speech and Expression to the Freedom to Movement and others lies the concurrent need for legislation to protect the community and pose a deterrent for crimes of hate. Section 377 works in this direction and the spurt in cases against the LGBTI community only indicate the need for more.

Sadly, the harbingers of LGBTI rights are mostly

silent on the absence of laws to govern their lives and give meaning to the true sense of their 'freedom'. So much more needs to be done for a member of the LGBTI community to 'live' in free India as one. So much that is being completely overlooked.

The interpretation of Section 377 done and dusted, it's time to initiate meaningful legislation like a LGBTI Marriage Act, a LGBTI Adoption and Guardianship Act, a LGBTI Justice Act to provide for the community parched for pertinent laws to tackle issues affecting them. They need to be framed in letter and followed through in the right spirit. If this doesn't happen and fast, we could well go the UK or Turkey way.



Manu Shrivastava is a media legal researcher with DraftCraft International, and co-convenor of 'The Woman Survivor' initiative that documents abuse of women and children within families.

WHO AM I?



India's frontline Covid warriors

*Along with the nation's armed forces, the country witnessed many people who came out in the open to launch a fighting front against the Covid second wave, wised up by the earlier experience. **Manu Shrivastava** records how they rallied to bring the situation under control and presents Nandurbar as a case study in the effective management of the scourge.*



Nandurbar's dynamic District Collector Dr Rajendra Bharud and his team ensured that Nandurbar did not face any shortage of medical facilities during the second wave of pandemic

As India grapples with the deadly second wave of the Covid-19 infection, the frontline workers have been on their toes saving lives. The pandemic, however, has also brought to fore 'heroes' who have risen to the occasion to help their brethren in such trying times. Several men and women from all walks of lives have stepped forward during the Covid-19 pandemic to provide financial, material and emotional support to those who have faced the brunt of the coronavirus infection in India.

In the beginning, the Covid-19 infection affected cities and urban pockets but during the second wave India's rural zones got badly affected too. There have been unfortunate deaths but some positive success stories too that keep the collective morale of the nation high. In Maha-

rashtra's Nandurbar district, the response to Covid-19 crisis was efficient and different from the rest of the country.

Robust administration helped tackle COVID-19

At a time when the media was busy carrying stories of shortage of medical facilities and infrastructure throughout India during the second wave, Nandurbar was displaying reverse trends of sorts. Not only did the tribal district ensure sufficient beds and oxygen supply for its people, the fact that they managed their own situation so effectively enabled Nandurbar throw open its resources to provide relief for patients from neighbouring zones too.

And, all this primarily

because of the efforts of Nandurbar's dynamic District Collector Dr Rajendra Bharud, who with his team, ensured the people of his district were well taken care of during the crisis. Despite a population of over 16 lakh of which 70 per cent was tribal, Nandurbar didn't face any shortage of medical facilities needed for the treatment of Covid-19 infection. In fact, it went on to boast of vacant beds and sufficient oxygen-producing capacity for Covid-19 treatment. All of this when it happens to be one of the poorest districts on the health index under the central government's Transformation of Aspirational Districts Programme.

Under the leadership of Dr Bharud from neighbouring Dhule and a few dedicated administrative staff, healthcare workers, doctors and volunteers, things changed for better in the district. It was during the first wave of the pandemic that the 2013 batch IAS officer Dr Bharud, armed also with a medical degree, began work towards making the district fully self-sufficient in terms of amenities needed for Covid-19 treatment.

"I wanted to be prepared in case we witnessed something similar," says Dr Bharud talking about the time when cases were going down in India but surging in countries like Brazil and USA. It's important to point out that before the Covid-19 crisis hit India, Nandurbar didn't have a single liquid oxygen plant or oxygen tank. "Because of the work done by this super-efficient team, we are relieved that if needed we are self-sufficient in



Reel and real life hero Sonu Sood

terms of medical care,” says a local nurse who has seen the state of affairs at Ground Zero.

In September 2020, “we installed the first oxygen plant in the district which could produce 600 litres of oxygen per minute,” offers Dr Bharud speaking of the time when there weren’t too many cases in the district. The plant was installed at the district hospital at an expense of Rs 85 lakh. Later, two more such plants were set up to make the district self-reliant for oxygen requirements. Preparing for the future

“As single-day cases touched 1,200 in April, we started preparing to install the third one. Soon, we will have plants with a combined capacity of 3,000 litres per minute,” said Dr Bharud.

