

Civil Society



STUCK IN COURT? TRY MEDIATION

LAWYERS GET LITIGANTS TALKING



'RIGHT TO FOOD IS ABOUT NUTRITION'

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STUCK IN COURT? TRY MEDIATION

Many litigants caught in lengthy cases find that mediation works well for them. Lawyers of the Delhi High Court have been leading the way in getting people talking.

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Civil Society

READ US. WE READ YOU.

Litigation to mediation

It hardly requires stating that our court system is extremely stressed. A gigantic number of cases are pending and even if every judge were to work very hard it would take a couple of hundred years to clear the backlog. There are other issues as well. The poor can't even get to meet good lawyers let alone afford their fees and the innumerable other expenses that have to be borne when a case is filed. A middle-class person has a slightly better chance of accessing the system, but delays and the range of legal options that get exercised in court require financial stamina and personal grit of an extraordinary order. It is not easy to pursue a case even if the law is on your side.

Clearly solutions are needed. If they are to be viable, the solutions will have to come from the legal fraternity itself. Our cover story this month celebrates one such effort to promote mediation as a means of reducing the burden of the courts and sending troubled litigants away with solutions they are happy to own.

The important thing about the work being done in mediation is that it is being led by lawyers and supported by judges. The lawyers are putting in personal time. A mediator is paid fees, but in the Delhi High Court it is a fraction of what a lawyer would earn from a case in court. From at least what we in this magazine could see at the Mediation Centre in the Delhi High Court, these are public-spirited lawyers who seem to believe that mediation is a way of improving the delivery of justice.

Mediation's status as an alternative mechanism comes from an amendment to the Code of Civil Procedure. But a change in the law takes root only if it is backed by social action. The lawyers of the Delhi High Court are therefore helping create the foundations of future systems. Many of them have successful practices and feel they are paying back society by promoting mediation and making life easier for citizens who would otherwise suffer in court.

If the Delhi High Court can set an example, chances are that mediation will spread and come to be used well in the district courts where it will be even more effective in reducing the burden on the system. The Chennai High Court has already earned a name for itself.

It is important that in the early stages impeccable standards be set for mediation. Training and the choice of mediators can't be neglected. It is necessary to have a code of ethics. Finally, mediation has to be remunerative so that it attracts the best talent. All in all, mediation should be given the status it deserves. We must live in the hope that some of our best lawyers will eventually opt to be mediators who help resolve disputes instead of dragging them on in court.

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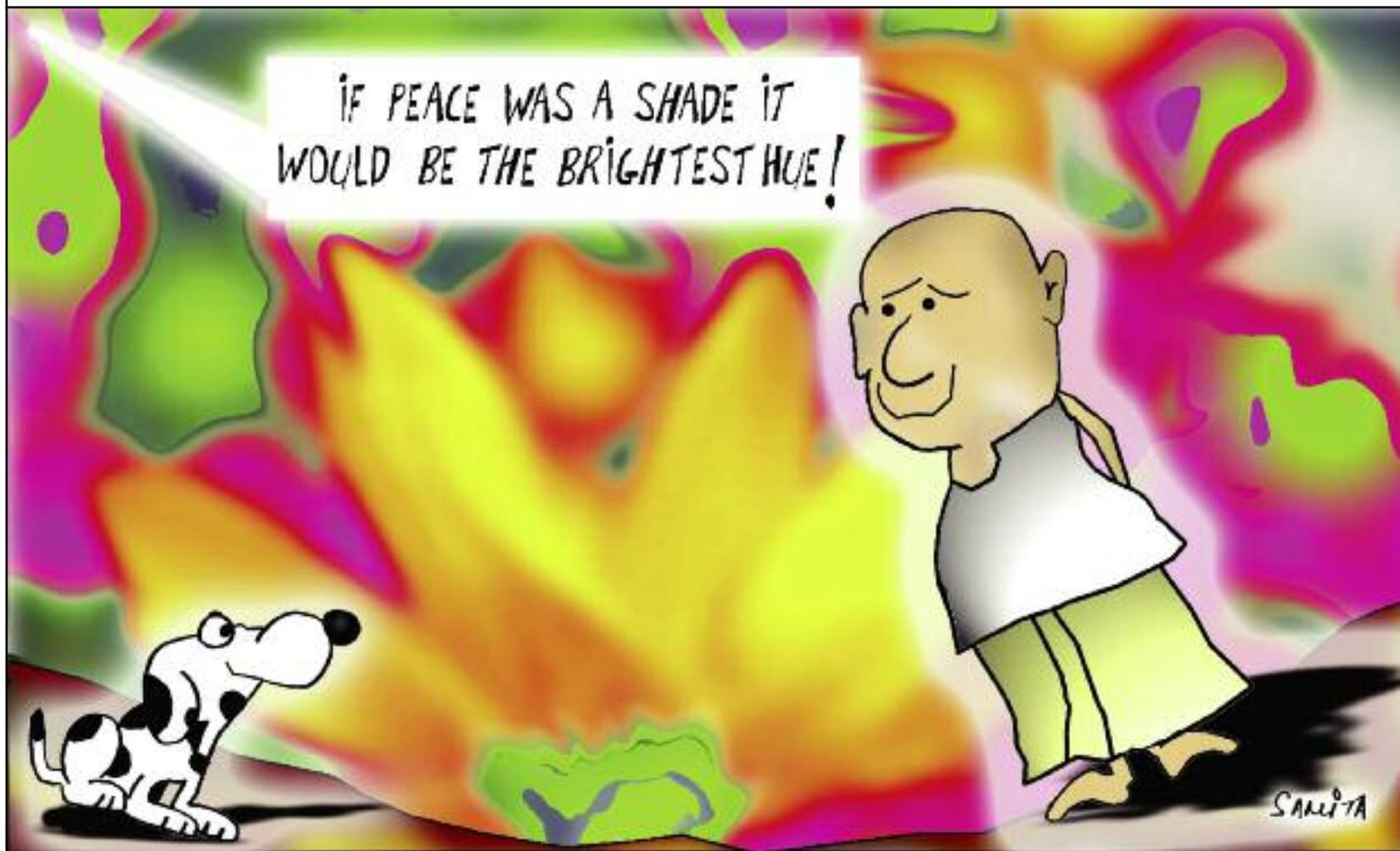
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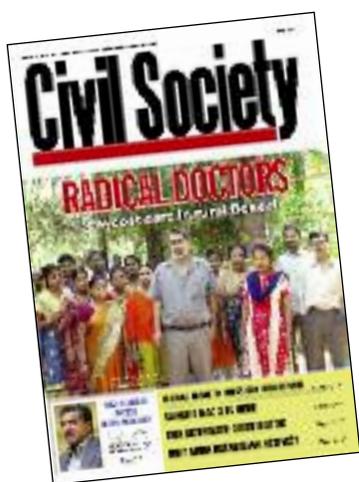
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IN THE LIGHT

by SAMITA RATHOR



LETTERS



Radical doctors

I fail to understand why state governments don't reach out to doctors doing such outstanding work in remote rural areas. It is doctors like Punyabrata Gun who can put in place a health system for villages. They should be helped in every way. In fact sub-centres, primary health centres could be handed over to committed doctors to run.

Subhadra De

Thanks for the story on radical doctors. Governments don't understand their value, people do. Take Dr Binayak Sen. It took a long agitation to get him out of jail, despite all the work he did for tribals and poor communities in Chhattisgarh.

Sumit Ghose

The spirit of the great leader Shankar Guha Niyogi lives on in doctors like Punyabrata Sen and PK Sarkar. It is good to know the movement has spread. Nobody can destroy a legacy built on truth, courage and compassion.

Shikha Sen

Look strong

I enjoy reading your magazine but every issue reaches me with the envelope completely torn and scotched with tape by the Belgian postal services. For international postage could you try to use stronger envelopes?

In several issues, I am blocked with initials which are unknown to me and not explained in the text. In the last issue for example, what is RTI? For your non-Indians readers, could you give the meaning of

those acronyms?

Since 25 years, I am following the work and activities of Rajagopal and Ekta Parishad network, and I am a bit surprised not to read much about it in your magazine. I know there are a lot of movements and NGOs active in India, but I feel the subjects and activities taken by Ekta Parishad would be worth mentioning a bit more often.

Jacques Vellut

UID

The unique identification project holds promise. Much will depend on how the states use the number. We do need a range of innovative and appropriate applications. Top of the mind is the public distribution system. But health schemes, schemes for widows, elderly and handicapped, insurance and entitlements for small farmers are equally important.

Sushil Trivedi

I hope this also flourishes like NREGA. Hope Nandan does good work.

Bimal Goswamy

Soon Nandan will find how difficult it is to work in government. Best wishes to him.

satya@rediffmail.com

India needs to protect Indians living in the country. It has no moral obligation to protect people from other nations in South Asia. One way to temper this powerful card is to set up a strong oversight agency to protect individual freedoms.

huges@aol.com

Animal kingdom

With reference to Susheela Nair's story, 'Weekend in animal kingdom,' the entire journey has been scripted so well I felt I was a part of their group. Never knew about this camp. I am now planning a trip to this park during the coming monsoons.

cool@yahoo.com

Solar chef

Excellent use of solar energy. Good to know that all traditional dishes can be made in the solar cooker. The title was also very apt.

GM Sastry

'The right to food should be

Here is an opportunity to get the govt to reform the entire set of systems and not just the PDS, says Prof Abhijit Sen

Civil Society News
New Delhi

YOU can spot Prof Abhijit Sen now and then at public meetings, his long hair and beard setting him apart even among activists. But Prof Sen is in a class of his own for more reasons than his striking presence. He is a member of the Planning Commission, India's foremost think tank, and has chaired committees on grain management, rural credit, agricultural costs and prices and more. Development and poverty are subjects he has looked at closely over the years.

Prof Sen is currently on leave from Jawaharlal Nehru University (JNU). Unlike many others in academia, Prof Sen steps out of his office to talk to NGOs and peoples' movements so that he has his own assessment of their ideas.

As the UPA grapples with drafting a law on food security, Prof Sen is uniquely poised to strike a balance between the demands of activists and the practicalities of grain management.

Right to food campaigners are unhappy with the government's draft of the proposed law. They have demanded a universal Public Distribution System (PDS), an increase in entitlements, a wider basket of food, no cash transfers, local procurement etc.

The right to food movement is on a strong wicket. The movement began in Rajasthan in 2002 when severe drought left people without food or work. Starvation deaths were reported but the dithering Union government would not release food or declare a state of famine. Activist groups, like the People's Union for Civil Liberties, approached the Supreme Court for justice. Since then the court has passed landmark judgments ordering midday meals in schools, a strengthening of government schemes like the Integrated Child



Prof Abhijit Sen

Development Scheme, (ICDS), more food entitlements and so on.

The Union government is now mulling over the demands of the campaign. There are indications that an entitlement of 35 kg for people below the poverty line will be conceded but other demands have not as yet been approved.

Prof Sen agrees with the overarching concerns of the right to food movement but he has his own opinion which sets him apart from the campaign. His advice is not to get bogged down in minute details but to look at a more holistic approach to food security. Extracts from an interview in his Planning Commission office:

Are you in broad agreement with the demands of the right to food movement?

My basic opinion is that a right to food should not and cannot be restricted to what is available in the PDS plus or minus a little bit. It is more than that. The right to food essentially begins with assuring availability, ensuring access to those who may not be able to afford it and then talks about food secu-

urity and nutrition and links it to things like absorption. Much of what we have got in India so far is about 35 kg or 25 kg at Rs 2 or Rs 3, or Rs 8.

To me that is a fundamental problem.

As far as the universal PDS is concerned, I am in broad support of the principle, not necessarily the detail, of the right to food movement. You cannot have a right which is defined only for someone called the poor. A right, if any, has to be the right of all citizens. Then you can say you are going to make special entitlements for the poor. But the right itself cannot be targeted towards any group, however poor it may be defined as being.

If the law tries to define a right only for the poor, the law inevitably would have to then define who the poor are and that would open up a huge set of issues. I don't think its good in terms of principle and I think its bad in terms of practicality.

As a right you are saying it should be universal?

Yes, but there are problems. Even if we limit ourselves to rice and wheat and we say we will give 35 kg at Rs 3, or at least offer it, and if people take up

about nutrition'

LAKSHMAN ANAND



getting ability and it creates incentives for unnecessary corruption.

Do you support a universal PDS?

In 2002 a report of a committee on grain management I had chaired actually said let us go back to what existed before the targeted PDS came. Let us go back to before 1997 to the universal PDS. But that universal PDS is not what the right to food movement is asking for. They want higher amounts some 35 kg some 50 kg, they want Rs 2, Rs 3 as prices, they want higher poverty numbers certainly higher than the Plan Commission, or the Tendulkar numbers, possibly going up to 70 per cent of BPL (Below Poverty Line) or more.

What we had said is let's have a universal entitlement but it should be of food at a price very close to which the government buys it, which would mean a price related to the Minimum Support Price (MSP) which the government promises to pay farmers. That was roughly the system that existed. Now what we have is that very large amounts of money are being transferred to those who have a BPL card, not necessarily the poor but those who are classified as poor, in the form of cheap food that did not exist before the targeted PDS.

What we are saying is let's not mix up a system of food delivery in which the government tries to ensure supplies, from surplus areas to deficit areas, through periods of surplus to period of deficits, which is a pure grain management strategy. Let's not confuse that with an income transfer strategy of getting food to those whom you think are the poor.

In 2002 we had 60 million tonnes of stock, we said separate these two. Take the money which is the difference between what you are giving the BPL and the APL, and give this directly to the states so that they can transfer the money to those whom they classify as poor. How they transfer it, leave it to them.

Let's separate the stabilization operation of the grain side from the income transfer operation.

But isn't that the same thing?

It's the same when it comes to the issue of who gets the income transfer but it is hugely different when it comes to the grain management side. For two reasons. First, all the things I said about the inefficiencies of having more than one price are there in one of them but not in the other. But more importantly, and this is really harking back to that period, what the targeted PDS was doing was carting huge amounts of grain to places like Orissa and Bihar

where the numbers of the poor was high and depressing prices in those areas, so farmers there were getting way below the MSP.

On the other hand, it was creating shortages in places like Kerala which are relatively richer but short of grain. So it was running counter to the objectives of grain management of getting grain from surplus to deficit areas and it was doing that because surplus areas and deficit areas are not coterminous with areas that are rich. So in that sense I think the two are very different.

How do you think the right to food should be defined given that it is a political issue?

I don't think it should be defined too strongly in terms of 35 kg at Rs 3 and poverty numbers and so on. I think it should be defined in terms of principles. Although some numbers would come in – the rules, notifications – I would say first of all it should say people have the right to demand and get adequate amounts of food wherever they may be at all times. It should say this food should be available at a price which is not unreasonable – that is, there should not be a large profit component in it.

The right to food should apply to a complete diet, not just one or two items. It is about nutrition in its entirety. And nutrition, which we are hugely lacking, is not simply about food or what you eat, its as

much about water, health, most importantly its about what happens just after birth, the first one hour, the first two years. The government cannot promise that people will breastfeed their children. But what it should promise is a government support system for a whole aspect of nutrition which it will provide. We do have some of these things however badly they may be working, the ICDS for instance, and we do

have through our health systems a certain degree of monitoring.

So this could be the opportunity to get not just reform of the PDS but reform of this entire set of systems, a government promise. One thing the right to food movement has done, and I totally commend them, is to put right to food on a justiciable agenda. The Supreme Court has given judgment after judgment particularly on the midday meal, the ICDS and the PDS. So there is a whole case law which has built up which the government is having to follow in any case.

I think if the government takes that case law and legislates that, with whatever it might want to add here and there, it will prevent the government from looking as if it is running behind the Supreme Court judgments. It would seem the government has legislated on something which is already the legal position.

And the right to food movement should be happy for this would actually have achieved in legislation what they have done through the judiciary.

There have to be certain commitments by govern-

Continued on next page

'I tend to agree with the right to food movement that this whole targeted public distribution system has not really done much good to anyone.'

the offer and demand those 35 kg, then we can't meet this demand. It's as simple as that.

