

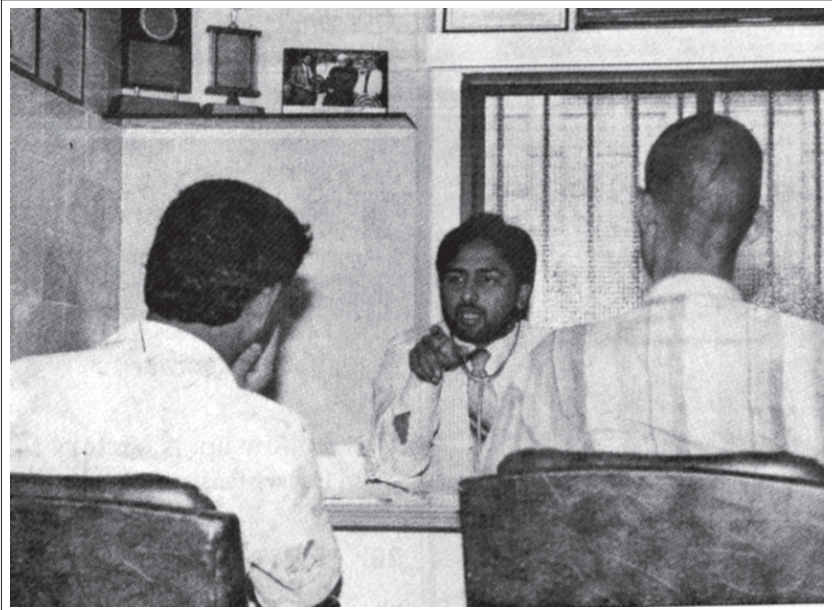
Readers' Forum

Human Guinea Pigs

In March 1994, a secret vaccine trial was conducted on HIV positive patients in two cities in India. According to press reports last month, the Bovine Immuno Deficiency Virus (BIV) vaccine produced by Dr B.C. Bhattacharya, chairman of the Bhattacharya Foundation of New York, was injected into 10 patients in Bombay and four in Calcutta.

Both Bhattacharya and Pierre Emmanuel De Gaspe, his American financier, have issued statements to the press to the effect that the vaccination trials at Bombay were held at the Salvation Army Clinic, run and managed by the Indian Health Organisation (IHO), a non-governmental organisation. According to the statements, the vaccine trials took place with the active assistance and cooperation of Dr I.S. Gilada, who heads the IHO. De Gaspe claims to have paid Rs one lakh to Gilada on March 8, 1994. The patients claim to have received Rs 1,000 each from Gilada.

With respect to the Bombay trials, all the 10 HIV positive patients were educated, middle class professionals who were infected by the HIV virus through sexual contact. Nine were young men and one was a woman. Of these patients, one died a month ago and another patient is at present terminally ill. The surviving HIV positive patients on whom the vaccine trials were conducted have all



Dr Gilada counsels HIV patient (left) who sells snacks on a handcart. His wife and three kids do not know; he has confided only in a friend (right) Photo: *The Week*

categorically stated that Gilada was fully involved in the trials. Their statements are supported by Bhattacharya and De Gaspe. Gilada, on the other hand, completely denies having received any money, or even having had any knowledge of these trials.

In the light of statements made by the patients, Bhattacharya, and De Gaspe, why has Gilada not been arrested so far? Do the police need more substantial proof of his involvement?

As a matter of fact, even documentary proof of Gilada's

involvement has been made available by Bhattacharya and De Gaspe. A copy of a letter from Gilada to Bhattacharya has been supplied to the Bombay office of *The Times of India*. This letter proves that the IHO Secretary was in touch with Bhattacharya and was fully aware of what was going on.

An important footnote to this letter provides clinching evidence of Gilada's involvement. It reads as follows:

"I shall be out of Bombay from March 3 to March 5 and will be back by the evening of March 5. I will see

you at Hotel Sahil on March 5. I have scheduled the patient examination on March 6. We shall need detailed information on BIV.” (*Times of India*, report dated 8/9/95)

It is possible for the police to charge Gilada with having committed an offence under Section 284 of the Indian Penal Code. This section provides that if any person commits an act with a poisonous substance, which may be likely to cause hurt or injury to any person, or which may endanger his life, such a person shall be deemed to have committed an offence.

A possible defence by Gilada could be that a vaccine is not a poison. It may, however, be argued by the prosecution that any substance known to have possible injurious effects on a human being can justifiably be classified as a poison.