Today, with a robust health infrastructure that transformed within a span of a year, Nandurbar boasts of vacant hospital beds, a central control room, live dashboard, mobile swab collection facilities, oxygen plants and a plan to increase testing. Nandurbar, under the leadership of district collector Dr Bharud battled the second wave of Covid-19 with much ease at a time when India’s financial capital

Mumbai reeled under severe infrastructure stress.

In fact, many patients from neighbouring districts and states such as Gujarat and Madhya Pradesh have been coming to Nandurbar for treatment now. “My immediate focus is to prepare the ground for a third wave, with a target of taking the bed capacity to 1,600,” adds Dr Bharud. According to data from the State Health Department, Nandurbar had administered more than 1,58,707 vaccine doses till the first week of May 2021.

‘Super’ saviour helped the helpless

Any mention of Covid superheroes is incomplete without reference to actor Sonu Sood who, during the first wave of the Covid-19 crisis, helped transport thousands of migrant workers to their native towns and villages. In fact, the actor tested positive for Covid on 17 April 2021, ten days after receiving the vaccine and, soon enough tested negative too.

Reel and real-life hero, Sonu Sood was moved by the plight of millions of migrant workers who left cities like Mumbai when they were

left completely stranded during a pandemic that shook the nation to its core. “It gave me sleepless nights when I saw visuals of people walking hundreds of kilometres to reach their villages,” he says.

After the national lockdown was imposed on 25 March 2020, while the rest of the nation stayed indoors glued to their television sets and gadgets for news on the global crisis, migrants were left stranded – confused and helpless.

Visuals and news of migrant workers walking thousands of kilometres carrying their children, luggage were disturbing. It was then that actor Sonu Sood got actively involved in ensuring transportation for the migrant workers to their home states. He arranged for food packets for people in the slums in Mumbai and hundreds of buses for the stranded migrants and their families to take them to Uttar Pradesh, Bihar, Karnataka, etc. Not only this, he has also come forward to set up a Liquid Medical Oxygen (LMO) plant at the district hospital in the backward Atmakur town of SPSR Nellore district in Andhra Pradesh.

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The caregiver

This pandemic has accentuated the challenges that family caregivers go through as they try to balance jobs and taking care of the elderly and other dependents.

E. Vijayalakshmi Rajan draws upon her experiences to speak about these challenges.



One of the untold stories of this lockdown is of the family caregiver to the elderly, to bedridden parents, to parents suffering from Alzheimer's, to children with special needs, siblings in wheel-chairs. The list is a long one.

Most of us have spent the months of lockdown bemoaning the ban on part-time helpers entering our residential complexes. The current lockdown in place in Mumbai and across many states of India is more relaxed, but most people are still reluctant to get in part-timers, especially when a majority of the population is still not vaccinated. Most of us in cities especially, are heavily dependent on domestic help who come in to cook, clean, dust and take care of our children. So those without live-in help are having to clean and dust and mop and cook, while balancing working from home. Tough times, and I truly

sympathise as these are jobs which we are no longer used to performing.

But have you thought of the plight of the caregivers who single-handedly care for their ill and elderly dependents? My empathy is reserved for them. Before Covid-19, most such families had family members who dropped in from time to time to help, or the more affluent ones employed nurses or attendants in shifts. In the case of children with special needs, there may be a trusted help who knows the child's schedules, moods and how to interact with the child. What such support staff does is give a break to the caregiver. It can only be a break, as unlike house work which can be neglected for a day or two, taking care of such dependents is a 24/7 job. Their health, their medical supplies and necessities, need for advanced care like oxygen, their sleep patterns, and their moods especially,

have to be constantly monitored. It's a thankless job, as often the caregiver is the target of the patient's ire and changing moods.

The caregiver's job cannot be slotted. A caregiver has household and financial responsibilities and often a job outside of home. When they have to give extra care to a parent or a child, it's not just an extra job they have to perform. There is the constant emotional toll of seeing a loved one so utterly helpless and dependent. In the case of patients suffering from any form of mania, or Parkinson's, or Alzheimer's, it gets worse as you watch from close quarters the degeneration of what was once a bright mind. It's like seeing the sun set on someone, leaving behind a forever twilight. Sometimes, there is nothing left to love, except the memory of what once was. Such perverse emotions take an inhuman toll on the caregiver. Under such

circumstances, taking care of the dependents is, as it is, a herculean task. In the current Covid-19 scenario, with not much help coming in, it's a traumatic responsibility.