It would require something like 80 million tonnes of grain to pass through the PDS. The best the PDS has done so far is 43 million tonnes. Therefore we run into not so much a fiscal constraint but a physical constraint of the availability of grain.

I also tend to agree with the right to food movement that this whole targeted public distribution system (TPDS), this division of the population into APL/BPL/AY, has not really done much good to anyone. We know that the lists on the basis of which people are divided into APL/BPL/AY are extremely bad. There are very large numbers of people who should not be in the list, but worse there are large numbers who should be on the list but are not there. It's a poor list and it's not targeting very well.

The system of having two or three different prices for the same commodity is an invitation for corruption. If you tell someone there are different prices for the same goods rather than the same price, there will be corruption. So it's bad in its tar-

Continued from previous page

ments to systems. I also agree that certain people have to be focused on more. I think the law should say that as a matter of responsibility by the government to those who are poor.

You are okay with the law saying that?

I am perfectly okay with the law saying that there are groups for whom special provision has to be made. I am also in favour of saying that access – those who are not in a position to afford what we can give through a PDS which is not unduly subsidised – should be entitled to some sort of special treatment. Whether that special treatment is through a lower price or a cash transfer or any other means, is another matter. In 2002 we had said Antyodaya should be extended to cover all destitute and infirm people.

Should production of food be delinked from the food security bill?

Food availability begins with production. The law should say the government must make best efforts at ensuring adequate production. The law cannot say you must produce 80 million tonnes or 90 million tonnes. You can't legally mandate a level of production especially when the monsoon affects it. But you could say that the government should ensure that in every district of this country there is enough stock at any time, for everyone to be fed for one month, during which period if stocks are short it can be built up. Now that can be easily done.

Grains rot while children starve. Should we not reform this system?

Yes, except that the two systems are very different. You won't be able to stop starvation by constructing godowns. The rotting part is something the media takes up, it makes an interesting image.

But isn't it an issue?

On grains rotting, the figure that we have is that something like a million tonnes rotted in the last 10 years. This year we will be buying 55 million tonnes in a single year. One million is big, but when it happens over 10 years it is not the sort of thing which would make a big difference.

Isn't scientific storage an issue?

See, the situation is as I said in 2002. We had 60 million tonnes of stocks. We had huge shortage of storage at that point, and all these issues had come up in a big way. The Food Corporation of India (FCI) by 2003 roughly had managed to get (storage for) 55 million tonnes. Then in 2005, 2006, 2007, when we exported part of our stocks and part of the stocks disappeared because of drought, stocks were down to 25 million tonnes. Then there were people saying why are you running such a huge number of godowns and things. So the FCI partly rented out some of those godowns which according to media

reports are storing wine or whatever.

Clearly there is a problem of management. It is not as big a problem as it is made out to be. I would say we need a proper stocking policy which ensures that grain is stored not necessarily in Punjab and Haryana. What we should be having is quicker evacuation of that grain from surplus areas and their storage either at the consumer end, or at some intermediate place which is well connected by train. The best places would be Madhya Pradesh and Rajasthan.

Shouldn't we be storing in villages?

The starting point of this is the argument that why are you pushing rice and wheat when there are nutritious cereals like bajra, ragi. This has been the case ever since we had the PDS. We have by subsidising wheat and rice made it hugely attractive for farmers to grow these. We have had a huge disincentive towards coarse cereals. But part of that is also taste. The two can go together. We are growing 40 million tonnes of coarse cereals. Out of that I would be surprised if more than 15 is consumed by people. A lot of it is for feed. The entire maize crop, the largest of our coarse cereals, is going into chicken feed or making starch.

Nonetheless there is the fact that in many tribal areas there is still a demand for small millets and we should be thinking of ways for them to store it. One reason we never got into it is because of the FCI's experience. Its attempts to store coarse cereals have been a total disaster. They don't have the techniques for it.

Coarse cereals have rotted even in the best godowns. The only solution is local storage. There are government schemes which try to do it. Grain banks, for example, started as a scheme in the Ministry of Tribal Affairs. It was passed on to the food and distribution side. The model was provided by the Deccan Development Society. They had designed it.

Cash transfers in the PDS have been opposed.

Let the states decide. I said this in 2002. There are at least two chief ministers who are clear that they want to give cash — Sheila Dikshit, chief minister of Delhi and Nitish Kumar, chief minister of Bihar. They say look here our system works so badly and we have consulted those who need it. We believe cash would be a better way of doing it. I agree with those who say cash transfers should be a last resort. But if a chief minister says the PDS is rotten, can I rubbish it?

Perhaps we should reform it.

Reforming the PDS is not an easy job. There are vested elements and corrupt elements. Smart cards, GIS, UID, can show some way out. But technology is not going to solve the problem of determining who is poor and who is not.

Hawkers

Civil Society News

New Delhi

Life is getting tougher for hawkers in Delhi. Nasiruddin Siddiqui, pradhan of the Reri Patri Sangharsh Morcha, says they are being routinely fleeced, evicted and hounded. He represents around 100 hawkers who were peacefully selling their wares on a footpath outside Station Road in Shahdara, east Delhi.

For many years, the Municipal Corporation of Delhi (MCD) would charge them Rs 1 per day, which they dutifully paid. In September 2007, the MCD told them they would get regular shops if they applied. So the vendors filled up forms, each cost Rs 100, and deposited between Rs 20,000 to Rs 25,000 for those promised shops, says Siddiqui.

The MCD then lapsed into silence. A year later, it sprang a surprise by declaring the hawkers 'unauthorized'. They were told to clear out. The vendors are now routinely challaned. "Sometimes the challan is for Rs 1,500. The vendor doesn't even have goods worth that much," says Siddiqui.

"See, vendors on the footpath are innocent and frightened people. They don't have the courage to confront officials and say look here I paid for an allotment, where is my money?" says Siddiqui, anger simmering in his voice.

In the run up to the Commonwealth Games, New Delhi is in the throes of a beautification drive. It wants to look green and rich. It doesn't want slums and hawkers and the working poor. Instead of the colour and cacophony of the Indian bazaar, it wants the monotony of malls and empty streets.

"We are not against city beautification, but can we be part of it?" asks Siddiqui.

Ironically, a whole lot of policies uphold the rights of the vendor. There are orders by the Supreme Court. There is the National Policy on Urban Street Vendors. There is also the National Capital Territory of Delhi Law, 2009. All this copious paper says that vendors must not be evicted from footpaths and markets. Instead, cities should demarcate specific zones where hawkers can do business legally, in peace. They should be registered and given identity cards and all rights and facilities.

The National Policy on Street Vendors has political backing. No less a person than the Prime Minister Manmohan Singh has written to chief ministers asking them to implement it.

Yet the working poor live in perpetual fear. The bulldozer and the police van can demolish their jobs and ramshackle homes reducing them to abject penury, worsening infant and maternal mortality rates and child malnutrition.

"In Delhi there is more despair," says Arbind Singh, head of National Association for Street

'Coarse cereals have rotted even in the best godowns. The only solution is local storage. There are government schemes which try to do this.'

fight hard for space in Delhi

LAKSHMAN ANAND



Pushcart vendors in Delhi

Vendors of India (NASVI). "The cost of living is higher, implementation of policies, poorer."

Government agencies are dawdling over implementing the National Policy on Street Vendors. However, the MCD has taken the initiative of drawing up a 'scheme' for vendors under which it has formed 272 ward vending committees each headed by the local councilor and 12 zonal committees, presided by a judicial officer.

The committees are supposed to identify zoning sites for hawking and ensure norms are followed – like registration fees, timings, allotment of sites, issuing of identity cards and so on. Disputes are settled by the zonal committee. There is reservation in allotment for widows and handicapped people.

Notices were published in newspapers inviting

hawkers to apply for legal vending sites. RP Gautam, the officer in charge of the MCD scheme, says his office has received 1, 31,807 applications. The city has 300,000 vendors.

"But we don't have any pavement space," he shrugs. "We identified 30,000 zones. The police rejected them. The zones don't fulfill Supreme Court guidelines. Now we have only 2000 vending sites."

The Supreme Court had said that the pavement for vending zones should be nine feet in breadth so that it can be shared with pedestrians. But Delhi's pavements are smaller. The MCD informed the court and the size has been whittled to seven feet. MCD has outsourced the business of finding such pavements to a private company called Indivelp.

Meanwhile, the corporation is doing things

piecemeal, shifting a few hawkers here and there. So it did 'displace' 173 vendors from INA market but then it 'resettled' them at Thyagaraja Sports Stadium where they will all benefit from the Commonwealth Games, said an officer of MCD's licensing cell with an air of satisfaction.

Arbind Singh is tired of listening to excuses. Land is not really an issue. Last year, NASVI worked with the MCD and identified 95 markets where vendors can be given space. "If those don't meet their criteria, we can identify other spaces," says Arbind. "What they need are market feasibility reports."

NASVI put on the table a range of ideas: designer kiosks, street food courts, night markets with solar lighting, clean toilets, even an all-women vendor market. Delhi has 272 weekly markets which could be creatively expanded.

The problem is the MCD, cosseted in a derelict building in the Walled City, eyes most NGOs, academics and urban planners with utmost suspicion. It has not evolved a mindset or mechanism to tap into their knowledge and implement ingenious, socially conscious projects which might earn them a shining reputation.

NASVI has decided to force itself on MCD, anyway. It has offered to carry out the 'scheme' in Shahdara. The group has trusty links with hawker committees, critical for implementation. "We can identify genuine hawkers and draw up lists," says Arbind. "The MCD can monitor us."

It has also offered to set up a women vendors market in Delhi. "In all of India, there are only eight all-women markets," says Rehmat who looks after NASVI's Women's Cell. "Often women are evicted from their spot by male vendors. They do business on the footpath with no facilities like drinking water, toilets or a crèche."

Whether NASVI succeeds in enthusing MCD is anybody's guess. Initially the Commissioner appeared interested, even convening a 'high-powered' meeting. Officials cooperated, working out funding. Then they were mysteriously transferred and the corporation lapsed into characteristic silence, says Arbind.

It is an open secret that the nexus between lower-level officials and the police prevents plans for the working poor from taking off. If hawkers are 'unlicensed' money can be extorted.

NASVI has talked to senior police officers and got a sympathetic response. If the police at street level can be dissuaded from allying with lower-level officials, corruption can be broken down.

"The major weakness is money," explains Arbind. "Hawkers collectively are paying around Rs 10 to Rs 15 lakhs a day in bribes to the MCD, the NDMC and the Delhi Development Authority. The day vendors get licences these agencies will not be able to bully us. We at NASVI have declared that from now on we will not pay bribes. We will file an FIR instead," says Arbind.

Dr Faesal makes Kashmir smile

Jehangir Rashid
Srinagar

Dr Shah Faesal, who turned 27 on 17 May, has made the state of Jammu and Kashmir proud. He topped the civil services examination this year. The results were out on 6 May and many people were surprised to know that a Kashmiri had topped the exam.

Faesal's extraordinary success has conveyed a message to the nation that given a chance Kashmiris too can top the prestigious civil services exam. His success hit the headlines in all newspapers across India. After a long time Kashmir was in the news for something beyond conflict.

Behind Faesal's achievement there is a remarkable story of courage and grit. He is from the Sogam area of Kupwara district in Kashmir. In 2002, his father, Ghulam Rasool Shah, a school teacher, was killed by unidentified gunmen. This tragedy happened just a day before Faesal was scheduled to appear for the common entrance test for medical and other professional courses. Yet, this brave young man did not let his tragic loss deter him.

"I owe my success to my parents," he said. "It is sad that my father is not with me in this moment of joy. I miss him. But I am glad I have followed the principles set out by him. My mother has always been an inspiration. She has guided me all along."

His mother, Mubeena, a school teacher, wanted him to become a doctor. Faesal's dream was to join the civil services. His proud mother is elated over her son's success. Faesal's other family members too supported him.

"It is not impossible to crack the Indian Administrative Services (IAS) examination,"



Omar Abdullah with Dr Faesal



Dr Shah Faesal (middle) celebrating with the people of Sogam

says Faesal. "The fear of not faring well has to be taken out of young Kashmiri minds. The examination is difficult. But you can pass it if you work hard in the right direction. Students should be abreast with the latest knowledge," said the young doctor.

Faesal has always been a bright student, passing exams with flying colours since his school days. He enjoys reading poetry and writes poetry as a hobby. For this reason his subjects for the civil services exam included Urdu literature and public administration.

"I have read poets like Alama Iqbal and Faiz Ahmad

Faiz," he says. "My father taught me Persian, Arabic and Kashmiri. For passing the civil services exam you should have a complete knowledge of your subject. At the same time you should be able to write essays and be in touch with recent developments."

Faesal did his MBBS from Sheri Kashmir Institute of Medical Sciences (SKIMS) in Bemina better known as Jhelum Valley College (JVC). He topped his medical exams and was given a gold medal.

The people of Sogam, after hearing the news of Faesal's success, were very happy. There were celebrations with music, dance and firecrackers. They rejoiced at his success.

"My children were never demanding," says Mubeena. "They would always concentrate on their studies. Faesal's success proves that children can reach for the sky if they work hard and remain com-



Mighty village women

Bharat Dogra and Reena Mehta
New Delhi

SANJO was born into a Kol tribal family in Bundelkhand district of Uttar Pradesh (UP). She grew up in extreme poverty. Her family virtually worked as bonded labour. Sanjo toiled hard to map a better life for herself and her family. Voluntary organizations here helped her to make the best use of the government's laws for the landless.

Impressed by Sanjo's courage and selfless service, the poorest families in her village wanted her to contest for the post of pradhan in the panchayat elections of 2005. Sanjo agreed to stand from the Girudha panchayat of Chitrakut district but feudal interests conspired with officials to get her name deleted from the electoral rolls. Sanjo had to struggle till the last moment to get her name re-entered.

Sanjo won the elections with a big margin. Living and working in a feudal, dacoit-infested area, she overcame strong barriers and speeded up development work. She paid special attention to distribution of land and housing plots for the weaker sections. She learned to ride a motorcycle so that she could travel to remote forest areas. Helped by other panchayat members like Kunti she took up check dam projects and ensured pension to the elderly.

Sanjo was in Delhi on 24 April to receive the 'outstanding woman panchayat leader' award from Gursharan Kaur, Prime Minister Manmohan Singh's wife, at the 17th Women's Political Empowerment Day organized by the Institute of Social Sciences (ISS), New Delhi. Radha Devi and Shobha Sinha were two other women honoured at this function. The event brought together about 700 women panchayat representatives from all over the country.

But even this honour did not save Sanjo from harassment. When powerful people from her village came to know that she was going to receive an award in Delhi they first tried to stop her from going and when they could not do so, they conspired to implicate one of her family members in a false case. So despite all the honour she got in Delhi, Sanjo, an accomplished folk singer was left worrying about her jailed relative.

Radha Devi is an inspirational example of women's empowerment. She has won three pradhan elections continuously from the Meethiberi panchayat of Dehradun district without the constituency being reserved for women. In fact, as many as five to six out of seven panchayat seats have been won by women in this panchayat for two terms, testifying to the wider empowerment of women in the village community.

Before Radha Devi became the pradhan, Meethiberi panchayat had a bad name due to the activities of some anti-social elements. Today the village is known for its ability to resolve conflicts within the village community and for the way its villagers work jointly for constructive tasks.

But Radha Devi is troubled by the threat of displacement. As Seema, a young panchayat member who accompanied her, explained: "When poor people settled on this land, no one stopped them. But now that they are well settled, threats of eviction and displacement are being made. Despite our best efforts, the essential needs of the village like water are not receiving due attention from the authorities.

These examples reveal how panchayat representatives who try to work honestly for the villagers face a lot of difficulties. In the case of women representatives, these problems increase. There have been cases of such women representatives being attacked and even killed. When expected commissions are not paid

to officials, development work proposals sent by honest panchayat representatives are simply ignored.

The discussions on various aspects of violence against women was useful although some felt that more specific and detailed ideas were needed on the role of panchayats in checking violence.