Be that as it may, apart from Section 284, Gilada, Bhattacharya and De Gaspe are clearly guilty of having participated in a criminal conspiracy. Section 120A of the Indian Penal Code provides that “*When two or more persons agree to do or cause to be done an illegal act or an act which is not illegal by illegal means,*” such an agreement is designated as criminal conspiracy.

We have, therefore, to determine whether the act of taking a vaccine trial in this particular case was illegal or not.

Under the Drugs and Cosmetics Act, 1940, the AIDS vaccine comes within the definition of a ‘drug’. The Act clearly provides that permission must be obtained from the central government before a vaccine such as the above can be tested. No such permission was obtained or indeed sought by either Gilada or his American co-conspirators.

Ordinarily, any vaccine goes through a series of trials on various species of animals before it can be tested on humans. It is not clear whether the vaccine was first tested on animals, or whether those who engineered the trials ‘saved’ time by short-circuiting normal medical procedures. Had the vaccine been tested in this manner in the US, the perpetrators of such a trial would have been behind bars. It seems safe to assume under the circumstances that it’s illegal to test the vaccine in the US because of its potential harmful effects. In India, many poor patients suffering from AIDS can be persuaded by means of a financial incentive to undergo vaccination trials. Does this mean that doctors and scientists from the West can fly across to India and start testing AIDS vaccines left and right? Surely this will be illegal even if the patients consent.

The statements and disclosures made by Bhattacharya and De Gaspe have corroborated the statements made by the HIV positive patients. But when charged with criminal conspiracy, they may retract their statements or argue that their subsequent conduct shows that they acted in good faith. However, this would not save them from Section 52 of the Indian Penal Code which says that ‘nothing is said to be done or believed in good faith, which is done or believed without due care and attention.’

The BIV vaccine, which was tested on patients in Bombay and Calcutta, is merely one of at least 42 candidate vaccines now up for consideration by the scientific community in the US. Medical professionals in the West are neck deep in AIDS-related research. It is understood by all that anyone who discovers an effective vaccine for AIDS will become a billionaire overnight and is likely to win the Nobel Prize for medicine. Deservedly so. But are we going to permit these scientists and research institutes to come to India to find human guinea pigs to test out their vaccines? Medical professionals from the West must not be permitted to conduct such tests in India. Let them find someone in their own country. There was a time not long ago when medical scientists tested vaccines on themselves.

Rajesh Talwar, New Delhi

— Sexual Negotiations —

Since 1992 when I first moved to Ranjole village in Andhra Pradesh, I’ve had many discussions with both women and men who work with me about sexual, familial and cultural roles of men and women. Some of what I have learnt, such as the commonplace occurrence of domestic abuse, has disturbed me. I try to tell the women that they have a right over what happens to their bodies and that they shouldn’t let themselves be



beaten up. But the reality is obviously much more complex than this. In many ways beatings seem to be accepted by both men and women as a fact of daily life. This power equation is very deeply internalised.

Many women I have met in this area really believe that once a man has married her, he alone must provide for her and their children. Her role is only to look after the housework. Men also talk in terms of *palna*, as though they were discussing looking after a cow. They say, "*Main use achche se palta hun*" (I look after her well.) They do not see regular beatings and sexual exploitation as negating (or even contradicting) the notion that they are fulfilling their masculine role of taking good care of their wives. Although the women generally say they do not like sex, they just accept the fact that men demand sex from them and they must provide it. Many women I know firmly believe that men and women should have sex only to create children. Men, on the other hand, do not think of sex in the same way. Many of them go to other women besides their wives in search of pleasure — sexual and otherwise. And they seem to do this even more often if their wives do not enjoy sex. Very often I've been told that men here go to women for sex and women go to men for money in return. I feel sad to witness so much economic dependence of women on their husbands. They mix up love and sex with money. Amongst urban men and women money also plays an important role, but I clearly see it as a much stronger element in the rural scene, especially in sexual interactions. At times it seems to border on prostitution. But what can women do? Money is so scarce that their children sometimes have to go into *jeetam* (bonded labour) at a very

early age. They have no access to cash except through low wage unskilled work.

Asha Kachru, Andhra Pradesh

==My 'Feminist' Mother==

The word feminist usually conjures up a picture of a university professor, social worker, politician, or writer who focuses on women's issues. But should we only consider those who talk in favour of women, fight for women, or write for women to be feminists? Or shall we include women who live like ordinary housewives but have feminist views, attitudes, or perspectives, yet do not label their ideas as feminist?