My heart goes out to those I know are struggling daily, trying to keep their sanity in these trying times. How can we help this small but extremely significant population?

How can we help?

From personal experience I know that there is no one really listening to a caregiver. It's assumed that if the caregiver is able to hire good help for the patient then all is good with their world. Absolutely no one notices the emotional wreck the caregiver often becomes seeing the daily degeneration of a parent, for instance. Suppressed feeling cause stress which in the long-run can fatigue you beyond belief.

A series of support groups and check-ins of such caregivers is a must. Such support has to be organised at the local level – starting from the general physician (GP) as often the 'family doctor' is the first line of medical call. Indeed, I would call my mother's GP before I call her neurologist to seek medical help. This particu-

lar GP has nearly 25 geriatric patients in the neighbourhood in his care, many of them bed-ridden and some in advanced stages of dementia. Wouldn't a network of such GPs be able to organise support groups for caregivers or even for other family members to sensitise them?

Dissemination of credible information is another area of concern. I have sought answers for why Parkinson's causes not just physical degeneration but also cognitive. What triggers the intense hallucinations in such patients? Why do they occupy different realities? Maybe the support group could be a place to address such concerns?

Being able to organise reliable help and source essential items like hospital beds, walkers, portable toilets, oxygen etc., is another critical aspect of such care. But there is no centralised list or organisation which can help to source these. During this pandemic, it has been that much tougher. We do have many nurse/attendant service providers, but as most things in India, these range from the completely unregulated to the extremely niche, expensive providers. If we could put in place a system where such ayahs/attendants/nurses are

given skills training, regularly updated about patient care, and a reliable directory of such people is maintained, it would be so easy for the caregivers, even in pandemic times.

I know it is easier said than done in India where desperate poverty often drives people to take up jobs they are ill-equipped for. In the past, complete rookies have landed up at my doorstep saying they want to take up 'patient care' work – not because they are equipped to do the job, but because they believe there is more money in patient care! Never mind that they have no clue how to turn a bed-ridden patient in the bed, an essential skill to avoid bed sores. Or give a sponge bath to such patients.

The job of the caregiver is an emotionally taxing job. It is time someone listened to their silent pleas for help.



Vijayalakshmi Rajan works for an education consulting firm and in her free time blogs at:
www.mygood-earthblog.wordpress.com

India's frontline Covid warriors

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India's military rushes help citizens

Throughout the history of independent India, the nation's armed forces have always been at the forefront when it comes to helping the citizens during national crises, emergencies and natural disasters.

So, this time around, when the Covid-19 crisis hit the nation, the armed forces swung into action one more time with their 1.5 million trained personnel deployed across the nation performing myriad tasks.

Today, especially during the second wave, armed forces have

deployed their personnel who have been working tirelessly to transport and bring medical oxygen, life-saving medical equipment, critical medicines, making treatment facilities and field hospitals, other health infrastructure, even providing aid to India's friendly neighbours.

At a time when the supply chain has been disrupted because of the pandemic, the warships and warplanes have been deployed that form part of the military's robust and expansive logistic network for the supply chain. Trained personnel not only expedited the supply process but also helped repair medical equipment where needed.

The Indian Air Force carried

out 534 sorties from various parts of the country and 84 international sorties to transport cryogenic oxygen storage containers and other medical equipment that were procured from Dubai, Thailand, Singapore, United Kingdom, Germany, Belgium, Australia, Indonesia and Israel.



Manu Shrivastava is a media legal researcher with DraftCraft International, and co-convenor of 'The Woman Survivor' initiative that documents abuse of women and children within families.

One India, One Biosphere

G Venkatesh laments that animals and birds have become soft targets for anyone trying to make a quick buck today and earnestly believes that the concept 'One India One People' is not confined to Homo sapiens alone.



There are a few good souls who are working for animal welfare. Anusha Srinivasan is one such person who is seen here with her brood at her Pawsitive Farm, Andheri (Pic credit: Siddhant Gill)

When we say 'One India One People', we think of the Homo sapiens inhabiting the country. That would then be 'One India, One Anthroposphere' or something on those lines. We conveniently forget that India is also home to many different animals (and birds, insects and reptiles) – fauna in other words.