A successful example was provided by Geeta Singh of Anoni Panchayat

in Ghazipur district of UP which has formed a group of women sarpanches. "Women feel safer and come forward with their problems to women representatives rather than to male representatives. We have formed a group of women sarpanches. We support each other at critical times. This group is successful to a large extent in checking violence against women in the area."

Many women representatives remarked that after becoming sarpanch there was a marked difference in the attitude of their family members and society. People were much more respectful and the women felt their own self-esteem has increased.

"I became a widow one month after my marriage. I had no support, no meaning in life. Then I contested panchayat elections and became sarpanch. This has increased my self-esteem and given me new meaning in life. I used to be very shy and couldn't come out of my home but now I can travel to Delhi alone," said Prabha Sahu, sarpanch of Imli Bhatta Panchayat, Mahasamund district, Chhattisgarh.

Kamla Bhasin of Sangat, South Asia, said this annual event which brought together women panchayat representatives helped their political empowerment for it gave them a chance to discuss their problems and find solutions.

mitted to their goal. My son fulfilled my dream by becoming a doctor and by topping the civil services examination."

"I knew Faesal wanted to make it to the civil services and he did it. His friends told me why is he is studying for the civil services when he has become a doctor. I told them don't worry. Faesal is the right person to decide his career. I knew he would always take the right path," said Mubeena.

Faesal is also a Right to Information (RTI) activist. He has been involved with the RTI movement in the Kashmir Valley since his college days. RTI activists turned up at his home to celebrate joyously with banners and revelry.

"Every mother wants her children to shine in academics and in their profession. I am glad my son has fulfilled my wishes. I hope he will continue to serve the people of his native land with dedication. He is aware of the problems being faced by them and I don't think I need to remind him of that," said Faesal's beaming mother.

Mubeena always ensured that her children did not feel the absence of their father. Her children too worked hard. "It was difficult but not impossible to bring up my children. They supported me all along and encouraged me to take some bold decisions. We kept our way of life as simple as we could and we never expected great things in life. I think this simple and honest approach has paid us in the long run. I am blessed to have children like them," said Mubeena.

Faesal's younger brother is also studying to become a doctor. His sister is a government teacher. His maternal grandfather topped the Indian Forest Service (IFS) examinations in 1970. His maternal uncle is a scientist working at Sheri Kashmir University of Agricultural Sciences and Technology-Kashmir (SKUAST-K).

Politicians cutting across party lines congratulated Faesal for his success. Chief minister Omar Abdullah especially honoured him. Politicians here expressed the hope that Kashmir would produce many more Faesals in future.

Three more Kashmiris have made it to the IAS this year. They are Dr Showkat Ahmad Parray, Rayees Ahmad Bhat and Dr Mir Umair. While Dr Showkat stood 256 at the All India level, Rayees came 124. Dr Showkat, a resident of Wizer in Baramulla district, is a veterinary doctor. He was recently appointed in the government's Sheep Husbandry Department as a Veterinary Assistant Surgeon.

Rayees belongs to the south Kashmir district of Anantnag. His success too has led to an outburst of joy in his native district. Dr Umair is a resident of Peerbagh, Srinagar and did his MBBS from Mumbai University in 2005.

Dr Faesal wants to bring about change in the system. He says he would like to help the people by taking decisions at the top. "One can bring relief to the people by being the decision-maker. I will take people centric decisions and play my role in helping the common masses," said this idealistic doctor.



Gursharan Kaur presenting the award to Radha Devi

RTI brings South Asia together

LAKSHMAN ANAND

Saibal Chatterjee
New Delhi

IN Nepal, a right to information (RTI) law has been in place for "32 months" but it has yet to make its presence felt. In Sri Lanka, freedom of information is a distant dream in the current unstable political scenario. In Pakistan, the Freedom of Information Ordinance was passed in 2002 and its rules notified in 2004, but the impact has been undermined by a weak legislative framework and ineffective implementation mechanism. Bangladesh joined around 75 nations on the RTI map last year and is making rapid strides in moving from a culture of secrecy to one of openness.

These were some of the numerous points of discussion that emerged during a three-day regional workshop, 'Towards More Open and Transparent Governance in South Asia', which, among other things, resolved to create a network across political and geographical borders to strengthen right to information regimes in these countries.

The workshop, hosted in the last week of April by the Indian Institute of Public Administration, Delhi, with the support of the World Bank, was designed to push the cause of transparent governance in the region ahead of the World Bank's own disclosure policy, which takes effect from 1 July. Vikram K Chand, senior public sector management specialist, World Bank, said the workshop was aimed at "creating an enabling environment for discussions on the way forward."

Wajahat Habibullah, India's respected Chief Information Commissioner explained in detail the functioning of India's RTI law. He emphasised the need to put information online and devolve information to the panchayats so that villagers can get easy access. "Public is the government," he said.

The workshop was attended by stakeholders from governments, information commissions, civil society organisations and the media from across South Asia. The participants were unanimous in demanding that RTI laws should extend beyond the executive to cover the legislature and judiciary.

"We have seen a lot of activity on the executive side but not on the judicial and legislative sides. Issues pertaining to the judiciary and the legislature are rather ticklish for they are rule-based and full of constraints," said RS Tolia, chief of the Uttarakhand Information Commission, at one of the workshops.

Tolia emphasised the need for countries of the region to help each other build a strong right to information infrastructure. "The countries of this region have a common history, so we understand each other," he said.

Rahela Siddiqi from Afghanistan enumerated the problems that confront her war-torn nation and appealed for help from countries of the region. "A focus on joint effort is a must," she said. "We can-



Participants from South Asia at the workshop

not do anything by ourselves. The process of institution building is on, but regulations and procedures have not been developed yet."

Participants exhorted Afghanistan, Bhutan, Maldives and Sri Lanka, which do not yet have RTI regimes, to work towards such legislation. An appeal was made to Pakistan, which has the oldest national RTI legislation in the region, to modify its Freedom of Information Ordinance to make it more effective.

Participants asked for a regional RTI centre fully equipped to provide support, training and a monitoring mechanism to strengthen transparent and inclusive governance in South Asia. Issues like whistle-blower protection, greater grassroots participation in RTI regimes and the role of the media in bolstering freedom of information were also discussed.

Taranath Dahal, chairman, Freedom Forum, Kathmandu, said: "An RTI law has been in place in Nepal for 32 months but little progress has been made. The level of implementation continues to be poor. The Act should be amended to include all three arms of the government and to define public engagement more clearly."

While acknowledging the efficacy of the Indian RTI law, the workshop participants called for more concerted and proactive efforts by public institutions in the country to make information about development projects available.

The workshop drew over 100 stakeholders from around the region. They shared their experiences of campaigning for the adoption and implementation of RTI laws in their respective countries. Representatives from Mexico, South Africa and Canada also participated in the workshop. Mexico's RTI regime is acknowledged as the most efficient in the world.

Sherry Rehman, journalist-turned-politician

and member of the National Assembly of Pakistan revealed that RTI is enshrined in the recently adopted 18th Amendment of the Constitution. "It took us nine months and 78 meetings to get this going," she said, joining issue with the suggestion that donor-agencies should act as a catalyst of transparency in the region.

The earlier law, she asserted, was a disaster. "We scrapped it completely when we introduced a new draft in the Assembly in 2004," she added. Her suggestion was clear: an RTI regime should emerge from a nation's internal dynamics rather than be imposed from outside.

Rohan Edrisinha of the Centre for Policy Alternatives, Colombo, painted a bleak picture of the scenario in Sri Lanka. "We have no RTI law and there is no chance of one coming up in the next three to five years," he said. Asserting that the government won the war on the Tamil separatists at a huge price, Edrisinha pointed out that the conflict was far from over. "We are in a post-war situation but not a post-conflict situation. The conflict is still on in Sri Lanka," he added.

The workshop formulated a resolution that laid emphasis on sustained regional cooperation to promote:

- inter-government exchange of best practices for improving transparency regimes.
- a regional platform for Information Commissions to regularly interact with each other with honorary membership provided to Commissions from other countries.
- a web-based database of all orders and decisions of Information Commissions in South Asia maintained by a regional RTI resource centre.
- development of guidelines by civil society organisations for internal disclosure policies.
- exchange of RTI experts between countries in the region.

Mehrauli's evaporating heritage

Abhinandita Mathur
New Delhi

If you take a stroll through Mehrauli, ignoring its imposing neighbour the Qutab Minar, you will stumble upon Hauz-i-Shamsi, a historic water tank. Long, long ago, the Hauz-i-Shamsi was a sacred spot for legendary saints and *pirs* of Delhi. Urdu writer Mirza Farhatullah Beg Dehelvi described it as a place close to heaven.

Mehrauli is full of history, old mosques, water structures, the ruins of palaces. Every stone here is heritage, locals will tell you. Yet this ancient *mohalla* hasn't caught the eye of city planners.

The tank itself is one of the oldest water reservoirs of Delhi. It was built in the 13th century by Iltutmish, founder of the Slave Dynasty. According to legend, Iltutmish in a dream was instructed by Prophet Muhammad to build a reservoir at a place marked by the hoof print of his horse (Burak). Iltutmish, it is said, actually found the hoof print by inspecting the site he had seen in his dream. It is around this spot that he had the hauz dug.

The overflow of water from the hauz formed a splendid stream. It went all the way to the Yamuna through Qila Rai Pithora and Siri, Satpula, Chiragh Dehli and Nizamuddin.

It was this system of interconnected tanks and channels fed by rivulets and rainwater that ensured dry Delhi had local water. The city was built seven times and its survival rested on water.

Eight hundred years later, the hauz is suffused with garbage and plastic waste. Untreated sewage seeps in from various breaches. Hauz-i-Shamsi, a significant part of Delhi's water heritage, is struggling to stay alive.

The centre of the tank had a domed pavilion but now it marks its western boundary. This is also the site of the unique Delhi festival of Phool Walon ki Sair also known as Sair-e-gul-Faroshan, an inimitable celebration of communal harmony which ends with an all night qawalli and *mela* on the lawns between the hauz and Jahaz Mahal from the Lodi period. The stream from the hauz is now choked with dirt and sewage. The path along the stream is in similar condition. One wonders why we went so wrong and how different things would be if these old systems had been incorporated into modern plans.

Old residents of Mehrauli remember with immense nostalgia the beauty and significance of the tank. "The hauz has seen better days. As children we not only enjoyed its beauty, we drank its water and even learnt to swim here," says Irfan Khan, who runs a cooler shop in the market.

Today, the colour of its water is close to black. And those who live around here share an estranged relationship with it. Thickly populated bylanes with builder flats stuffed with new residents, can't be bothered to preserve heritage. The tank that once provided drinking water to the

population of Mehrauli is now dysfunctional. It can at best be called a fenced *ganda naala*. Old residents are giving up on their neighbourhood gem. New settlers try to find ways to cope with the stink it leaves behind on a bad day.

Historian Maheshwar Dayal in his book '*Dilli Jo Ek Sheher Hai*' written in Urdu, points out that swimming competitions in the Hauz-i-Shamsi started during the time of Firoz Shah Tughlaq (1315-1388) when the hauz underwent repair work to clear blockages in the streams flowing into the tank.



Hauz-i-Shamsi

The hauz held a significant position in Mehrauli life. At the time of Phool Walon ki Sair, the Hauz would be cleaned and fountains installed. It was one of the main attractions for people who walked to Mehrauli all the way from Shahjanabad. For the people of Shahjanabad, Mehrauli was like a resort, a getaway and Hauz-i-Shamsi, now also known as the Shamsi Talab, a delight. Any Mehrauli resident can narrate stories and myths about the hauz. A common one is, "the hauz changes colours, from blue to green and green to red and when it is red, it takes lives".

Who is to be blamed for such negligence? Presently, the Hauz-i-Shamsi is under the Archaeological Survey of India (ASI). According to KK Mohammed, the Superintending Archaeologist of the ASI, "While conservation work has been done by us to preserve whatever is left of the hauz, the task of bringing it alive is left with other government authorities".

"The residents in the vicinity should come forward to keep the hauz clean and not use it as a dumping ground. And the Municipal Corporation of Delhi (MCD) needs to ensure that sewer water does not go into the tank. Once all that stops, from our end we are ready to start the dunging process and clean up the hauz."

The ASI recently broke an existing fence to replace it with a similar one. Unfortunately, the garbage around remained preserved.

"What needs to be done in Mehrauli is to invite people and groups to 'adopt heritage'," said Muhammad. "Laws and fences often alienate people from these sites reducing them to dumping grounds by breaking their historic relationship with the place. We need to move towards preserving living heritage rather than just preserving fenced monuments".

ABHINANDITA MATHUR

Vinod Kumar Jain of Tapas, an NGO working for the protection of wetlands and historic water bodies, said, "despite the high court's order to make the water tank presentable, the authorities have not achieved much. Building a fence is not the solution. We need more proactive action."

At a time when groundwater levels are rapidly dropping due to unplanned urban development there is an urgent need to revive a water system which combined beauty with utility

Says Sohail Hashmi, a history researcher: "The task is difficult but not impossible. Existing water bodies can be revived and streams connecting them can be cleaned so that rainwater is channelised. The rainwater streams from the Hauz-i-Shamsi which is strategically located in a depression are all blocked. They can be opened. The sewage water should be diverted."

People and government agencies have neglected heritage, points out Hashmi. "Ironically we have such a deep relationship with past and mythology. And yet we have no respect for common property."

There is still a spark of life in the Hauz-i-Shamsi. It is not lonely and abandoned. Flocks of migratory birds stopover at this tank on their annual visit. This year a pair of Kingfishers chose to stay back and make this 800-year-old hauz their home.

Bangalore panchayats demand education, health, rations

Tanushree Gangopadhyay
Bangalore

THE Praja Rajakiye Vedike (PRV), a people's forum of Dalits, Adivasis and other disadvantaged classes, contested 16 seats in the panchayat elections from the Anekal taluka of Bangalore district.

Two of their candidates, Gopal and Munniraju, managed to win. PRV activists were jubilant and celebrated. Two candidates, Saraswattamma of Chintalamadiwala and Sheela, lost by small margins. Eight candidates put up a stiff fight.

Panchayat elections were held on 8 May to 5659 gram panchayats in 30 districts of Karnataka.

PRV is a band of dedicated activists involved in the Dalit movement in Karnataka since decades. "Real change, we realized, is possible only through political power. That's why PRV was launched," says Yashoda who also heads the Karnataka Dalit Mahila Sangh.

"The victory of two of our candidates in the last gram panchayat elections in Basantpura and Mantapa, motivated us to field more candidates."

Abolition of untouchability, action against atroci-

ties on Dalits and tribals, health facilities, employment, ration cards, homes for the homeless were their main demands. Schemes for the Dalits don't reach them here.

But the most burning issue is land. "The government has dispossessed us of 62 acres. Several tribal villages have lost large chunks to Bannerghata National Park," says Yashoda. "We want implementation of all government schemes. We also demand good schools and health facilities in all these villages."

Things did not go smoothly, however. PRV had to protect its candidates from all kinds of hoodlums. Lakshmi, who contested for the first time from Mattanahalli village, alleges she was kidnapped by her rival candidate on the final day of withdrawal of nominations on 27 April.

"After two hours I managed to escape with great difficulty and registered my presence in the nick of time," she says.

Fearing for the safety of their candidates, PRV had whisked away all 16, include five men, to

Bangalore after they filed their nominations. But candidates did not lose heart.

"This is what politics is about," said Lakshmi. "We can't get cowed down and we must be prepared for every eventuality."

Cases of hooliganism have crept into gram panchayat elections in rural areas of Bangalore district due to the presence of land sharks, say locals. Large tracts have been taken away in Anekal taluka, which is within a radius of 30 km from Bangalore city.

Bangalore may be booming but Dalits and tribals say they have merely become poorer and more alienated from land. Their struggles against untouchability and entry into temples are at a virtual standstill. Majority do agricultural work, stone cutting, or work in brick kilns.

Some travel to Bangalore for petty wage labour. Sheep and cattle rearing are other occupations they earn a meagre living from.

Sanitation, toilets, water, electricity, drainage, education and health are the main issues. "Almost half our village of 403 households does not have BPL cards, which makes it difficult for us to get kerosene," said Saraswattamma. "People have to waste a whole day's labour just to collect rations."

