

BOOKS

India: The Law, Public Ethics and Family - the Influences on Teesta Setalvad

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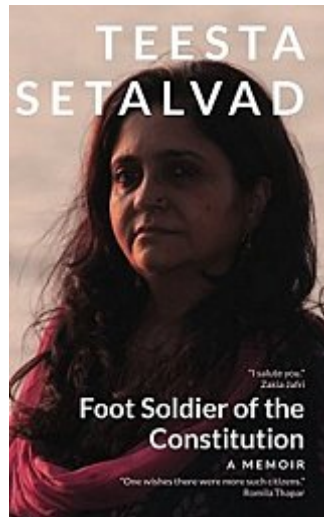
This excerpt from *Foot Soldier of the Constitution: A Memoir* delves into the activist's roots, explores how her family shaped her childhood and the role Parsis have played in her life.

We had a good childhood. Always in Bombay, living by the sea in Juhu.

I was born in Purandare Hospital on Chowpatty in 1962. My mother had gone to her parent's home for my birth. My maternal grandparents had a small flat in Girgaon. My sister and I were both born in the same place - she after me. My parents were second cousins. My mother's side of the family was clearly middle class. My maternal grandfather worked in an insurance company and I spent many weekends with my maternal grandparents at Temple View, often donning a cap to watch the races at Mahalaxmi where Bakukaka - as my maternal grandfather was called by all of us - took me. My sister and I were both father's pets. My relationship with my mother was turbulent, but I nonetheless always carried some sound values, my grounding, from her. For instance, that the value of money can and should never be taken for granted.

My parents lived at our present home at Juhu Tara Road in Mumbai before I was born. The bungalow where my father and I were born was next to the one we now live in, where we moved in 1965. It was where my grandfather M. C. Setalvad, the eldest son of Sir Chimanlal Setalvad, had moved in 1933. My grandfather was the eldest son of ten siblings. He preferred the wide-open spaces of Juhu with a view of the sea. It was better for him than the family home, which also had a sea view, at Nepean Sea Road - the home of his father - in South Bombay.

The road on which the house sits is now called Setalvad Lane. At the time of the Setalvad shift into Juhu, the British government was offering incentives for moves of residents, northwards.



Foot Soldier of the Constitution: A Memoir
Teesta Setalvad
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My grandfather - M. C. Setalvad or Dada - was India's first attorney general, having served from 1950 to 1963. He was the first chairman of the Bar Council of India, founded in 1961. He was also the voice of the government in the United Nations (vociferously making the case on Kashmir, for instance, after Pakistan's invasion in October 1948). He was a stoic man who loved children and had a piquant sense of humour. Dada was a great lover of the outdoors and chose his homes around that passion - by the sea or up in the Ootacamund hills. He would come away to Bombay and Ooty from Delhi for four or five months of the year....

Dada was very disciplined. One memory I retain of him is his regular evening walks across our lawn. It always felt very special to walk along with him on these strolls. I took my first steps (just past three-years-old) in the Ooty home. He had this habit of walking with his hands behind him and I would imitate him. There is a photograph in the family album where he and I are walking together, and I, a sixth of his height (he was a tall man), have my hands crossed behind my back in careful mimicry. I was 12 when he died on August 1, 1974. He was afflicted with fever for just a few days.

There were many stories about Dada and Chimanlalkaka that we heard about as we grew up. Chimanlal Setalvad, Dada's father, was a contemporary of Motilal Nehru. He was one of the eminent Indians on the Hunter Commission, which investigated the Jallianwala Bagh massacre. His role in cross-examining General Dyer was a favourite anecdote in the family. Here is an extract of the exchange:

Chimanlal Setalvad: You took two armoured cars with you?

Dyer: Yes.

Chimanlal Setalvad: Those cars had machine guns?

Dyer: Yes.

Chimanlal Setalvad: And when you took them you meant to use the machine guns against the crowd, did you?

Dyer: If necessary. If the necessity arose, and I was attacked, or anything else like that, I presume I

would have used them.

Chimanlal Setalvad: When you arrived there you were not able to take the armoured cars in because the passage was too narrow?

Dyer: Yes.

Chimanlal Setalvad: Supposing the passage was sufficient to allow the armoured cars to go in, would you have opened fire with the machine guns?

Dyer: I think, probably, yes.

Chimanlal Setalvad: In that case the casualties would have been very much higher?

Dyer: Yes.