Just as there is diversity among Homo Sapien Indians when it comes to food, attire, language, religion etc. – a diversity which we value, respect and attempt to harness in a good way – there is plurality in the animal life which calls India its home. And every species of animal, bird, insect and reptile made its debut on Mother Earth much before we bipeds made our appearance.

Sudnya Patkar Founder, Defence of Animals had in her foreword to my book of poems - 'We came before you and other poems'- published in 2019 had written: "As per Indian tradition and culture, animals have held a special place in society. Every Hindu God or Goddess is associated with an animal. The foundation of Buddhism and Jainism is 'Ahimsa' or 'non-violence', not only towards fellow humans and animals, but also insects. A wonderful setting for co-existence of animals and humans! But something went wrong somewhere. Animals and birds became soft targets for anyone trying to make a quick buck, and are today prime candidates for exploitation. It is a painful sight to see a majestic animal like the elephant begging on our streets, the lion performing in a

circus, and the agile tigers and leopards that when free cover numerous miles a day in the wild, confined to cages."

There have been instances of inspiring wildlife conservation efforts and animal welfare activism, just as there have been shameful incidents of misdemeanor by poachers and celebrities alike. The good and the bad, when brought to light, serve to generate awareness about the right way forward. In this backdrop, I decided to speak to friends and people involved in animal welfare and elicit their viewpoints on the need for building an awareness in the young and old of the fact that 'They came before us and this earth belongs to them more than it belongs to us Homo Sapiens.'

Man or animal, pain is pain

Babita Lochab, a lawyer based in Delhi was fond of feeding strays, playing with and building little homes for female dogs which had given birth to young ones, ever since she was a little girl. Homo Sapiens, she says, have become very self-obsessed over time, and most of them are not aware of the responsibility we shoulder towards our mute brethren. Sadly, it has not dawned on a vast majority of us that we must all learn to co-exist in harmony, she rues.

Manali Chowdhury is an English teacher from Jamshedpur who was inspired to be philanthropic (literally 'having compassion for needy humans') and by extension, caring towards animals, from her childhood days by her mother. Preksha Doshi Mehta, a management post-graduate, homemaker and culinarian from Mumbai, gives credit to her 11-year-old son Niket, who by demonstrating care for stray cats and dogs, right from when he was a 6-year-old boy, inspired her to do likewise. Mohsina Sakriwala, a class XI student from New Mumbai, was drawn into realising that there was something wrong with the way humans were carrying on their lives, when as part of a school project, she observed that the sparrow population in and around the area she lived in, had conspicuously decreased. Sagar Sangani, an active animal welfare supporter from Mumbai, decided to care for stray dogs and cats when his own pet passed away, in his late pet's honour and memory.

Manali labels urbanisation as perhaps a boon for us Homo Sapiens, but a bane for animals. She points out that animal welfare is rarely a priority on the agenda of governments – local, state and national – as human dominance has somehow been mistaken for something which was destined to be.

And when asked how easy or difficult it is to value animals on par with humans, Babita says, it will be easy when one understands that both animals and humans are

flesh-and-blood creatures and the former feel pain in the same way as we do – only that they endure it more than we humans do! They suffer in silence, gracefully. Sagar points out that during the lockdowns, animal feeders were disliked by people. It was a case of 'let the dogs to the dogs while we protect ourselves.'

Comfort in loneliness

Ashish Chalapuram, this author's schoolmate from the 1970s and 80s, is an avid wildlife/Nature photographer among other things. His posts on Facebook for one, serve the purpose of reminding viewers of Mother Nature and her wonderful glory. He has similar views as Babita and Manali about 'self-obsessed humans in urbanised settings of the post-modern world'. Mohsina talks about Nature being exploited by modern-day humans out of greed, rather than being harnessed with respect for their needs. She refers to horse racing, zoos, circuses and aquariums, the drastic rise in meat consumption, exploitation of animals in the fashion industry for their fur for example and their use in laboratories for tests of different kinds, as examples.