There is only one primary school here. Health facilities are non-existent. "An ANM was appointed for seven villages, five months ago," says Suguna Reddy, a former gram panchayat member who did little during her tenure. Biocon's health insurance with an annual premium of Rs 150 has been popularised here.

"Contesting gram panchayat elections was a big fight in the hinterlands of Bengaluru. We now have good experience and we shall certainly work hard-

Farmers vs climate

Bharat Dogra
New Delhi

FARMERS have been consistently complaining about the fickle rain gods. You can't predict the weather, any longer, they say. It no longer rains, it pours. Or it doesn't rain at all. All this is ruining crops and pushing small farmers into penury.

So a national conference on 'Ensuring Food Security in a Changing Climate' in New Delhi was indeed timely. Jointly organized by Gene Campaign and Action Aid the meeting deliberated on the impact the weather was having on agriculture and farmers.

Speaking at the inaugural session, Suman Sahai, director of Gene Campaign, and Sandeep Chachra of Action Aid said farmers in South Asia were the worst threatened by climate change which has its roots in industrial capitalism.

What emerged after discussions was that farmers will have to outwit the errant weather. They need to be armed with accurate weather forecasting, a range of seeds, efficient use of water and state-of-the-art organic farming practices.

Small farmers spoke in no uncertain terms. "About 10 years ago we used to get mild, steady rain which was very good for our farms. We no longer

get this *rimjhim* rain. What we get is rain lasting just half an hour. Earlier, we would get snowfall two or three feet deep. Now hardly any snow falls," said Kamla from Philinda village in Tehri Garhwal district of Uttarakhand. She has a farm of half an acre.

Kamla said water sources were drying up fast. Yields have declined by 50 per cent or more. "Crops are being damaged by new diseases," she said. "When crops yields are so low, it becomes difficult to save seeds. We become more dependent on the market. Production is less and expenses are more," she told the audience.

Pushpa Devi, a farmer and a sharecropper from the Gopalpura village in Jalaun district of Uttar Pradesh, said the wheat yield has declined to one-third. Fruit trees have declined while harmful vilayati babool trees are spreading. More people are resorting to distress migration. Despite all their anguish, Pushpa said she loved her village and concluded by singing a song about her deep attachment to her village.

These testimonies of farmers were intensely evocative. Yet it wasn't clear which aspect of declining livelihood and deteriorating environment was related to climate change and which were caused by local factors. The spread of exotic varieties of babool is due to thoughtless aerial seeding rather than to

climate change. Similarly, villages like Philenda have suffered because of dam construction.

According to Suman Sahai, practices in agriculture will need to shift from intensive, water demanding agriculture to sustainable conservationist methods that give higher crop yields with less water. Conservation agriculture, a system of farming that conserves, improves and makes efficient use of natural resources through integrated management of soil, water and biological resources, can keep carbon fixed. The System of Rice Intensification (SRI) as a water saving, methane emission reducing strategy shows promise.

Suman Sahai explained that agro biodiversity is the key to climate change adaptation. There is an urgent need to conserve the genetic diversity of crop plants and livestock.

Dr P K Aggarwal, Coordinator of the National Network on Climate Change, emphasized improved weather services, weather-linked insurance, incentives to farmers for resource-conservation, community banks of seeds and funding for farm research.

Dr Himanshu Pathak, senior scientist at the Indian Agriculture Research Institute (IARI) discussed the relevance of bio-gas technology, zero tillage methods and various resource conserving technologies in the context of climate change.

Mahadevan Ramaswamy and Sanjay Barnela talked about the ignored assets of nomadic pastoral groups and their time honoured practices. Dr Himanshu Kulkarni emphasized the importance of groundwater management.

Smiles that tell a thousand tales!

In our operations, we are blessed to bond with some very special people. People not daunted by odds, but with the passion and perseverance to overcome them. In doing so, they allow us to work with them to support livelihood generation and environment protection, to create education and health infrastructure.

Above all, they help us fulfill our goal to be a committed corporate citizen. True to the tradition of the Tata Group.

Mr. Sujit Soren of Gopalpur village in East Singhbhum district of Jharkhand. He was the first in the village to adopt water conservation techniques of the Gram Vikas Kendra society of Tata Motors. Today, the village boasts of perennial irrigation for about 100 acres and about 10,000 fruit and timber generating trees.

Mrs. Rohini Bhanudas Wadekar of Pune in Maharashtra. A widow with three children, she was trained to become self-dependent with technical skills by Tata Motors' Grihini Social Welfare Society.



Mr. Jowahar Ram Paswan of Baranimdih Mohalla of Chaibasa district in Jharkhand. Today, he is an employee of Nav Jagrat Manav Samaj. It became possible when the Nav Jagrat Manav Samaj, supported by Tata Motors, intervened to manage his leprosy and found him a job with a permanent income. Today, Mr. Paswan intervenes to bring comfort to others.

Mr. Man Singh Murmu of Baijnathdih village in East Singhbhum district of Jharkhand. With mostly infertile land holdings, Mr. Murmu and other residents found meeting both ends difficult. Tata Motors helped him lead change by beginning a tree plantation drive. Today, Baijnathdih has a forest of income-generating trees, and a Forest Protection Group to nurture its economic turnaround.

Mr. Vinod Pachpute of Shelu village in Pune district of Maharashtra. A diploma holder in mechanical engineering, he is also a trustee and an alumni of the Bhamchandra High School in the village – the only one in the vicinity covering seven villages. Tata Motors helped set up the school and continues to support it. About 600 students have passed through its portals till date.

Tata Motors' Sustainability Programme. Striving for Sustainable Change.

STUCK IN COURT?

In Delhi High Court, lawyers get litigants talking with some amazing results

Civil Society News
New Delhi

IN the dour and daunting complex of the Delhi High Court, a few well-appointed rooms in a sequestered corner come alive in a very special way every day. Lawyers, trained to be aggressive and adversarial, serve here in a very different role. As mediators, they bring litigants together for interactions that melt old animosities and result in decisions that would be difficult to achieve at the same speed in court rooms.

Called Samadhan, the Delhi High Court Mediation and Conciliation Centre has in the past three years successfully concluded 1,143 cases together with some 3,000 related matters. Warring parties have gone away satisfied, having reached agreements crafted through a process in which discussion and openness in a confidential environment replace the grim compulsions of the court system.

In a court, lawyers decide what will be revealed in the interests of their clients. The litigants submit themselves to a structured process in which their counsel define the legal impediments and decide on the positions to be taken. Judges then issue orders on facts as they are placed before the court.

In mediation, however, it is the litigants who are encouraged to speak to each other. Nothing they say can be cited as evidence in court. In such an atmosphere of confidentiality they often own up to excesses and look critically at themselves. The mediator facilitates this process — building trust and helping litigants evaluate the reality in the positions they have been taking. Unlike a judge or an arbitrator, the mediator takes no decisions and doesn't impose an opinion. It is the parties who decide and even dictate their own agreements which then go back to the court and are legally binding.

There are an estimated 30 million cases stuck in the courts in India. Either litigants don't know how to give up or lawyers won't let them. Often legal positions can't be rescinded because of the provisions of the law.

Mediation is a way out of this logjam. Sometimes a case sent for mediation gets resolved because of the realization that hearings in court will take far too long to deliver a result. On other occasions, a favourable verdict can actually be a burden for the victor and mediation is the happier solution. There are also a whole lot of cases that go on and on merely because egos are bruised. A skilled mediator helps both sides soften up and sink their differences in a few sessions of private interaction.

When a matter is referred for mediation by the court, the parties in the dispute spend nothing. The mediator is paid by the court. Mediation is also faster since a solution is required in 90 days with extensions being granted only if the judges are satisfied that there has been progress.

So, mediation is cheaper and quicker than litigation. It is a healing process in which the parties learn to look ahead and set aside their differences so as to reach an agreement that is to their mutual satisfaction.

Mediation has been seen to work well in family imbroglios, divorces, prop-



FAQs

WHAT IS MEDIATION?

Mediation is when two contesting parties agree to discuss their differences with the help of and in the presence of a neutral third party called the mediator. Courts refer disputes for mediation with the consent of both parties. This is part of the judicial process by virtue of the 2002 Amendment to the Civil Procedure Code. In pre-litigation mediation, however, two contesting parties can directly refer their disputes/ differences for resolution through mediation without going to court.

IS MEDIATION LEGALLY BINDING?

Yes it is. Once an agreement is signed by the parties, it goes back to the court and is binding on both parties.

WHAT HAPPENS IF THE MEDIATION EFFORTS FAIL?

The matter goes back to the same court, but the discussions that took place during mediation are not brought on record.

WHAT DOES MEDIATION COST?

It is free when a matter is referred for mediation by the courts.

TRY MEDIATION

PHOTOGRAPHS BY LAKSHMAN ANAND



WHO IS A MEDIATOR?

He/she is usually a lawyer who has been trained as a mediator to facilitate parties to resolve their disputes. He/she has no powers to take decisions. All the decisions are taken by the contesting parties to their mutual satisfaction and incorporated in an agreement drafted in their language with the assistance of the mediator.

HOW LONG DOES MEDIATION TAKE?

A matter must be decided within 90 days. Courts do give extensions where a genuine effort is being made.

DIFFERENCE BETWEEN MEDIATION AND ARBITRATION?

In arbitration, the arbitrator decides or adjudicates upon a dispute and his/her decision is binding. In mediation, the contesting parties arrive at their own decision with the mediator facilitating the dialogue. Arbitration is expensive and lengthy. Mediation is free and is speedy. Parties themselves write their own agreement with the assistance of the mediator. Decisions taken through arbitration can be challenged in court later. Mediation agreements are binding and attain finality.

erty matters and commercial disputes. These are mostly civil law cases in which no interpretation of the law or questions of policy are required. Big ticket criminal matters aren't sent for mediation. But smaller ones such as bounced cheques and charges of cruelty are referred.

Tens of thousands of such matters currently slow down the courts with little hope of being sorted out. But brought to mediation, many of them are found to be resolved, sometimes within weeks, since there is an opportunity to deal with a human problem outside the narrow and sterile confines of the law.

The benefits to the system are huge. A single divorce case that is resolved through mediation leads to the withdrawal of at least three other cases pertaining to cruelty, custody and maintenance.

Of course, not all disputes sent for mediation are happily resolved. "The success of mediation depends on the right case being referred at the right time," says Sadhana Ramachandran, the organizing secretary of the mediation centre.

To have a serious impact, there is need to spread awareness and train more lawyers. Ramachandran has been taking the lead in this. "We are looking at the Bar of the future," she says.

After the 2002 amendment to Section 89 of the Code of Civil Procedure, lawyers must be equipped to advise their clients whether to go in for litigation, mediation, arbitration or take the matter to a Lok Adalat.

"We've organized training workshops for district level lawyers in Punjab and Haryana at the request of the Chandigarh High Court," says Ramachandran, who is deeply committed to the success of the centre and mediation in general.

"Through mediation you get resolution of disputes and enforceable agreements. The reason why mediation agreements succeed is because it is your own agreement. You don't need any enforcement," says Jitender Pal Singh, who was the first organising secretary of the mediation centre.

"In court, even if you get your decree, you are not sure you will get your money. Execution of a decree is the most difficult thing. You have some executions pending for 10 years," explains Singh.

Mediation is likely to play a significant role in resolving commercial disputes. Singh says that a few commercial disputes have come to the Delhi centre and been resolved. The companies were so happy with the results that they cut large cheques as donations to the centre.

ALL KINDS OF CASES

The successes of the mediation centre are many and varied. Case details are shared, but it is not possible to cite names. Here are a few typical conflicts.

CASE 1: An old man fought in court against an unscrupulous tenant who refused to pay even the agreed rent. The case went on for many years with no sign of resolution when the judge proposed that it be sent for mediation. The tenant was seen as a heartless man who wouldn't budge and knew how to use the courts to his advantage.

The old man saw little chance of the tenant changing his attitude. But in three sessions with an evolved mediator, the impossible began to happen. The tenant began to be more considerate and is now not only paying up but moving out.

If you ask the mediator in the case how this was achieved he finds it tough to explain. The reason perhaps is that mediation draws on the intangibles of nuance and chemistry. It thrives on mood, perception and underlying sentiment.

When the old man and the tenant began to speak to each other contact was established in ways that the court room could not facilitate. From this point,

‘We are looking at the Bar of the future’

SADHANA Ramachandran is the organising secretary of Samadhan, Delhi High Court’s Centre for Mediation and Conciliation. She spoke to *Civil Society* about the importance of mediation and the centre’s role in training mediators and creating awareness. Lawyers and judges have set a trend in promoting mediation and the effects are beginning to be felt in other centres across the country.

What has been the flow of cases to the mediation centre since it was set up four years ago?

A few cases were referred initially, but numbers have been steadily growing. In the past four years 1,143 matters have been settled along with 3,077 related matters, which together comes to 4,220. Parties have gone away happy with their agreements. Altogether 4,435 cases were referred to us in four years.

How many trained mediators do you have at the Delhi centre at present?

We have 201 mediators.

Training programmes are important for having more mediators.

Certainly mediators need to be trained. But it is equally necessary to create awareness among the legal fraternity and the public at large. The Bar must believe in mediation and the judiciary must believe in it. The success of mediation depends on the right case being referred at the right time.

All the district judges of Delhi and the High Court have attended three or four awareness and training programmes.

There are awareness programmes followed by preliminary and advanced training programmes. After preliminary training, junior mediators work as co-mediators for hands-on experience.

There is a need to orient training to our local needs. So far, the training programme material we have is westernised.

Since mediation is all about dealing with relationships the local language, cultural preferences and social attitudes have to be accounted for. It is important to train mediators to be effective in the Indian context.

How is mediation working elsewhere in the country? Do other centres look to Delhi?

There are active centres in Chennai, Bangalore, Allahabad, Lucknow and very recently Chandigarh. There are good reports from the 18 districts of Punjab and Haryana. We held training for lawyers from these districts.

In Gujarat, however, mediation has not been popular because there has not been any support from successive Chief Justices. Similarly, in Mumbai mediation hasn’t caught on.

Can anyone be a mediator?

Temperament, skill and personality are important for a mediator. But every lawyer must undergo training because we are looking at the Bar of the future. Lawyers must be in a position to advise their clients whether to go in for litigation or mediation or arbitration or go to a Lok Adalat. These are the legal options available after the amendment to Section 89 of the Civil Procedure Code. Mediation needs to be included in law college courses to create awareness.

Not all lawyers who study mediation need become mediators. But if you have it in you, training will bring it out. Training helps you decide.

We have examples all over the world of aggressive and successful lawyers with flourishing practices discovering that they are good mediators and making the switch.

What kinds of cases are suitable for mediation? What works well?



Sadhana Ramachandran

We have had a whole range of cases come to us: Family disputes, matrimonial cases, industrial and commercial disputes, property matters, IPR...

Mediation seeks to repair relationships and relationships are the basis of all that happens in society whether it is a business transaction or a family matter.

Very often what is in court is not the real dispute, but the legal manifestation. The real problem lies deeper. Our judges in the Delhi High Court have shown that they are very sensitive to this.

Mediation is the only conflict resolution mechanism in which we empower the parties concerned to come to their own solution. The mediator does not have powers to take a decision, but merely facilitates.

In mediation we also look ahead instead of looking back on what has happened. When people locked in a dispute come for mediation, they are helped to see where they will end up if they continue in litigation. They are also encouraged to understand what they will gain if they soften their positions and are more understanding of the other side.

Mediation must lead to decisions that maintain and improve relationships, reflect the interest of both sides and can be efficiently implemented.



The reception where a well-staffed desk guides people who come for mediation

the mediator helped them regard each other in a different light. After a while, the tenant probably didn't want to be seen as hounding an old man. It is also possible that without realising it he had built a rapport with the mediator. He didn't want the mediator to think ill of him.

The result is a solution which at one time seemed impossible.

CASE 2: A woman was disinherited by her two brothers who usurped the family property worth Rs 5 crores or so. The result was that she was on the street and the brothers accused her of being a bad character.