Chimanlal Setalvad: And you did not open fire with the machine guns simply by the accident of the armoured cars not being able to get in?

Dyer: I have answered you. I have said that if they had been there the probability is that I would have opened fire with them.

Chimanlal Setalvad: With the machine guns straight?

Dyer: With the machine guns.

Chimanlal Setalvad: I take it that your idea in taking that action was to strike terror?

Dyer: Call it what you like. I was going to punish them. My idea from the military point of view was to make a wide impression.

Chimanlal Setalvad: To strike terror not only in the city of Amritsar, but throughout the Punjab?

Dyer: Yes, throughout the Punjab. I wanted to reduce their morale; the morale of the rebels.

Chimanlal Setalvad: Did it occur to you that by adopting this method of 'frightfulness' - excuse the term - you were really doing a great disservice to the British Raj by driving discontent deep?

Dyer: I did not like the idea of doing it, but I also realised that it was the only means of saving life and that any reasonable man with justice in his mind would realise that I had done the right thing; it was a merciful though horrible act and they ought to be thankful to me for doing it. I thought I would be doing a jolly lot of good and they would realise that they were not to be wicked.

History has adjudged that it was Chimanlal's cross-examination that actually pinned Dyer down. When the British on the Hunter Commission would not go along with the facts, the Indians on the commission filed a separate report (it was drafted by Chimanlal Setalvad).

Dada had an abiding interest in historical studies, and in the history of law in particular. The values of parity and nondiscrimination - basic constitutional values - were very important to him. Even more important, however, was faith in the law itself. He believed that the fundamental rights granted by the law would or should become reality at some point. Dada occupied many important posts in post-Independent India and each post he held became a place for him to enact his values.

As a child, I remember meeting Sheikh Abdullah when we had gone to Kashmir. He had been a close

colleague of my grandfather and had lived with us when he was underground. The betrayal of Sheikh Abdullah's cause by Nehru framed how we saw the Kashmir problem.... Then there was the visit and audience with the Dalai Lama when we went to Dharamsala as ordinary tourists; the evening when we had tea together was special. These visits were a benchmark for me - showing me where we came from and what we had to fight to get. It was awe-inspiring and also humbling as we sat in the presence of these people, awkwardly squirming.

My father - Atul Setalvad - was the younger of two siblings. My sister and I always called him 'Atul' - not Papa or Daddy. This was at his insistence. He was an innately egalitarian man who rejected hierarchy in all things. As we grew older, we would rile him by calling him 'Paaaapa' with an exaggerated Guju accent. He hated it.

Atul's sister Usha, 13 years older than him, died relatively early in 1983. She lost her husband nine years before her death. She had been active in the freedom movement, organising girls and women in Tara village as part of the satyagraha campaign. My father had gone to prison for a day at that time.

...While the Setalvad name and heritage had been so much a part of our growing up, we did not have much contact with our extended family. Family for us comprised of our grandparents, paternal aunt Usha and her husband Sundar, as well as a large number of family friends - who always were and remain our real family.

Among them is Priti Desai. Her story influenced me as a child and as a woman. The Desai family came from Gamdevi, a street dividing my mother's family home and their home. Preeti and my mother went together to the New Era School, steeped in the traditions and values of the national movement. There were four sisters and one brother in the Desai family. None of the sisters married because the dowry in their mid-level Gujarati caste was too high. So, in what must have been a radical and painful choice, after much deliberation, the sisters decided never to get married. The brother, Asit, was the only one to marry amongst the siblings....

For the Desais, the world was vast and challenging, not inward looking: they looked at the world from Palestine to Ireland with shared human concerns. I would receive long notes from Preeti and Bindu, with newspaper clippings from difficult to get Left foreign publications, on the struggle in Ireland, Palestine and various African countries. I had a vibrant childhood that spanned the five thousand-book library that my father built at home to this wider mentoring and education from family friends. I still recall the books that Navroz Seervai would send me to read as I matured into womanhood. One, in particular, *The Scalpel, The Sword*, on the journey of the communist doctor Norman Bethune through conflict-ridden China and Spain, marked me.

Ma has always been fond of classical music, especially stalwarts like Kesarbai Kelkar. This was a passion she shared with Preeti. My mother - Sita - and Preeti continued to be close friends after my parents married. They would often go to music concerts together. My father was the Desais' best friend. The Desais became part of our childhood....