Preksha believes that people these days are able to combat loneliness by seeking comfort in the company of quadrupeds which are more loyal, friendlier and emotionally more responsive to humans. Sagar refers to autistic kids responding well to dog therapy. Mohsina does point out to the beacons of hope which have emerged over the years – more so in this century – animal welfare centres, adoption societies and numerous volunteers who use social media to good effect.

Being charitable to human beings may come easily to many people. But as Preksha observes, the same compassion towards animals is more difficult to come by. However, philanthropists are more likely to also evolve into animal welfare promoters, as it is the 'caring for others' attitude that determines how easily a person can be motivated to start caring for animals.

Seeing is understanding

Manali observes that the problem lies in the reluctance of human beings to get their hands 'soiled' with the blood of an injured animal they see on the streets, and thereby their unwillingness to volunteer their time to help it. Ashish believes that more thought must go into designing school curricula in order to sensitise kids and 'catch them young', as school kids go on to educate their parents at home. Unfortunately, many city-bred kids have not visited sanctuaries or seen animals and birds in the wild. This curbs the development of their ability to appreciate and respect Mother Nature.

If each one of us could have a soft corner for animals and birds in our heart, together, we could achieve a great deal and make this world a better place. Wishful thinking? I hope not. We depict demigods with the faces of elephant (Ganesha), bull (Nandi), monkey (Hanuman), lion and horse (Narasimha and Hayagriva incarnations of Lord Vishnu respectively). We portray them as riding on a tiger, eagle (Garuda), buffalo, and as cowherds (Krishna). Aren't we all a bunch of hypocrites then – to different degrees?

Sagar, however, is hopeful that the generations to come will care more for animals than we do. He is of the view that humankind will soon realise that animals are superior to it, and play a key role in making this world a better place to live in. It is One India, One People, One Biosphere, One Earth, after all!



G. Venkatesh is Associate Professor, Department of Engineering and Chemical Sciences, Faculty of Health, Science and Technology, Karlstad University, Sweden. He is also a freelance writer for several magazines around the world. The author has set up Varshita Venkatesh Girls' Education Fund with Plan USA in memory of his wife. ...

SOLI SORABJEE

An outstanding jurist (1930-2021)

One of India's most accomplished lawyers, Soli Sorabjee was born in a Parsi family in Mumbai (then Bombay) on the 9 March 1930. He had his early schooling at the St. Xavier's in Mumbai and later took his LLB degree from the Government Law College in Mumbai. He enrolled at the bar in 1953 and was designated as a Senior Advocate in 1971. In a career spanning nearly seven decades Sorabjee rose to astronomic heights as among the finest Supreme Court lawyers in the country. A staunch proponent of the right of freedom of speech, Sorabjee was a part of several epochal cases that are now integral part of Indian history of jurisprudence.

Among the famous cases with which the counsel was associated was the Kesavananda Bharati case in 1973 which he argued alongside two other titans in the legal firmament Nani Palkhivala and Fali Nariman. A full bench of the Supreme Court decreed that while governments had the right to amend the Indian Constitution the amendments should not alter the basic structure of the Constitution. In the S R Bommai case which too captured headlines in the media, Sorabjee's arguments resulted in a decree defining the powers of state Governors and its limitations. Like a few other lawyers of his time, Sorabjee too argued several cases before the apex court pro bono and one of the most famous cases that he fought was on behalf of the victims of the anti-Sikh riots of 1984 which erupted in the capital city of Delhi in the wake of the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards.

In recognition of his legal prowess and acumen, Soli Sorabjee was chosen as the country's Solicitor General in which capacity he served from the year 1977 – 1980. He then had a short stint as Attorney General in the V P Singh government which lasted for just a year from 1989-1990. His tenure as the Attorney General lasted a full term of six years from 1998-2004 when the NDA government under Atal Bihari Vajpayee was in power at the centre. As an authority on the various aspects of law, Sorabjee served as a member in several international Committees and earned respect and adulation worldwide especially in

legal circles. Soli Sorabjee was a member of the United Nations Sub-Committee on Promotion and Protection of Human Rights (1998-2004) and Sub-Committee on Prevention of Discrimination and Protection of Minorities. He was also a member of the Permanent Court for Arbitration in Nigeria from 2000-2006 and the Committee on Arms Control and Disarmament. A doyen in the field of law Sorabjee was also Vice President of the Commonwealth Lawyers Association.