It was a typical family dispute in which money overruled sentiment. The mediator, an accomplished woman lawyer in this instance, worked hard to make the brothers see things differently. She visited the family home and spoke to the mother who said she wanted her daughter to get an equal share. This was the turning point. In the compromise that followed, the woman (who would have perhaps fought endlessly in court) got Rs 80 lakhs. There are also chances now, because of greater awareness, that the mother will write her share of the property in her daughter's name.

CASE 3: In a cheque bouncing case, one businessman owed another Rs 5 lakhs. He said he wouldn't pay because he had no money and someone else had not paid him. Through mediation it transpired that he had some money but needed it to pay his son's school fees. He was ready to pay Rs 3 lakhs right away and the rest after six months. Agreement was reached and the cases withdrawn.



Sunil Mittal and Veena Ralli, both successful mediators

ROLE OF THE MEDIATOR

These are the kind of cases that go on interminably in court, clogging the system and making it impossible for the judiciary to deliver quality time to other matters. In mediation, however, they get resolved because there is focus, confidentiality and the opportunity to move on.

The role of the mediator is critical. A good mediator needs to have an adequate understanding of the law, but more importantly must be able to listen patiently, show empathy, keep confidences and be completely impartial.

Clearly, not everyone can be a mediator. Training is currently imparted by lawyers who became mediators in the first flush, have a lot of experience and have a commitment to what they are doing.

As time passes, mediators have begun to specialize. Someone could be into commercial disputes, another into issues between labour and management. Family matters such as divorces require a special touch with knowledge of Punjabi being essential in Delhi.

A mediator may work with a co-mediator. Man-woman teams are particularly useful in resolving family disputes.

SETTING UP THE CENTRE

The Mediation and Conciliation Centre was set up in the Delhi High Court in May 2006 to serve as the hub of a much larger movement. Success in the Delhi High Court would give mediation as a mechanism greater credibility. Public-spirited lawyers who would take up mediation (initially pro bono) would serve as role models. They would be inspiration for other lawyers and

would also go on to be trainers.

An earlier attempt by the government to set up a mediation centre at the district court level in the Tis Hazari Courts in Delhi had ended in dismal failure. The role of being mediators was given to the judicial officers. The district lawyers, fearing they would lose their clients, went on a rampage and tore down the centre.

But it wasn't as though mediation wasn't working elsewhere. The High Court in Chennai had a mediation centre successfully run by lawyers with Shriram Panchu being one of their leading lights having trained abroad. Similarly, in Ahmedabad, Niranjanbhai Bhatt had also trained abroad and was practising mediation.

But much more was required to achieve scale and ensure sustainability.

The public needed to be aware about what mediation could deliver. So, when Justice Markandey Katju moved from Chennai to Delhi High Court as Chief Justice, he proposed that the mediation centre be set up and sought the cooperation of lawyers.

It was then that Sengh and Amarjit Singh Chandioke as office-bearers of the High Court Bar Association were consulted and agreed to set up the mediation centre with the condition that it would be run by lawyers and not judges.

"We pointed out that the judges already had a big workload and a backlog of cases to deal with," says Sengh. "It would be unlikely that they would be effective as mediators."

There was also the experience with arbitration. Sengh says arbitration became a lengthy and expensive process because it was monopolized by

' We wanted to do something good for



Jitender Pal Sengh at his High Court chamber

JITENDER Pal Sengh was the first organising secretary of Samadhan, the Delhi High Court's Centre for Mediation and Conciliation. A slim and energetic man who used to be a competition-level sportsman, Sengh has more than 20 years behind him as a lawyer. He spoke to *Civil Society* on how mediation came to be introduced in the High Court and what can be done to make it more established as a means of delivering justice.

You were one of the founder members of the mediation centre at the Delhi High Court. Can you take us back to those early days?

When we started the mediation centre at the High Court six years ago, we were already facing the ire of the lawyers in the district courts. The legal services authority had set up a centre in the district courts. The lawyers there broke down the centre because they feared they would lose work. If matters got resolved through mediation, there would be less litigation. One reason for this fear was that in the district courts judicial officers were trained to be mediators. The view taken then was that judicial officers had been issuing judgments and therefore had credibility in the eyes of the public.

But we took a different view. We already had the experience of arbitration, which had become expensive and lengthy. Arbitration cases would mostly go to retired judges. A judge once told me that he had earned much more as an arbitrator than he ever had as a serving judge.

Justice Markandey Katju had at that time come to Delhi as Chief Justice. Earlier he had been Chief Justice of the Chennai High Court where the arbitration centre was being successfully run by lawyers. Justice Katju was a huge believer in arbitration and when he wanted to set up a centre here we said to him we would get involved only if the centre was run by lawyers as had been done in Chennai. We also pointed out that the judges already had a big workload and a backlog of cases to deal with. It would be unlikely that they would be effective as mediators.

Justice Katju assured me and Mr Amarjit Singh Chandioke, who was President of the Bar Association then and also happens to be the President now, that the centre would be run by lawyers. It was then that we took up the challenge. It was our belief that mediation would be an appropriate mechanism for

reducing the time spent on cases.

Since then we haven't looked back. Lawyers have taken up mediation in a big way. Litigants realize that this is a good thing. It is cheaper than litigation.

Today the mediation centre is well funded. But was it so in the beginning?

No. When we started we did not know that we would be paid. Our contribution was pro bono.

So what was your motivation?

Service. We wanted to do something good for society. We genuinely believed that this was the way we could help the system cope with arrears. That is how we got the support of the court in a big way. The court was having difficulty coping with arrears. We also felt that the court annexed system would work because people had faith in the court system.

Did the kind of reputation that lawyers have bother you?

It was a big factor. Why did I come forward to contest the bar association elections? I wasn't a politician. But people like myself were fed up with the strikes and delays they would result in. Invariably, the people who became leaders at that time (barring a few notable exceptions) were people who had no work. They would come and drink tea in the canteen. It didn't affect

A case is referred for mediation either when one of the litigants proposes it and the other agrees to give it a try. Or the judge suggests it to the litigants and they agree. An Overseeing Committee comprising lawyers and judges allots cases to mediators.

'society'

them when the courts were disrupted because of strikes. But it affected us when matters got delayed or the judge passed an adverse order. So I decided that it was important to fight elections and I became the vice-president of the bar association. In much the same way, the arbitration centre is aimed at making the system work with greater efficiency. It is a contribution that we as lawyers want to make. We also took a risk because lawyers in the district courts had proved otherwise.

So this was to prove that lawyers believed in making the larger system of justice work. That was your driver.

That was what motivated me and many of my seniors who came forward. They were all serious professionals who spent hours in mediation and our results showed good improvement and everybody was very happy with the system.

Now mediators in Delhi are paid Rs 10,000 for each case that is resolved. Yes. Delhi mediators are paid the highest in the country.

But that is still not enough...

Of course it is not enough. The money that a Senior Advocate would charge for a single conference would be much more than that. And here a Senior Advocate serving as a mediator may spend six hours at a time on a case. The Mediation Centre at times closes at 10.30 or 11 pm. Much after the court complex has closed.

So what should be done to make it sustainable? How much pro bono work will people do? After a while you may not get the right kind of talent if you don't pay enough.

The Delhi government has been very kind and provided Rs 50 lakhs a year for the Mediation Centre. But in the long term, mediation is going to become an alternate profession. We know that abroad lawyers who began as litigation lawyers have left their lucrative practices to only do mediation.

Today the movement is at a nascent stage. Sustainability will come when law colleges include mediation in their courses and some kind of authority is set up to certify mediators.

Commercial litigation will ultimately be sent to mediation centres and then mediators will be able to charge their fees. Even though we do not charge fees at the centre we have settled some commercial disputes and the parties have cut cheques as donations to the centre. First they said they would like to pay the mediator. But when they were told that the mediator could not accept the money, they made a donation to the centre.

So, today a mediator may be working pro bono, but once reputations are established mediators will be sought out in much the same way as people go to good doctors.

In pre-litigation mediation people would go directly to the mediator and pay him or her. It would still be cheaper than litigation because there would be no lawyers' fees, court fees etc.

retired judges. "I have had retired judges say to me that they have earned more as arbitrators more than they did in their entire careers as judges," says Sengh. "We did not want the same thing to happen to mediation."

Sengh and other lawyers also saw this as an opportunity to play a larger public role. A mediation centre that reduced the backlog of cases and sent litigants away happy would raise their profile. It would show their commitment to the larger system of justice. There has always been the need to salvage the image of lawyers and show that the justice system can work with greater speed and less pain.

Says Sengh: "We wanted to do something good for society. We genuinely believed that this was the way we could help the system cope with arrears. That is how we got the support of the court in a big way. The court was having difficulty coping with arrears."

TRAINED MEDIATORS

Four years after the centre opened there are 201 lawyers who are now trained mediators. Cases are routinely referred to the centre by the high court for mediation. A total of 4,435 cases were referred to the centre from April 2006 till May 2010. Of these 1,143 cases have been resolved and if the 3,077 related matters that were also settled are added, the total number of successful cases comes to 4,220.

Out of the 1,143 settled cases, 379 were matrimonial cases, 207 related to industrial disputes and the remaining 557 pertained to commercial transactions, property disputes, trademarks, intellectual property rights etc.

A case is referred for mediation either when one of the litigants proposes it and the other agrees to give it a try. Or the judge suggests it to the litigants and they agree. An Overseeing Committee comprising lawyers and judges allots cases to mediators.

A few cases have begun coming to the centre directly in what is known as "pre-litigation" mediation.

Mediation is supposed to be completed within 90 days. If more time is needed, the approval of the court is required. If the mediator feels no solution is possible, the case goes back to the court.

In the first couple of years, there was no question of a mediator being paid. It was all pro bono work. Now a mediator in the Delhi High Court gets Rs 10,000 for every successfully concluded case and Rs 7,500 for cases which were not resolved. The mediator's fees are lower in other courts.

A litigant, however, pays nothing when a case is referred by the court for mediation.

NEAT AND CLEAN

The Delhi Government provides Rs 50 lakhs a year for the mediation centre. It has several neat, clean and air-conditioned rooms on two floors where discussions can be held in private. Coffee, tea and cold water are served free. The idea is to have a relaxed atmosphere in which people open up and communicate well with each other.

On most days, the mediation centre bustles with activity. The reception is well staffed, brightly lit and has printing and photocopying facilities. The number of litigants going in for mediation is clearly growing. They wait at the reception, which is mostly full, or use the chairs in the corridors. They are from all sections of society.

Lawyers walk in and out. Some of them are there to serve as mediators. Others are accompanying their clients. During mediation, lawyers on two sides are allowed to be present though it's the parties that speak directly to each other under the monitoring of the mediator.

Sometimes when an impasse is perceived a mediator may take one of the parties aside for a private discussion or "caucus". These exchanges with the mediator are confidential and are important for gauging how much flexibility there is on both sides.

A lot depends on the skill of the mediator who cannot direct or instruct but must at the same time create an environment in which the two sides can move towards reconciliation. Patience, impartiality, sixth sense and empathy are needed to unravel several layers of a dispute and arrive at a point where compromise is possible.

HAPPINESS IS...

It is a Thursday and there are several lawyers who work as mediators sitting together in one of the conference rooms of the centre. Coffee is being served

IN THE MEDIATION ROOMS



and there appears to be air of camaraderie.

None of the mediators minds talking about cases though identities of the parties are not revealed. There seems to be a general feeling that the role the centre can play needs to be better understood.

The enthusiasm of the mediators is noticeable. Perhaps that is the result of them being able to achieve as mediators what they often can't as lawyers. If litigants feel trapped in a fatiguing system so do some lawyers.

There is also concern that the profession has a dodgy reputation for fees and delays. Being mediators seems to provide some opportunity for setting the record right with the message that lawyers do care.

The Rs 10,000 mediators in Delhi are paid for a successful case is just a fraction of what a good lawyer earns for a conference or a hearing. They also have to go through many sessions. At times a single sitting can run into several hours. But mediation still makes them glow with enthusiasm because of the results. "There is no greater satisfaction than seeing people come to an

agreement and go away happy. That is what we live for," says Maldeep Sidhu.

Sunil Mittal, Urmila Lanba, Veena Ralli, Rajeev Agarwal, Sudhanshu Batra and so many others would all agree.

These are lawyers who have already built substantial practices. They are intimately aware of how tortuous the court system can be for the average litigant. Mediation is their opportunity to give back to society.

Mediation allows them to revisit the core values of the legal profession and brings the spark back to their careers.

"I have had beautiful experiences when elders in a family have been moved to tears because a matter that was going on in the courts got resolved through mediation. In one of the divorce cases, the father said to me, 'You have saved the life of my daughter.' Now that is what we work for – to see people go away happy," says Singh, who is as enthusiastic about mediation now as he was when he helped found the centre four years ago.

Business

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Tupperware knows woman power

Chain of Confidence reaches out to Gurgaon villages

Photographs: LAKSHMAN ANAND

Civil Society News
Gurgaon/Noida

TUPPERWARE the world over is synonymous with kitchenware. It is known for its bowls and boxes, its cups and plates. But in the villages of Gurgaon in Haryana, where you won't find a Tupperware product quite so easily, the company has helped 800 women acquire skills and identities of their own.

Teaming up with Literacy India, an NGO with strong credentials, Tupperware has over the past two years reached out into villages with programmes that provide training in different vocations, giving these women the capacity to earn and changing their status in households.

Tupperware's involvement goes beyond signing cheques for Literacy India. The company, an American multinational, is driven by a model based on empowerment of women. Its sales force consists of tens of thousands of women who directly sell Tupperware products. In the process they make a living for themselves, but more importantly they feel enriched as individuals.

"The potential of the product and how to market it is about leveraging the potential of women," says Asha Gupta, managing director of Tupperware in India.

Tupperware believes it has created a "Chain of Confidence" through which women selling the company's products bond together in friendship and help each other "feel confident about themselves and in their ability to succeed."

The women in Gurgaon's villages are now a link in this chain with the difference that they are not selling Tupperware products but are being helped



Asha Gupta

to make their own products which Tupperware is then promoting.

Tupperware has supported Literacy India's paper recycling unit. Stationery, bags, pictures, frames and so on made from recycled paper are bought by Tupperware and also introduced to other potential buyers.

The company has funded educational programmes and a unique theatre initiative by which Literacy India encourages children, some of them off the street, discover their potential as actors. This talent has already found its way into Hindi films with

the most recent success being of Rahul Kumar playing the role of Millimetre in the box office blockbuster, *Three Idiots*.

"We know we are catalysts for real change when a girl who is 13 realises she can get an education, learn a skill and earn her own money when otherwise she would have been married off and become a mother at 16," says Gupta.

The Tupperware sales force meets in different cities from time to time. Recently more than 2,000 came together for a meeting at which the Tupperware Chairman, Rick Goings, was present. Something similar was held in Bangalore a month or so earlier. At the Mumbai meeting, Rahul was presented on stage and feted for his role as Millimetre. At other meetings children whose lives have been transformed have similarly been introduced and their successes celebrated.

"It is a great feeling because we know that is our

'In every market what we offer women is confidence, financial freedom, exposure to society and the ability to take decisions.'

child. There is wild applause. The women feel very happy about the difference that their contribution to Literacy India's work has made."

Literacy India was founded by Captain Indraani Singh in 1996. Indraani was India's first woman Airbus pilot. The connection with Tupperware was made by sheer chance. Udhaya Gopal, who is manager, human resources, happens to be a neighbour of Indraani's in Gurgaon. "You know companies go deep into the rural areas for their social initiatives. But in Gurgaon, next door to these office buildings and shopping malls, we have villages where there is so much poverty and lack of development," says Gupta.

"We found that Indraani has a fantastic model in Literacy India. We have the equity which we can share with her. We can help her realise her vision and that way we can realise our vision," explains Gupta.

"So we built up the chain of confidence to ride on Literacy India and empower women in those rural areas. We have a model that works and reaches women. And women want to help women. They feel a huge sense of satisfaction in doing so."

Moreover, here the results are visible. So it is not like cutting a cheque merely to show that social obligations of the company have been met. "With Literacy India we feel involved and there is a fit with the principles on which Tupperware does business," says Gupta.