My mother and father got married on April 27, 1959, through a civil marriage, another radical first in those days. Atul was an unashamed atheist and self-proclaimed beef eater. He would taunt my mother on issues of religion, saying that they should marry on amavasya - the moonless first day of the lunar month. A marriage on that day would have been a clarion call, a tempting of the fates as it were.

Ma put her foot down by quietly agreeing to the civil ceremony. For her, ritual and religion is part of a whole, never entirely wished away, even if her commitment to it is far from all consuming. She did

manage to ensure that my father bowed to her wishes to the extent of visiting the Hanuman mandir at Santacruz for a quick round every Saturday morning.

My father and mother had both been sent to Gujarati medium schools in the best traditions of the national movement. Atul went to Pupil's Own, a school started during the independence movement in a small abode in Ville Parle, which then moved to Khar.

His friends from school included Dileep Purohit, Dilip Dalal and Hamir Doshi. They made up a jolly foursome who stayed close to the end. My father had this unique and rare capacity to keep and stay in touch with all his friends, even if their paths had diverged.

Friday morning before court at the Neo Coffee House is where they would often gather.

My father's friends would include his colleagues from the bar - including his juniors. Sam Bharucha - Samkaka or Sammy to us - joined the Bench at the Bombay high court and rose to become the Chief Justice of India. The moment Bharucha was elevated to the bench my father simply stopped appearing before him; those were the ethics by which we were born and bred. H. M. Seervai was India's constitutional expert. He was also a wonderful humourist and conversationalist.

Seervai would sit with us children and have us in wonderment at his antics. He had the unique ability of performing a weird kind of act, maintaining a poker straight face even as his ears twitched and trembled. It was awe-inspiring. Sammy and Perin Bharucha, Rusi and Arnoo Sethna, the Desais, Seervai, Pheroza aunty and the family - especially Navroz - were prominent figures in our lives: people with whom we went on holiday....

I remember always feeling that of all communities, Parsis have played a huge role in our life, especially the growing up years. It is not surprising then, that in public life, when people are unable to place me through the name that bears no label of community or caste - I am often dubbed a Parsi!

Atul's young colleagues also became part of our family. The list is long. Mohan Korde, Kasim Master, Rafique Dada and Darius Shroff. One person - Ravi Kulkarni - stands out, as he has remained the most special. His romance and marriage to the middle of three vivacious sisters, Shakuntala, was a great source of excitement and thrill for us onlookers at the budding romance.

My sister and I are deeply influenced by the way Atul related to women colleagues. He was extremely egalitarian in the way he engaged with women in the family, with women friends socially and also women in the legal profession....

Indira Jaisingh, who is now a friend, and my father would sit in the quadrangle of our lawn and have intense discussions....

It was not all law and the courts, though. I remember the excitement when a distant family acquaintance by marriage (Mayur Madhwani) married the actor Mumtaz, and we actually got to attend the reception at the Sun-n-Sand hotel in Juhu! We were watching and counting the celebrities: I remember Dimple and Kaka Rajesh Khanna, Dimple had just then starred in Bobby (1973). Once I was with my friend Vinita Vaid at Carter Road, Bandra, on our morning walk, when we encountered the flamboyant poet Harendranath Chattopadhyay. Vilayat Khan - the sitar maestro - was part of our lives, as was his family. I flirted with learning the sitar though never very seriously, I must admit....

Family holidays and family time were sacrosanct for us.... The Diwali and December holidays were in Delhi as my grandfather - Dada - was a member of parliament after his long tenure as India's attorney general. Shorter sojourns were with my mother's maternal uncle in Ahmedabad. The idea of

a family holiday remained with me and despite the pressures on Javed and myself we have always tried to do this for our kids and ourselves.

The law, public ethics and family: these are the influences on me. Examples of commitment and integrity from my larger family have stood me in good stead, as the challenges life has thrown at me have demanded that I dig deep into these reserves.

The sea and its tides outside our house in Bombay have been a close companion and abiding friend. When tumultuous questions, great anger and resentment bubbles within me, I turn to the sea. It somehow reflects my moods: the lashing, forceful waves on a moonlit night at high tide or the serene low tide spectacle of the beach with the sea ready to come in or else the light of the moon reflecting on the water. In calm anticipation.

Teesta Setalvad

P.S.

• The Wire. 22/JAN/2017:

<https://thewire.in/books/law-public-ethics-family-influences-teesta-setalvad>