Soli Sorabjee also authored several tomes on law and as one of the most eloquent speakers on diverse subjects was often invited by several international forums where he held forth on various aspects of the law. He also published several research papers that have served as valuable reference material for budding lawyers and even the more experienced ones. Several laurels came the way of the eminent lawyer and perhaps the one that he treasured most was the Padma Vibhushan, the country's second highest civilian honour after the Bharat Ratna which was conferred on him in 2002. The citation accompanying the award cited his stellar role in the protection of human rights and the right of freedom of speech and expression.

Sorabjee was a jazz aficionado and boasted of a huge collection of all time classics as well. His favourite instrument was the clarinet in which he achieved expertise to an extent that he could participate in music festivals. He passed on at 91 on the 30 April 2021 of Covid.

In his tribute Prime Minister Narendra Modi opined that Soli Sorabjee was an outstanding lawyer, intellectual and he would be remembered for his noteworthy tenure as India's Attorney General. The nonagenarian never hung up boots and continued to enliven the proceedings on television with his legal knowledge.

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



SUMITRA BHAVE

An engrossing story-teller (1943-2021)

Pune-born Sumitra Bhave was a multiple National Award winning director, producer and screenwriter filmmaker, working predominantly in Marathi cinema and Marathi theatre. Soft-spoken, she was never the kind to dumb down complex issues to the level of 'houseful' blockbusters or tearjerkers. Her subjects rooted in a strong social and cultural context; yet depicted a universal human condition. A veritable 'social scientist', her optimism, energy and positivity towards life and cinema was a way of life for her. Subjects like ecology, mental illness, modernity, tradition, education and social mores reflected her moorings. Yet, she also managed to make engrossing, enjoyable films with serious themes. Her filmmaking language was uncompromising. Introducing a new genre, her films changed the Marathi cinematic landscape.

Graduating from Pune's Fergusson College, she had Masters in Sociology and Political Science before going to TISS, Mumbai. She did a short stint with ICSR followed by a UGC Fellowship to research Gandhian social work concepts. She taught social work at Pune's Karve Institute of Social Service, and also was a Marathi news reader at All India Radio, Delhi. Working for many social organisations for free, she researched problems of urban slum women in the 1980s. She realised their illiteracy was no handicap in watching films. Thus, from a full-time sociologist, with no cinema or theatre background, she turned to short films and then into full-time film production. She forayed into cinema from 1985 with fellow filmmaker Sunil Sukhtankar. Recipients of several international, national and regional prizes including multiple national awards, they transcended traditional themes - feudalism, exploitation, marital problems and made 17 feature films, more than 50 short films, and four TV serials. Bhave also received the Chitra Ratna Puraskar and Kamdhenu Award for literary contribution.

As Director in 1985 for Stree Vani, Bhave made a debut short film 'Bai' (Woman) about a woman from the slums who survives all adversities. Other short films followed like 'Paani', 'Mukti', 'Chakori', 'Laha' and 'Three Faces of Tomorrow'. In 1995, the duo made their directorial film debut with the full length Marathi film 'Doghi' (Two Sisters),

a masterful essay on the clash between modernity and tradition. 'Zindagi Zindabad' (Long live, Life) (Hindi) was a real-life story of a teenager who risked his own life to care for a person stigmatized by HIV/AIDS. 'Dahavi Fa' (10th F) was a powerful exposition of a discriminatory, grinding education system and 'Vastupurush' (Guardian Spirit of the House) showed a man devoting himself to poor people to atone for a curse. 'Devrai' (Sacred Grove) (2004) tackled schizophrenia. 'Astu' (So Be It), dealt with Alzheimers. 'Badha' (Possessed) depicted a shepherd woman battling depression due to the 'shamans, stigma and superstition' in their community and 'Nital'

(Crystal Clear) focused on the stigma associated with the disease vitiligo.

A short film, 'Bewaqt Baarish' (Untimely Rain) (Hindi) touched on HIV/AIDS, sex and sexuality. 'Ek Cup Chaha' (A Cup of Tea) depicted a common man challenging the authorities using RTI, and 'Gho Mala Asla Hava' (This is the Husband I Want), was a comical representation of marital problems.