Commitment drives the Tupperware model. "I don't think I would have stayed with Tupperware for so long if it was only about selling. There's so much more you gain from being involved. There is immense fulfilment in knowing you have been able to touch and transform lives," says Neelam Mehrotra, one of Tupperware India's first five area distributors. Based in Noida, she joined the compa-



Literacy India's school

ny in 1996, and has helped introduce nearly 9,000 women to the Tupperware network over the years.

Tupperware's philosophy goes back 65 years when attempts to sell its plastic bowls in shops were a dismal failure. It was then that a strategy was formulated to involve women in selling the bowls directly.

The Tupperware Party was devised. Women were invited to party and introduced to Tupperware products in the comfort of someone's home. This strategy endures to date. Tupperware gives women the opportunity to earn from home in their spare time which could be anything from three to 15 hours a week.

All they need to do to start the business is to spend Rs 686 for a welcome kit, which includes Rs 10 for Literacy India, and a registration number that activates their sales account. Thereafter, they can pocket, in cash, 25 per cent of every sale made. "It's instant gratification. You sell products worth Rs 2,000, and you earn Rs 500 right there," explains Mehrotra.

Tupperware has been in India for 15 years. The company has 83 distributors and a sales force of 85,000 women earning between Rs 3,000 and Rs 1 lakh a month. The distributors earn between Rs 20

lakhs and Rs 1 crore a year.

But it is not just about earning money. It is more about fun, recognition and the desire to socialise, says Gupta. "In every market what we offer women is confidence, financial freedom, exposure to society and the ability to take decisions. It is the confidence to say that everything is possible."

The women who work with Tupperware invariably have earlier been confined to domestic roles. They have been unsure of their own identities outside their homes. But, as they discovered they can earn and spend and be equal to their husbands. They have grown in confidence.

Many have gone on to have substantial incomes. Tupperware teaches them accounting, computers and how to deal with financial matters. So, it is not just identity but financial inclusion as well.

"If I meet five or six women at a home party, I am able to convince three or four to join the company. It isn't about making a great pitch. The promises are genuine because I have been through a transformation myself," says Ashima Bansal, adding she was a painfully shy housewife till she joined Tupperware in 2003 at her mother-in-law's behest. Now, Bansal is an Executive Manager, and has 300 sales consultants reporting to her. She's also been on holidays (paid for by the company for those who exceed targets) to Dubai and Singapore. Bansal says she's in this for life. "For one, my children will never let me leave. They are so very proud of me."

"Build the people and the people will build the business is what our philosophy is," explains Gupta. "We don't talk of market share and volumes. We don't have such business plans. What we ask ourselves is how many people do we need to empower. We know the math of how that will translate into business. But that is secondary."

Tupperware can be as much as three times costlier than a similar product in the market. But people pay for quality and perfection in design. A Tupperware product comes with a lifelong guarantee. If a seal breaks you can have it replaced by the company anywhere in the world.

When the company came to India 15 years ago, it thought it would be limited to the upper class with surplus incomes. But contrary to expectations it has penetrated the small towns and built a base among the middle and lower middle class as well.

Perhaps this has something to do with its mission of empowering women and the sense of release that its sale force experiences.

"Women in India want this empowerment," says Gupta. "I can talk about Jalgaon or Kolhapur or a whole lot of small towns. At first women come to meetings with a *ghunghat* over their faces. But after a few meetings they show up with blow dried hair."

The empowerment message cuts across income groups. There are wives of CEOs who sell Tupperware as well and they don't do it for the money. "It is for the fun they are having. It is for an identity of their own," says Gupta.



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Crafts need more than GI

BILAL BAHADUR

Jehangir Rashid
Srinagar

KASHMIR is famous for its arty embroidery and shawls. But ersatz imitations have flooded the market confusing consumers and eating into profits. Though the Craft Development Institute (CDI) at Srinagar has been able to get Geographical Indicator (GI) status for three important handmade products of Kashmir, lack of infrastructure is proving to be a roadblock and artisans aren't able to reap benefits from such recognition.

Established in 2004, CDI offers a unique course equivalent to Masters in Business Administration (MBA) in craft development. Graduates of the institute are working on various design development projects and passing on knowledge to stakeholders.

The CDI's basic mandate is design development and boosting of artisanal skills.

"CDI wants to protect the intellectual property of this region. We have been successful in getting GI status for Pashmina, Kani shawls and Sozni embroidery. We are hopeful of getting GI status for other arts and crafts in the near future," says Hakeem Mohammad Iqbal, Coordinator, CDI.

Dwelling on details, Iqbal said GI status was approved for all three in 2008. Kani shawls got GI recognition on July 29, Pashmina on September 12, and Sozni embroidery on November 27. Applications have been moved for GI approval of Kashmir paper mache and Kashmir walnut wood carving. "We are also carrying out research on other arts and crafts. The research document in respect of Khatamandh, Panjra Kaari and Namdha making, is almost complete and the process for approval of GI for these arts and crafts will be taken up in due course," said Iqbal.

But he expressed helplessness over the fact that development programmes for Pashmina, Kani shawls and Sozni embroidery, have not yet been implemented. The CDI coordinator said they did not know about the parameters that needed to be followed for Pashmina.

"We needed a testing lab and magnifying cameras. We met the experts who had set the parameters and following this meeting we approached state government with our budgetary needs," said Iqbal.

According to budgetary provisions put forward, Rs 13 crores would be needed by CDI to implement development programmes for the three GI approved arts and crafts.

"This amount would be spent on setting up a testing lab and advertising the success story of the GI approval. We need to advertise since Pashmina is an international product. When parameters are met with respect to Pashmina we can check them out for Kani shawls as well. Later on, we can apply such parameters for Sozni embroidery. Right now the problem is that the



Women artisans at CDI

basic infrastructure is missing. Hopefully it will be in place in the near future," said Iqbal.

"Artisans are the genuine users of the GI. We are supposed to prove that the arts and crafts for which GI status has been accorded belong to us and that they are originals. We have to revive the process and start afresh the traditional method of preparing Pashmina shawls," he said.

Once CDI has the basic infrastructure, it will develop a specific mark for Pashmina shawls. This will be fixed on all such shawls. Various details would be included along with the GI stamp.

Iqbal revealed that once CDI has the basic infrastructure, it will develop a specific mark for Pashmina shawls. This will be fixed on all such shawls. Various details would also be included along with the GI stamp.

"The mark would be just like a SIM card. It will comprise all information of the Pashmina shawl. We will ensure each product is marked. Then, advertising will be carried out, full throttle. Once the infrastructure is in place, products will be advertised across the globe within six months," said Iqbal.

Notices will be sent to defaulters and they will

be asked to follow set parameters. "The defaulters will be asked to mend their ways and follow the guidelines. If they do it, well and good, and if they don't, then stern action under the law will be taken against them."

Referring to the utility of courses being offered by CDI, the coordinator said the institute wants to produce craft managers, craft developers and entrepreneurs so that the dying arts and crafts of Kashmir are revived.

"We have introduced a programme relating to craft management at the Masters level just equivalent to MBA. This is the first time in Asia that such a course has been introduced and ours is the only institute offering it. So far five students have graduated. Out of these, one is working on a project on Namdha while four others are working on an independent basis," said Iqbal.

Altogether the institute has only 10 students. Iqbal says he is disappointed with the lackadaisical attitude of the people towards the course. He said parents need counseling.

According to him they coerce their children to take up medicine and engineering without looking at other options.

"There is something wrong with our mindset," he says. "We are after government jobs like anything. People, especially parents, need to think differently. We are producing craft managers who can earn money as well as respect. We are yet to tie-up with other Institutes, but I am hopeful that this too will be done in due course," says Iqbal.

The CDI functions under the Ministry of Textiles, Government of India and is funded jointly by Development Commissioner, Handicrafts, and Directorate of Industries & Commerce. Some projects approved for the institute are being sponsored by funding organizations.

Insights

- Opinion
- Analysis
- Research
- Ideas
- Angst

Chennai's MAP can be a model

V RAVICHANDAR

WE have a fascination for being a Greater City. So you will have a Greater Bangalore or a Greater Chennai as a panacea for all our current urban ills. But this is a short-sighted fix that only accentuates our collective woes since the misery is now spread over a marginally larger area. For instance, Bruhat 'any Indian city' has to give way to viewing a larger regional area that goes beyond the current thinking of extending the boundaries to cover a few satellite centres. Unless this forms part of the larger vision, any incremental fixes to making an Indian city more livable will lead to further influx causing infrastructural collapse and deterioration in quality of living.

One envisions a 'RURBAN' (Rural-Urban continuum) area spreading maybe over 4000 sq kms that encompasses six to 10 other urban clusters. The future lies in having 'live and work' clusters that are urban nodes within the regional network. Any two nodes in the network should have high speed connectivity (rail and road) that allows travel (including international airport access) within two hours. The political leadership and the system will need a huge mindset change since it challenges all conventional thinking about jurisdictional boundaries, administration planning and more. While progressive States have a chance to be pioneers with this proactive thought leadership, it is more likely to be driven by competitive forces such as another State embracing the RURBAN way ahead.

Chennai City Connect, a three-year-old body advocating partnership between industry/civil society and government has come up with an interesting idea. Most major cities (Chennai included) are experiencing rapid urbanization. The quality of life for citizens across the socio-economic spectrum is in decline. Challenges in provisioning water supply, sanitation, public transport, health, education impacts all citizens, particularly those in the economically weaker sections.

Broadly, two development routes exist for improving Chennai. One, we can tinker with

improving public service delivery by working on select initiatives for Chennai city. This could marginally impact living conditions. Any limited success will draw more migrants into Chennai stretching the city's physical and social infrastructure. The current 'creeping' Chennai expansion model is leading to haphazard development patterns. This is likely to lead to lasting long term



problems in managing increased citizen aspirations and needs. So while managing Chennai's growth challenges is necessary, there is a need for a complementary vision for the region.

A suggested route is to envision the future and plan now for the region around Chennai. This is not a Greater Chennai project. It is a regional development plan around Chennai with a holistic, inclusive outlook. The region suggested is MAP – Marakkonam, Arakonam, Pulicat. If done now, it has the potential to check the growth of Chennai and encourage 'live and work' clusters in the region. If done well, this has the power to distribute future prosperity over a larger geographical area and empower local citizens in the region.

THE IDEA OF MAP

MAP is a regional area formed by connecting the 'nodes' of Marakkonam, Arakonam, Pulicat and Chennai. This is an area of around 4300 sq kms spread over five districts and encompassing

urban and rural areas. Implementing the idea of MAP will require political vision and administrative will. It will require an appropriate governance structure that allows for decentralized jurisdictional authorities to function under a common framework that is aligned for achieving the overarching vision.

The key tenets of the idea of MAP:

- An arterial road (6-8 lane provision) and public transport (rail provision too) backbone connecting 8-10 nodes at the outset.
- Sustainable communities encompassing places of work, stay and assembly.
- Clusters of economic activity and livelihood possibilities (with appropriate skill training) for the local communities.
- Proactive physical and social infrastructure provisioning.
- Ability to attract private capital for the regional development plan through enabling frameworks for Public Private Participation (PPP).

KEY CHALLENGES IN IMPLEMENTING MAP

Some of the key challenges in implementing MAP:

- Currently there is a tendency in government to work within territorial 'silos'. An idea like MAP with a focus on desired outcomes requires an integrated outlook across government departments. This will need an enabling mechanism of a Regional Authority and an appropriate governance structure given the ground realities of multiple districts, urban-rural belts.
- A well thought out master plan that is dynamic and flexible to meet emergent needs of the region is essential. The idea of MAP needs envisioning and proactive planning for the future.
- Land acquisition in a fair and transparent manner with relief and rehabilitation measures will be needed.
- Clarity in PPP policy and implementation.

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Let's liberate farmers

KANCHI KOHLI

ON 7th April, the *Hindustan Times* reported that a three-page note submitted to the Empowered Group of Ministers (EGoM) on Food Security, substantially questioned the design of the draft Food Security Bill. This confidential note, which came from the Finance Minister, Pranab Mukherjee's office, has been quoted to have stated that the draft law does not fulfill the election promises of the Congress' manifesto. What is also interesting is that the note laid emphasis on the need for food for all and addressed concerns of availability, access and absorption – issues that were missing from the draft of the Bill. A key method of doing this was through a long awaited reform of the Public Distribution System (PDS).

All appreciation for this shift in position from the government, but is it enough? The issue of food security goes beyond the objective of ensuring that everyone has food. This is critical and pressing. But it should not be delinked from the question of who controls our food from the time it is sown to the point when it reaches our plate.

The statement of Henry Kissinger, Secretary of State of the US in the 1970s, is still very relevant. He said 'If you control the oil, you control the country; if you control food, you control the population.' This quote reeked not just of confidence but of an agenda that rich and powerful countries had set afloat way back then. What we need to be mindful of is that it was around this time that countries like India were at the threshold of introducing Green Revolution agriculture. It was a policy decision that ensured a significant role of the US-based Rockefeller Foundation and other agencies for the introduction of high yielding varieties and fertilizers on the fields of Indian farmers.

It is not the efficacy or efficiency of Green Revolution agriculture that I am about to discuss here. It is more about the politics of control which Kissinger believed in and which continues to haunt India's agricultural system. Simply put, how many farmers today have true choice in selecting, growing, consuming and selling their produce? Apart from climate, what are the other external factors that are beyond the control of farmers and what perpetuates them?

The growth of agri-business has made significant inroads into India's farming policies. The farmer's role is changing from becoming a producer of food to a consumer of farm supplements. The control of seeds, fertilizers (organic or chemical), quality standards and price are determined outside agro-ecosystems. Seeds and farming technologies are developed in laboratories, price in a global market and standards in international negotiations. So keeping a farm alive and thriving is surely at an economic cost.

This is at the core of what I am trying to illus-



trate. Farmers organizations in India and the world over are engaged in struggles to move one step beyond a term coined in the mid-1990s, that is, food security, which is "when all people, at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life." (1996, World Food Summit in Rome)

But that definition was soon felt to be inadequate. It is not enough to have access to food, but to have the autonomy to grow and consume what you want to. Farmers' organizations, government policy makers and consumers need to understand that farm systems and practices are best determined on farmers' fields. They need to understand the political and economic implications of the term, food sovereignty.

It means "the right of peoples, communities and countries to define their own agricultural, pastoral, labour, fishing, food and land policies which are ecologically, socially, economically and culturally appropriate to their unique circumstances. It includes the true right to food and to produce food, which means that all people have the right to safe, nutritious and culturally appropriate food and to food-producing resources and the ability to sustain themselves and their societies." (From: Food Sovereignty: A Right For All, Political Statement of the NGO/CSO Forum for Food Sovereignty, Rome, June 2002)

It was the sovereignty and independence of small and marginal farmers and forest dependant communities that the statement by the US Secretary of State sought to take over. Our govern-

ment succumbed to it then, and continues to do so even today. The terminologies might have changed and so might the forms, but policy continues to focus on that objective.

There is enough evidence to show that most aspects of agriculture – from research to what gets sold in shopping malls – is increasingly being determined by multinational corporations and large industrial conglomerates. Whether it is giving a push to genetic modification, contract farming, or making sure agricultural universities are funded by large businesses, there is little that small farmers can seek support from to strengthen their freedoms.

Today, even something as critical as organic agriculture that was at the core of India's ecological and bio-diverse farming is being given global recognition only because companies have begun to see profit in it. How else can one explain the sudden realization that organic is good and can fetch big money? There is business in supplying everything organic today: seeds, fertilizers, prices and markets.

Ironically this interface also includes control. If humility existed among profit seeking companies, then food sovereignty would not need to struggle in farmer's movements, positive resistance and in the efforts of the believers of ideology. One can only hope that efforts to determine this sovereignty gain predominance and the culture of agriculture begins to flow back into the safe hands of small, marginal, highly bio-diverse farmers.

The author is a member of Kalpavriksh Environmental Action Group and is based in Delhi.