Mulling over this question I began to think about my mother's life. As I observed her and asked her about various incidents in her past, I found in her both feminist views and a feminist perspective. Before elaborating, let me explain a bit about my mother's background.

My mother is now 60 years old. My grandmother died when my mother was 24 days old. Since grandmother didn't like my grandfather, when my mother was born my grandmother didn't even look at her newborn child. After my grandmother's death a distant relative of my mother looked after her. So my mother never received the love of her own parents. My mother studied up to the sixth standard in a village school. As soon as she attained puberty, her education was stopped and she was married to my father who was working in a government office in the city. At the time, my mother was only 15 years old and my father was 36 years old — a huge gap of 21 years. This was my father's second marriage; he already had two children from a previous marriage. Imagine

the situation of a girl whose entire world was her village until she is married off and suddenly finds herself living in a joint family of 20-25 members in a strange city where she knows no one. As young scared brides have been doing for centuries, she somehow adjusted to it. But within 15 years — before she even turned 30, she had borne seven children.

Eight years later when she was 38 years old, my father suddenly died. The entire responsibility of the family fell onto my mother. Before my father's death she never used to come out of the house, so she had no idea what the outside world was like. Because we were very small, and four of us were girls without any property or good income, my mother's responsibilities were even greater. With the help of my elder sister who was working at that time, my mother managed to maintain the family and get us settled in our lives. I feel that even if my father had lived, we couldn't have been looked after any better.

Though my parents had one male child, my father wanted one more son and as a result my three sisters and I were born. Even then, my father still wanted to keep trying for another son. But my mother realised that our family was already over-burdened. Since my father was going to retire in the next few years, she knew it would be difficult to maintain the family in the future, especially if any more children were born. With this in mind, even though she was really afraid of my father, she adopted family planning on her own without telling him. This major decision saved our family from needless additional suffering in the future.

My mother recounted one incident of the time when my father was still

in service and a new scheme of life insurance was introduced. Father came home and asked my mother who should be nominated. Thinking of the future, my mother said, "What is there to ask, why would you do it in any other name? Do it in my name or in our children's names." Suddenly my father got angry and scolded her, questioning how she dared to say that. He didn't nominate anybody, and when he died the amount was distributed equally among all of the children with my mother getting just one share at par with the children, rather than being the primary inheritor. If father had nominated her, she could have received the whole amount which she could have used for our family. Though my father was educated and employed, he didn't understand the purpose of insurance, which my mother realised even though she didn't have very sound knowledge of how life insurance works.

Though my mother was herself uneducated, she made our education a top priority after my father's death. She believed that if children are educated, they would be able to stand on their own feet in the future. So though some people tried to dissuade her from this, she didn't listen to them. When my elder sister got the chance to go to the USA for higher education, my mother was concerned. She had wanted to get my sister married and was afraid of what people would say if she sent her young, unmarried daughter off to an unknown, far away country. But since my mother was aware of my sister's interest in studies, along with practical consideration of the future of her other three daughters who would be needing money, she went ahead and sent my sister to the USA. She didn't want to curb my sister's desire to study.



Her decision no doubt improved the living condition of our family. All of us were able to get educated and my sisters and brother have been married. When my sister in the US wanted an inter-caste marriage, my mother initially did not like the idea and was worried about the consequences. Because she wanted to give my sister full freedom in taking decisions regarding her own life, she didn't oppose the marriage and even accepted it happily.

While growing up I felt we were encouraged in all aspects of life. My mother always spoke in favour of women and she didn't accept others' anti-women beliefs. Regarding inheritance rights she always questioned why property should go only to sons and not to daughters. She

said if she was given the right to distribute the property, she would distribute it equally among her son and daughters. She doesn't accept commonly held beliefs that a woman's husband is her God, that women are inferior to men, that a wife cannot live without her husband, that women should be under the control of men, or that women should stay within the four walls of her home, etc. My mother's life is living proof of her convictions.

Though she doesn't know English, she visited the US twice on her own. She has always accepted changes easily in her own life as well as those in others' lives. Though she doesn't fight for women's causes, write for women, or give lectures on women, her autonomy in thinking and decision-making has influenced many people around her, especially her children. It is my mother who is responsible for what we are now.

Instead of getting caught up in labels — arguing who is a feminist, who should be a feminist, or how a feminist should act — it makes more sense to recognise strong attitudes and views in the people around us that can inspire us in our own endeavours.

Hemlatha, Karnataka



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