The feature-cum-documentary film 'Mor Dekhne Jungle Mein' (To Look for a Peacock in the Jungle), (Hindi) focused on urban youth involvement in rural development and rehabilitation of tribal families. 'Ha

Bharat Majha'. (This is My India) depicted the irony in Indian society, where supporters of the 2011 anti-corruption movement of activist Anna Hazare, continued to indulge in small corrupt acts. 'Samhita' (The Script), was a story of love, detachment, surrender and passion. The short film, 'Phir Zindagi' (Life Again) (Hindi) dealt with topic of organ donation. 'Kaasav' (Turtle), depicted sensitively the issue of depression among youngsters in relation to the life and nesting cycle of Olive Ridley sea turtles. 'Dithee' (Seeing), was a visually breathtaking story of loss. Bhave died due to respiratory failure and lung fibrosis even as she worked on three film scripts. Her legacy, her warrior-like spirit and endless curiosity for life will always be celebrated.

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



COLONEL BIKKUMALLA SANTOSH BABU MVC

Supreme sacrifice (1983-2020)

Santosh Babu, the only son of Mr Bikkumalla, a retired manager with the State Bank of India, was born on 13 February 1983 in Suryapet in Andhra Pradesh. He studied in Sri Saraswathi Shishu-mandir School at Luxettipet in Mancherial district. He was a brilliant student and after Class five, he joined Sainik School in Konukonda, Vizianagaram district, where he studied up to class X11. He joined the Army and was commissioned on 10th December 2004. His unit was 16 Bihar, then serving in Jammu and Kashmir. He was attached to the Rashtriya Rifles.

He attended the Defence Services Staff College at Wellington. He served with the UN Peace Keeping Force in the Democratic Republic of the Congo (DRC) during the ongoing Kivu conflict. He was empathetic and yet bold. During a major joint operation conducted by DRC and South African forces against Nduma Defence of Congo (NDC) rebels, Babu and his unit were caught in crossfire, yet his bold actions prevented the rebels from inflicting casualties on the joint force. Babu was kind and generous towards local residents.

Babu was promoted lieutenant-colonel on 10 December 2017. He was posted in Ladakh to monitor the activities of the Chinese forces. After serving as a divisional officer and Instructor Class "B" at the NDA, he was appointed a GSO I at the HQ of 35 Infantry Brigade. He received another posting to J&K in 2019 and assumed command of 16 Bihar on 2 December 2019. He was promoted full colonel in February 2020.

On 6 June 2020, an agreement was made with the Chinese troops on the layout of military posts. On 14 June, the Chinese erected tents and established posts in contravention of the agreement. The Chinese troops were reluctant to remove the tents and military post. Col Babu questioned them why they breached the agreement. However, the Chinese soldiers manhandled and cursed him which led to a fist fight between the Indian and Chinese troops. The Indian troops succeeded in destroying their observation post. Severely wounded, Babu sent the wounded soldiers back to

base and sought reinforcements. The Chinese troops were three times the Indian troops and attacked with sticks, stones and clubs wrapped in barbed wire. In response, the soldiers of 16 Bihar charged the Chinese soldiers with bayonets.

PLA reinforcements then began throwing stones at the Indian troops. One of them struck Babu on the head causing him to fall into the Galwan River. Two other soldiers, Havildar Palani and Sepoy Kundan Ojha, also suffered serious injuries and succumbed to wounds, while 17 other soldiers and junior commissioned officers died from various injuries.



Col Babu is survived by wife Santoshi, daughter Abhigna and son Anirudh. He was posthumously awarded Mahavir Chakra for gallant leadership. His body was flown by military aircraft to the military airport at Hakim-pet in Telangana on 17 June 2020. From there, his remains were driven to his family's farm at Kesaram village in Suryapet. His body was cremated with full military honours on 18 June 2020. Despite the ongoing Covid his funeral was attended by thousands of people from the area, with police on hand to ensure distancing and hygiene were maintained.

Following Babu's death, Telangana Chief Minister K Chandrashekar Rao announced the state government would award his family an ex gratia payment of Rs 5 crore along with a residential plot and a Group I government job for his wife Santoshi. The chief minister also announced the state would award Rs 10 lakhs each to the families of the 19 other soldiers who had been killed. Rao visited Santosh Babu's home at Suryapet to express government's solidarity with the bereaved family.

— Brigadier Suresh Chandra Sharma (retd.)



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Sadanand A. Shetty, Founder Editor
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