Muslims need an Ambedkar

ASGHAR ALI ENGINEER

INDIAN Muslims, according to the Sachar Committee Report, are slipping below Dalits in economic and educational status. The report has supported its findings with a wealth of data. The present status of Indian Muslims is acknowledged by everyone including the Union government. But who is responsible? Indian Muslims themselves or the government? This is the big debate within the community.

A section of the Muslim intelligentsia feels that Muslim leaders have a habit of complaining rather than actively drawing up strategies for development and spread of education. Breast beating hardly helps in the long run. The community has to be pro-active in its own interest. It must mobilize its own intellectual and material resources for development.

The other section feels it is the duty of the government to help a substantial minority stand on its own feet. After all, Muslims belong to weaker sections like the OBCs, Dalits, SCs and STs. There is a woeful lack of education and paucity of resources due to extreme poverty in the community. Muslims by themselves cannot mop up enough resources for development.

There is a grain of truth in both arguments. Muslims have to find a middle path. The government, Muslim leaders and the intelligentsia must put together resources to help the weaker sections. The government should realize that more than 150 million Muslims left behind will be a drag on economic development. India cannot go forward without them.

Community leaders have to realize that in the era of globalization and liberalization – and there is hardly any possibility of going back – dependence on the government has its limits. The dynamics of liberalization bank upon private initiative and merit. The community will have to generate internal resources for development and spread of quality education.

When it comes to mobilizing internal resources,

it is necessary to point out one significant difference between Dalits and Muslims. Dalits hardly have internal resources to mobilize. They have been underdogs right from the beginning of history. Dr BR Ambedkar worked hard to establish some educational institutions for them so that they could benefit from reservations in government jobs. Dr Ambedkar did it single handedly.

The Muslim situation has been very different. All Muslims were never underdogs. Various Muslim dynasties ruled over India for more than 800 years and created a feudal class with considerable land holdings. These dynastic rulers as well as the feudal class (zamindars) donated from their resources and created Wakf properties which, in terms of today's real estate prices, are huge, valued at thousands of crores.

It is true that several zamindars, especially from the north, migrated to Pakistan with the middle class during Partition, creating a big vacuum. But even then, a class of prosperous Muslims was left behind, however small. In the post independence era, a new class of small entrepreneurs has come into existence from artisans. Also, there are Muslim business communities in Gujarat who have taken to middle status industries.

Muslims have traditional educational institutions run by income from Wakf properties or from donations received from oil rich Arab countries. The Dalits have no such resources. In drawing up any strategy for development of Muslims these resources can play an important role.

Muslims produced Sir Syed Ahmad Khan in the British era. In post-independent India what Muslims need is an Ambedkar who can provide dynamic leadership to Muslims at the grassroots. A new middle class is being born from the have-nots. This middle class is growing slowly as there are very limited avenues due to lack of resources.

Therefore, if community leaders are determined to help there are three types of resources which already exist in the community.

First, there are Wakf properties, secondly, Zakat funds from well-off Muslims and thirdly, madrasas can be modernized and used as dynamic vehicles for spreading education.

However, transforming these existing institutions into useful tools for the development of the Muslim community is a massive challenge.

First, Wakf properties, though enormous in numbers and value are either under the possession of various government bodies or *mutawallis* (those in charge of Wakf) or old tenants who refuse to vacate or increase the rent. These are not ordinary challenges. The government keeps making promises but does precious little to help. Its own institutions are most unwilling to vacate Wakf properties they are occupying. Also, the Wakf Act needs to be thoroughly reformed and empowered to get properties vacated.

Those appointed on Wakf boards happen to be political appointees and there is massive corruption in collusion with politicians. If these properties are put to proper use the community will not have to depend on government resources for its progress and development.

Secondly, Zakat is a great institution given by the Qur'an. Zakat, according to the Qur'an, is meant to be taken from the well-off and given to weaker sections like orphans and widows. Today in India, either the rich do not pay Zakat at all or pay individually to some poor people or feed beggars on Ramadan.

What needs to be done is to institutionalize Zakat, collect it through a legally established body and then distribute it in three portions. One portion could be given to deserving students as scholarship for higher education, especially technical education, one portion could be given as interest-free loans to small traders including petty hawkers which will boost their income. The third portion could be spent as outright charity for extremely poor and needy people.

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- Planning an infrastructure road map at the outset with rollout based on demand. However, there is need to implement the road and transport grid connectivity within the region, particularly with Chennai.
- A truly inclusive plan with special focus on the underprivileged in terms of infrastructure, skill training, livelihood, etc.

MAP IMPACT

There are significant benefits that can accrue if MAP is implemented:

- Will ease the growing pressure on Chennai given the 'magnetic' nature of Chennai's appeal in the current economic growth model.

- Scope for sustainable clusters to develop across the MAP region. This can be guided by government policy initiatives for the region.

- The local communities in the clusters have a chance to be the beneficiaries of the regional development plan by having a stake in local development. This will benefit landowners and local citizens through greater economic opportunities. Industry is expected to come forward with skill enabling programmes.

- Greater scope for local aspirations to be met in a distributed development model in contrast to focusing on a greater Chennai.

- MAP will benefit all sections of society, particularly the economically and socially challenged who will have a greater chance to be part of the overall

development.

- Once there is a regional governance structure and clarity of policy, private capital through PPP can be expected to fund the regional development plan.

MAP has been showcased as an example of what is possible if we go down the RURBAN route. This is adaptable around most major cities in the country. However to do this we need leaders with vision and an administrative will in thinking solutions over raising conventional bureaucratic objections. Truly inclusive growth that spreads prosperity into the hinterland could do with some out of box solutions. Anyone game?

V Ravichandar, Chairman, Feedback Consulting is inspired by Chennai City Connect's futuristic thinking.
Note: MAP can be adapted.

Living

- Books
- Eco-tourism
- Film
- Theatre
- Ayurveda

Udaan lands in Cannes

Saibal Chatterjee
New Delhi

IN a movie industry where hype usually tends to overshadow substance, it takes some doing to dream small and yet aim big. Debutant Mumbai filmmaker Vikramaditya Motwane, 33, dared to opt for the humdrum – a rites of passage tale set in small-town India – to propel his first film, *Udaan* (Flight). His courage has paid off. By making it to the official selection of the 63rd Cannes Film Festival, the low budget, starless film has achieved what no other Indian entry has done in seven years.

Motwane could easily have succumbed to the lure of the extravagant. He learnt the ropes of film-making under the tutelage of Sanjay Leela Bhansali, a director known for his sensorial excesses. Motwane assisted Bhansali during the making of *Hum Dil De Chuke Sanam* and *Devdas*. But he chose his own path, and just as well. The Cannes seal of approval can only be a shot in the arm for the young director and the kind of cinema that he believes in.

When Bhansali walked the red carpet in Cannes in 2002 for a special out-of-competition screening of *Devdas*, he was flanked by Shah Rukh Khan and Aishwarya Rai. Motwane had no big names to prop him up this year, but his small, intimate cinematic essay, inspired at least partly by own experiences, had enough steam to create a niche for him in the world's premier film festival.

"Being an official selection at Cannes, the first Indian film in seven years, is very humbling and encouraging. It's a moment me and the crew will always cherish, and we hope that it's just the beginning of great things to come for us, and for independent filmmakers in India," says Motwane.

Udaan was selected for the 'Un Certain Regard' (literally 'A Certain Glance') section, which hosts a competition that runs parallel to the main Palme d'Or race. Motwane's film was also in the running for the prestigious Camera d'Or award for best first film. "At the moment, I feel under great pressure," says Motwane. "The expectations are so high."

The Un Certain Regard section showcases films that project a unique vision of the world, of humanity and of the medium. What's more, the



Stills from the film. *Udaan* was selected for the Un-Certain Regard section



Cannes nod gave Motwane the opportunity to share programming space with two true legends of world cinema – 80-year-old French agent provocateur Jean-Luc Godard (with *Film Socialisme*) and 102-year-old Portuguese master Manoel de Oliveira (with *The Strange Case of Angelica*), the only active filmmaker who debuted in the silent era.

The last Indian film to be officially selected by Cannes was in 2003 – Murali Nair's Malayalam-language *Arimpara*, a screen adaptation of an OV

Vijayan story about an ordinary man and a facial wart that assumes extraordinary dimensions. That film, too, had played in the Un Certain Regard section, but the critical response to its rather literal rendition of a powerful social allegory was at best lukewarm.

Udaan revolves around a young man who returns to his family in Jamshedpur after being left abandoned in a boarding school for eight years. He has to contend with a martinet father and a younger half-brother of whose existence he has had no

inkling. The pangs of growing up in the new environs are aggravated by all the things that he has to do against his wishes, including working in his father's steel factory and pursuing an engineering degree even as he dreams of becoming a writer.

Motwane says that *Udaan* was made because "it has been sometime since someone has told a genuine story of teenage angst and that too by not using Aamir Khan as a teenager". Motwane himself

Continued on next page

Continued from previous page

initially wanted to join his family business and become an engineer but fell in love with showbiz when he worked with his mother as a production assistant on a television show, *Teen Talk*.

He says: "To say that *Udaan* is a labour of love would be repeating the cliché about first films. But it is. And more. It is a film that has been made with a lot of honesty and dedication, by a fantastic crew who were willing to come on board because of the script and the film that I was trying to make."

Motwane wrote the *Udaan* script in 2003. Friend, scriptwriter and then-struggling filmmaker Anurag Kashyap read it in an hour flat and quipped that he would produce the film one day

***Udaan* could, if quality follow-up efforts are ensured, open the doors for independent Indian cinema to the big international film festivals and, by extension, the global markets.**

because nobody else would touch it. "I wanted to smack him then, but it turned out that he was right," says Motwane.

He made several abortive attempts to get *Udaan* off the ground, but the producers he found initially had their own theories about what would work and what wouldn't. But Motwane refused to budge and clung to his resolve to make *Udaan* exactly the way he wanted to. Eventually Anurag and a friend of his, Sanjay Singh, got together in March 2009 to raise the funds needed to make the film. Bollywood major UTV Motion Pictures, with whom Anurag Kashyap has a multi-film deal, came on board subsequently, but not as part of the existing arrangement.

Udaan isn't a breakthrough merely for an individual filmmaker or producer. It could, if quality follow-up efforts are ensured, open the doors for independent Indian cinema to the big international film festivals and, by extension, the global markets, far wider than they have ever been in the last couple of decades. The domestic fortunes of small films made in Mumbai are often hindered by the lack of the funds that are required to mount a concerted promotional campaign. They think independent but then end up being cornered into playing by the rules set by the big players. It is, therefore, becoming increasingly important for these filmmakers to tell 'local' stories with a 'global' vision.

As Motwane points out, it is essential to write good, tight scripts and make films that are truly independent in spirit. "You have to tell your own stories. You cannot make a small film and tell the kind of story that big budgets films tell," he says. *Udaan* certainly doesn't make that mistake. It is a film that has taken wings without losing touch with terra firma.

Sea worship at Temple Bay

SUSHEELA NAIR



View of the bedroom

Susheela Nair
Mahabalipuram

If you want to experience the spray and swoosh of the sea, head for GRT Temple Bay resort at Mahabalipuram, 60 km from Chennai, a sleek getaway on the shores of the Bay of Bengal. From its humble beginnings as a guest house of the government, it has metamorphosed into an ITDC resort.

The resort used to be a mandatory stopover on

the itinerary of visiting dignitaries to Chennai. Prince Charles and Indira Gandhi have stopped at this seaside resort for rest and relaxation. One can still see a tree planted by Prince Charles. On lease from the ITDC, the resort, managed by GRT Hotels & Resorts, Chennai, was renovated and refurbished after it was shattered by the tsunami. Incidentally, it is known for its commendable and concerted efforts at instituting eco-friendly development strategies in most activities.

Sprawling across a 46-acre sylvan paradise and

All eyes on Magic Man

Kavita Charanji
New Delhi

A musical called 'The Magic Man' was staged by students from three schools to promote eye donation. Through a mix of music and dance, the production related the story of a joyous young man whose world is plunged into darkness when he loses his eyesight. But a friend's generous act of eye donation before his death, restores colour, light and happiness to the sightless person.

The musical included a variety of lively dances,



Children perform *The Magic Man*

ranging from contemporary, Lindy Pop, kicks, jazz, salsa, rock and roll and French jive. The performers ranged from three years to 45 years. Of the 120 performers, 25 belonged to Ramditti JR Narang Deepalaya School, while the rest were

SUSHEELA NAIR



Green, ethnic hospitality

pristine waterfront, the resort is a manifestation of its deep respect for nature. The green freshness of the landscape strikes you at the gate itself. The entire topography is in complete harmony with nature, and one experiences a sense of quietude and calm. There are beautiful landscapes, an infinity swimming pool, a putting green, a cluster of chalets, villas and cottages placed amidst vast expanses of lush lawns tapering into a beckoning beach. All provide sweeping views of the Bay of Bengal and the historic Shore Temple. Elements of Pallava designs are discernible in the resort's architecture. While the chalet interiors sport a mix of contemporary and ethnic, the cottage with its breathtakingly sea view will arouse the poet in you. Each room has a wonderful view and well appointed space making staying indoors also pleasurable. All one has to do is to find an ideal spot to chill out!

The relaxed ambience is the overriding theme as one steps into the airy, spacious lobby with padded cane sofas done up in cheerful upholstery. The lobby exudes an aura of rusticity with liberal

use of cane, wood and granite. The raft with oars perched in the centre accentuates the holiday mood of Temple Bay. A sea shell-shaped magazine and newspaper rack and an antique telephone in the lobby also capture your attention. Granite-clad pillars, furniture with an ethnic touch and artifacts keep you company as you stroll towards the pool or the sea from the lobby.

The focal point of the resort is its dazzling swimming pool (with a hot water jacuzzi) that seems to stretch seamlessly into the sea. The pool keeps you company while you dip, tan or sip a cocktail from The Pisces, the sunken bar. You can de-stress and relax with an Ayurvedic massage at Ayush, the Ayurveda Centre at the resort. Or you can try out fish pedicure and watch hundreds of fish nibble away your flaky skin. There's also steam, sauna, jacuzzi, chill shower, aerobics and yoga for health freaks.

While dining in Santa Maria, the multi-cuisine restaurant, you get a view of the pool and beyond that, the sea. The food served here is a gourmet's delight. The seafood platter is a tum-

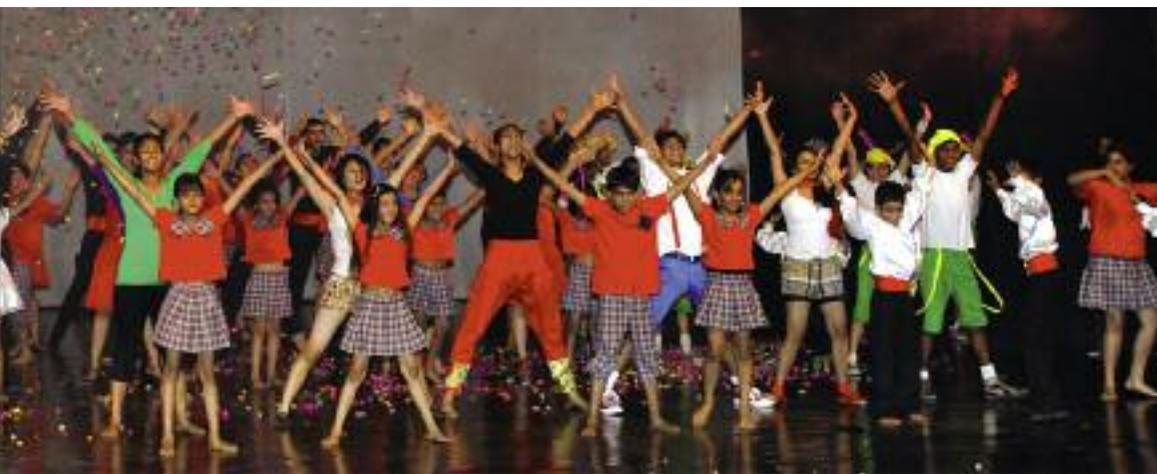
ble of squid fry, spice prawns and fried pomfret. Evenings are unfailingly romantic at The Wharf, the resort's seaside restaurant, housed under a thatched roof. With the broad expanse of the beach in front and the sea beyond, it is a favourite hangout of celebrities and film stars. Here you can choose your lobster, shrimp or fish from the lava grill and leave it to the chef to whip up something scrumptious.

Each dish is prepared in the interactive kitchen where you are welcome to be part of the cooking experience. The Wharf has won several awards and recognition in 2008. A massive book of maritime tales heralds the visitor to the Maritime Tales, a trendy bar which overlooks the swimming pool and provides a panoramic view of the beach. It has a good collection of cigars.

For a relaxed holiday, one can go for an early morning swim or walk barefoot on the cool evening sand. For outdoor enthusiasts, there are plentiful of leisure activities: catamaran rides, deep-sea fishing, shore fishing, rod fishing, sandcastle making, and dolphin watching. For the adventurous, the hotel organises middle-of-the-sea fishing at night when you barbeque the first catch on the boat or hire a boat to see part of the Shore Temple that's submerged into the ocean. But if exploring is what you are looking for wander amongst the World Heritage monuments of the Pallavas which are within touching distance of the resort. Or if you are fond of water sports, head to Mudaliar Kuppam for canoeing and boating.

The GRT group shows its concern for environment by organising nature based activities like bird-watching, beach cleaning, turtle walks for the conservation of the endangered Olive Ridley turtles and employment of Irula tribes for snake catching. Its eco friendly practices like rainwater harvesting, recycling and reuse of waste are commendable. The resort's solid waste management efforts are exceptional. It is no wonder it has become an HACCP and ISO 22000 certified resort.

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from The Pinnacle School and Musical Dreams, an institution for the performing arts. The show was supported by Pinnacle School, Scholars Academy, Deepalaya and Issu E Rasers.

"One of the objectives was to raise funds to pro-

mote eye donation. We also wanted to showcase the talents of underprivileged children from our school," said Gitanjali Krishnan, principal of Ramditti JR Narang Deepalaya School.

The evening began with a Guru Vandana by nine

girls who won many hearts with their charming Kathak dance. Tanuja Joshi, managing director of Venu Eye Institute & Research Centre, gave a brief rundown of the high incidence of blindness in the country, of which 80 percent was avoidable and curable. She laid particular emphasis on the 1.1 million people who were corneally blind – mostly children and young adults – to which 40,000 fresh cases are added every year. The only answer, she said, was eye donation by a deceased person. One eye donation could give sight to two corneally blind people.

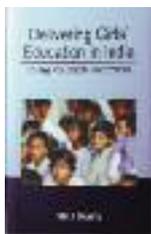
Several boys positioned on drums, keyboard and guitar presented two songs, 'Boulevard of Broken Dreams' and 'I just called to say I love you,' to a highly appreciative audience.

The most applause was reserved for 'The Magic Man.' The musical delivered its message subtly but forcefully. "We hope that the audience will leave thinking about the need to assist the corneally blind," said Manju Verma, one of the producers and co-directors.



A QUICK SELECTION FROM THE MANY BOOKS THAT TURN UP FOR REVIEW

Random shelf help



DELIVERING GIRLS' EDUCATION IN INDIA MAKING PANCHAYATS RESPONSIBLE
Shruti Sharma
Mosaic Books
Rs 600

The government's Sarva Shiksha Abhiyan lays emphasis on girls' education, so do related policies. Yet objectives have not been achieved. Shruti Sharma's analyses why in this book. She examines the link between devolution of powers to panchayats and education of girls. Sharma looks at the work done by PRIA, an NGO in Delhi which works with panchayats and the lessons drawn from PRIA's experience.

As Sharma points out, several barriers continue to plague girls' education. At the bottom are girls from tribal communities in forested areas where isolation, parental illiteracy and social norms keep them away from school. Dalit girls suffer from discrimination and social isolation. As per statistics, Muslims have the largest proportion of illiterate women.

Problems besetting girls' education range from lack of people's participation to panchayats not having any say. Parents are not involved in monitoring schools. Various committees consist of people who don't send their children to such schools. Gram sabhas have not been vested with authority.

Girls' education depends on quality. If schools have female teachers, toilets, drinking water and transport, more parents send their girls to school. In states like Haryana, Punjab and Rajasthan, lack of gender sensitivity is an issue. Social barriers are not insurmountable. PRIA has creatively shown how to get girls to school by engaging with panchayats and village level committees.



BENGALURU, BANGALORE, BENGALURU IMAGINATIONS AND THEIR TIMES
Narendar Pani, Sindhu Radhakrishna, Kishor G Bhat
Sage
Rs 795

Bangalore is not littered with historical memory, unlike Delhi. You can spot a colonial structure here and there but mostly the city aspires to look futuristic, minus its past.

This isn't surprising. As this informative book will tell you, dominant groups in the city have changed many times. Each tried to leave its stamp on the city, and shrug off history. The British sought to defame Tipu Sultan and his legacy. The Cantonment ignored the fortified city. On Bengaluru's periphery was born the public sector and the IT sector and both saw no reason to celebrate the past.

The book makes up Bengaluru's historical deficit in a way. It consists of essays, speeches and short extracts on the Bengaluru that no one now chooses to remember. The city was founded by Kempe Gowda, a chieftain from Yelahanka who wanted to build a fortified town. When the British captured it, Bengaluru was a thriving trade and manufacturing centre known for silk.

You can read Mark Wilks' and Sir Thomas Munro's account of the fall of Bengaluru to the British in 1791. Francis Buchanan, with his eye for detail, describes what Bengaluru was then. There is a speech by Krishnaraja Wadiyar, the benign and far-sighted ruler of Mysore while laying the foundation stone of the Indian Institute of Science. Also, extracts by a whole range of eminent people like Sir M Visvesvaraya, creator of the Krishnaraja Sagar dam. The last part of the book looks at Bengaluru as it exists today. There are pieces on governance, transport, climate etc.



THE BRITISH, THE BANDITS AND THE BORDERMEN
KF Rustamji's diaries and articles
Edited by PV Rajagopal

K.F. Rustamji kept a personal daily diary in which he recorded his experiences in the many exciting assignments that were given to him as a distinguished police officer. A diarist is by nature introspective and secretive. Rustamji kept his jottings to himself for years till he finally decided to entrust them to PV Rajagopal, a friend and fellow officer. The first instalment appeared as, 'I was Nehru's Shadow'. This is the second instalment and it gives us some idea of how full of action and meaning Rustamji's career was.

As an officer, Rustamji was responsible for transforming the Madhya Pradesh police into a professional force over seven years. How good it would be if we had officers today who would undertake similar assignments in the states and restore some of the dignity and authority that should be associated with policing.

Put in charge of Pandit Nehru's security, Rustamji was closely involved with the official life of the Prime Minister. He has many stories to tell. But Rustamji as a person goes much beyond policing. It is regretful that his literary ambitions were never fulfilled and nobody wanted to publish his play and stories.



STRUGGLE OF HANDLOOM WEAVERS TO SAVE LIVELIHOODS AND SKILLS
Bharat Dogra
Social Change Papers
Rs 100

Bharat Dogra's slim book on the struggle of weavers puts together a lot of information and gives readers an unbiased, sympathetic account of their plight.

The book consists of several articles. It zeroes in on the epicentre of the weavers' struggle in Varanasi. Here, the Banaras Bunkar Samiti, supported by Find Your Feet, a UK-based organization, has been trying to organize weavers, provide relief and lobby for policies which would help them find stability.

The problems of the weavers have been building up over the years. Weavers have languished because no serious effort was made to address the realities they faced. The influx of cheap silk cloth, mechanization, imitation products and changing tastes have resulted in a lower demand for handloom. The weaver finds himself scrounging around for buyers and he has to constantly lower his prices. The net result is abject poverty, misery and suicide. What the weavers have to say will touch your heart.

A Geographical Indicator for Benarasi saris could save a section of weavers. But, as a chapter in the book points out, weavers need to find lucrative markets. They need the help of India's fashion industry, fashion schools and retail networks.

The reporter and her beat



KNOWN TURF:
Bantering with bandits and other true tales

Annie Zaidi
Tranquebar Press
Rs 250

Shreyasi Singh
New Delhi

ANNIE Zaidi's second book is a riveting collection of short essays that chronicle her life as a reporter for *Frontline*. The job enabled her to travel and report on an amazing medley of people, events, culture and the politics of religion. Her reportage is diverse, covering bandits, female foeti-



Annie Zaidi

cide, Sufism and contemporary feminism.

The stories are about India as it is today. Zaidi talks of issues of concern – caste, poverty, feudalism, hunger, inequity. But Zaidi doesn't bore the reader. She is witty and insightful.

Her opening story is fascinating. She takes off on a journey to find the classic bandits of the Chambal Valley and exposes the deprivation in the area. We are introduced to ex-dacoits with value systems different from urban India. It's a rare look into the lives of dacoits minus caricature. Zaidi's writing attempts to evoke an understanding of their reality.

The book also becomes part memoir and part travelogue, as she poignantly remembers childhood memories of growing up in Lucknow and Jaipur. But, it is her journalist's eye that she treasures the most. "I was doing exciting work for *Frontline* and that was teaching me a lot about the way this country works. It was also opening up my own mind. I

needed to say more than just what the magazine allowed, so I began a blog. Then there was an offer from Tranquebar to do a non-fiction book."

She confesses changing hats was tough. "What was difficult was to find ways of taking shorter pieces and make them sit right in a book. I still struggle a bit with that – drawing out one nice piece so that it becomes a chapter in a longer narrative," says the author. Nearly five years of work went into this book if one includes the three years or more she travelled, researched and gathered material for the magazine.

Zaidi says her insights are deeply personal. She does not want to hand out lessons. "What I would like readers to do is to read the book with an open mind, treat it like a journey where they ride along with me. Their insights have to be their own, not mine."

Feedback from her circle of acquaintances has been encouraging, and she is awaiting responses from readers. Of course, the way sales move at bookshops is important, but Zaidi is more interested in counting the number of people who read her work. "I will be very happy if lots of colleges and high schools have the book in their library," says Zaidi, who earlier published a book of love poems, *Crush*.

She has also been anthologized in *21 Under 40*, a collection of short stories, and *India Shining, India Changing*, a volume of contemporary Indian writing. Zaidi is currently co-writing a collection of interlinked fiction along with friend and writer Smriti Ravindra.

Jai found MF Husain's shoes



LOOKING AT ART

Anjali Raghbeer



Tulika Publishers
Rs 200 (each)

Shreyasi Singh
New Delhi

WHEN art collector and writer Anjali Raghbeer found that students in Delhi could recognise Leonardo da Vinci's, *Mona Lisa*, but were stumped by an MF Husain, she decided to put together a series which would help children get to know India's best artists – MF Husain, Jamini Roy, Raja Ravi Varma and Amrita Sher-Gil.

The books are not staid biographies. Children are the protagonist in each story. The young ones meet the artist and relate their encounter, merging history with art and adventure.

In *Barefoot Husain*, Jai, a young student, on a school visit to a museum finds himself face to face with the quirky artist and embarks on a wacky journey to find his lost shoes. The search takes them through milestones in MF Husain's life. Jai is in for a surprise when he finally manages to find those shoes.

In *The Veena Player*, Valsa, a young girl is left by her working parents at old Aunty Prima's house. Prima is an art restorer. She tells Valsa a damaged painting is like a body without a soul, and enlists her help to restore an old Raja Ravi Varma painting, *The Veena Player*. As they remove layers of dust, Valsa hears a delicate cough. It has come from the veena player in the painting. A charming friendship develops between them. Raja Ravi Varma's art style is seriously discussed.

It's this story approach that Raghbeer believes is needed to bring art closer to children. "I had seen several books aimed at getting children appreciate the work of Western masters. So, I developed this idea and sent it off to the publishers of this book," says Raghbeer. Although every-

body loved the idea, it did take nearly three years for the books to be completed. Getting permission from artists, museums and curators was an especially tough task, she adds.

Designed in a picture book format, each artist's story is punctuated with illustrations done by Soumya Menon, 23, a National Institute of Design graduate. "The illustrator needed to be very distinct, very individualistic, and not compete with the artist's work. Soumya has done a tremendous job, never getting intimidated," says Raghbeer.

The books have received a good response. *The Veena Player* has, in fact, been nominated for the Vodafone Crossword Award for books. Raghbeer hopes the books will ignite an interest in art amongst the very young. "I hope the books help our youngsters get a basic understanding and appreciation of our rich culture, our art," says Raghbeer, who conducted weekly art appreciation workshops for children after the book's launch. She had earlier brought out a picture book for children on Mahatma Gandhi, and is working on a play based on Gandhi. She is also doing pre-production



Anjali Raghbeer

A birthday message

SAMITA RATHOR

SOUL VALUE

"To enjoy good health, to bring true happiness to one's family, to bring peace to all, one must first discipline and control one's own mind. If a man can control his mind he can find the way to Enlightenment and all wisdom and virtue will naturally come to him." Buddha

THE most significant Buddhist celebration happens every May on the night of the full moon, when Buddhists all over the world celebrate the birth, enlightenment and death of the Buddha over 2,500 years ago. This day has come to be known as Buddha Day. In 2010 the first full moon day in May is the 27th day of the month.

The knowledge and brilliance that spread under the momentous Bodhi Tree at Bodhgaya more than 2,500 years ago, is of immense importance to human providence. It created a timeless map, a path that illustrated to the world how an enlightened mind can be developed.

The significance of this day lies with the Buddha and his universal peace message to mankind.

Each one of us has a mind. It is not part of our body. Mind is not made of atoms or molecules. It is not physical and intangible. Mind is non-physical energy. It cannot be seen by the naked eye. Mind is conscious energy. Thoughts are part of the mind which is complementary to numerous emotions. The mind also includes seeing, hearing sounds, tactile/gustatory/olfactory sensation, touching, tasting and smelling. The mind is the one that experiences all these sensations and perceptions.

Memories and dreams are also part of the mind.

Like a river flowing and changing its course, so also the mind is ever changing with different thoughts that keep occurring in our lives. The mind changes very quickly and never stops ticking. Even in a state of coma or deep sleep there is always mind activity.

Mind is like the sky and thoughts like clouds which come and go. Because thoughts come and go they are not permanent.

POSITIVE MIND: Mind is an element with a positive aspect. A positive mind feels compassion and love. It is easier for a positive mind to experience enlightenment. An enlightened mind has love for all living beings.

Peaceful, happy, blissful, caring and helpful are its qualities. It always wants to help and be kind to all. In a positive mind all the negative elements are totally eliminated.

NEGATIVE MIND: Mind is also an element with a negative aspect. A negative mind feels fear, anger and hatred. It is totally the opposite of a positive mind and can be made of extremely dangerous self destructive emotions and traits. A lot of us feel guilt. Guilt/self hatred are delusions and negative aspects of the mind.

Ignorance is the root of all these causes and delusions. Since delusions are not permanent they are not our real nature.

Bodhidharma says, "Not creating delusions is enlightenment."

With regular practice and mind training a state of mind can be achieved where these negative aspects of the mind can go forever. Even on a daily basis we can see that our mind is not in a negative state all the time. If we condition ourselves not to identify with negative thoughts, then those thoughts will automatically disappear! Negative thoughts are like having a sore throat. It comes and goes. Like there is medicine to cure the sore throat similarly there is medicine to cure the sickness and afflictions of the mind.

If we develop an understanding and practice these tonic like positive managing skills for negative thoughts then we can learn to manage our lives and mind.

When we say 'I am angry' then we are identifying with the anger in our mind. But if we say there is anger in my mind but I am not angry, hatred or desire then we are not identifying with the negative emotion.

"Hatred does not cease by hatred, but only by love; this is the eternal rule". Buddha.

By practicing this we are moving towards developing an enlightened mind.

Buddha Purnima commemorates the birth, enlightenment and death of the Buddha. Lord Buddha is reported to have lived for 80 years (560 BC- 480 BC). Buddha Purnima is known in India and abroad by various names as Visakha Purnima, Visakha Puja, Vesak or Buddha Jayanti. Buddha Purnima falls on 27 May in 2010 and on 17 May in 2011.

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