



Second shot at power

Constitution is under strain in Karnataka, as an impatient Yediyurappa rushes to take oath

Giving a second opportunity to a person who could not prove his majority on the floor of the House earlier may seem unusual. And when one remembers that B.S. Yediyurappa's last term lasted only three days, it may even seem amusing. However, Governor Vajubhai Vala's invitation to Mr. Yediyurappa to form a government in Karnataka is understandable. A coalition regime has just been voted out. In a House that is only 14 months old, it was to be expected that the Governor would again ask the leader of the largest party to explore the possibility of forming an alternative regime. Yet, questions abound on whether Mr. Yediyurappa should have been in such haste to stake his claim, given that there is profound uncertainty over the status of at least 13 of the legislators, and consequently, about the strength of the House. Consider the situation: one government has been voted out only because of the absence of 15 legislators who were given an unusual exemption by the Supreme Court from the constitutional bar on defying the party's whip; the Speaker is yet to accept their resignations, but has disqualified three dissident MLAs under the anti-defection law, and the strength of the State Assembly stands at 222, including a nominated member. No one can dispute that the fall of the Congress-Janata Dal (Secular) coalition was supposed to be caused by a set of tactical resignations, but the move was stalled when it became a question of possible disqualification. One would presume that the Governor would have wanted to be doubly sure about the ability of the appointee to form a durable government. The BJP has the support of 106 MLAs, while the majority mark is 112. This means that when the Governor formed his opinion that Mr. Yediyurappa is in a position to command a majority, he was either counting on the remaining 13 rebel legislators vacating their seats soon, or was assured of their support to the incoming regime.

The Assembly election of May 2018 threw up a hung Assembly, and resulted in the second- and third-placed parties forming a post-poll coalition. Now that the coalition has unravelled, the Speaker's decision becomes crucial to determining the strength of the House. The BJP, for its part, ought to have exercised restraint rather than rushing in to fill the power vacuum. After all, three seats are now vacant, and the figure may go up to 16. The new Chief Minister may win the trust vote, but to remain in power for the current Assembly's term the party would have to win eight more seats in the resulting by-elections. The party has to live down the image of having engineered the fall of the H.D. Kumaraswamy government by getting Congress and JD(S) MLAs to resign. However, its leaders ran into an unusual roadblock when the two parties and the Speaker took the view that they were quitting only with the intent of defecting to the BJP. Speaker K.R. Ramesh Kumar reminded them that they could be disqualified, rather than be allowed to resign. He asserted that he was empowered to examine whether their resignations were voluntary or induced. And sensing that some of them may become Ministers in the next regime even without being members of the House, he reminded them that under Article 164(1B) of the Constitution, a person who is disqualified for defection could not become a minister without being re-elected to the House.

Regardless of the amoral politics and skulduggery behind the toppling of the regime, the role of the Speaker has been no less questionable. As a means of blocking moves to bring down the government some tactical decisions are understandable, but the manner in which the Speaker has used the law poses a threat to the autonomy of legislators in a general sense. First, can a legislator intending to quit his seat be accused of defection at all, when the penalty for crossing over to another party is the loss of that very seat? Given the propensity of presiding officers in the country to avoid deciding matters within a time frame, it is perilous to allow them to delay the acceptance of resignations until a point when the members concerned are seen as "voluntarily giving up their party membership", which is the first ground on which a member can be disqualified for defection. This is precisely what has happened in the current case. Secondly, does the power to scrutinise a resignation letter for its voluntary nature extend to rejecting it even if it is in the correct format and is handed over in person?

Even the disqualification of the three MLAs does not appear to be in order. Two of them, Ramesh Jarkiholi and Mahesh Kumathalli, have been disqualified on a petition seeking action against them that was submitted in February. It was not acted on for months, but revived in the wake of the resignation controversy. Secondly, it is a moot question whether sufficient opportunity was given to them, as the matter was decided after they were absent on the day they were due to appear. Further, the Speaker appears to have assumed the power to fix a period during which a member will remain disqualified, and barred the three MLAs for the remainder of the current Assembly's term. No such power is conferred on the Speaker by the 10th Schedule to the Constitution. Under the law, the Speaker may only declare a person as having incurred disqualification. Unlike other forms of disqualification, the one under the anti-defection provisions is not accompanied by any ineligibility to contest. One who is disqualified may contest in the very by-election caused by one's own disqualification. All in all, the goings-on in Karnataka show that the Constitution can be twisted and misread to suit anyone's political interests. In an atmosphere in which political loyalties swing like a pendulum, constitutional functionaries appear to be inclined to give self-serving interpretations to the founding law and let the web of confusion be disentangled by the judiciary.

Gaffeur, entertainer, Brexiteer, Premier

The rise of Johnson, U.K.'s 20th Etonian PM, marks not just the 'celebrification' of politics, but also its poisonous triviality



RICHARD SEYMOUR

Give it a few years, U.K. Prime Minister Boris Johnson told the House of Commons, and Britain will be "the greatest place on earth". The new Conservative leader, overwhelmingly elected by party activists, is the consummate confidence man. With a patter that makes the British media swoon, Mr. Johnson promises that he will deliver Brexit by October 31. Britain, of whose colonial past he is a bombastic champion, will be on top again.

Yet, everyone knows, including the backbenchers roaring and hawing with delight at his every word, that he can't deliver. There is no time for him to reach a new deal with the European Union (EU), even if it offers a new deal. The current Parliament will not pass the deal that is on offer. And if Mr. Johnson tries to leave without a deal, he will split his party and probably bring down his government.

There has been much frantic discussion in the British press about Mr. Johnson's appointed Cabinet members and advisers, stuffed full of Brexiteers and gurus from the 'Vote Leave' campaign. Yet, he doesn't get his way merely by surrounding himself with right-wing ideologues. To get the parliamentary numbers he needs to deliver Brexit, he would have to call a snap general election. And he spent much of his leadership campaign assuring fellow Tory MPs that they wouldn't have to face an election. Why? Because, since June 2017, it has been clear that Jeremy Corbyn could win a general election. Because, since the European elections, the new hard-right Brexit Party has almost cut the Conservative vote in half. The first poll since Mr. Johnson took the leadership put the Conservatives on 25% of the vote, exactly what it was before. If a new leader was supposed to result in a polling 'bounce' for the Tories, this must be very disappointing.

Farage offers a 'deal'

There is only one circumstance in which Mr. Johnson could risk an election. The leader of the Brexit Party, rightist enragé and former City trader Nigel Farage, has offered Mr. Johnson a "sensible deal". If he called an election before October 31 on the promise of quitting the EU on a 'no deal' basis, Mr. Farage might just stand down his Brexit Party candidates. But by cutting such a deal right now, Mr. Johnson would empower and legitimise a competitor, someone who has done enormous damage to the Conservative Party. Even if his colleagues were to permit such a deal, which is unlikely, he would be weakening his own position, confirming his party's terminal descent, and risking Jeremy Corbyn in Downing Street.

The most likely scenario is that Mr. Johnson will seek yet another Brexit delay to negotiate the terms of a new deal. And yet the only deal he could possibly get would be unacceptable to much of his party. He would need to build cross-party support, which would mean having discussions with Mr. Corbyn. That, he cannot do: one of the breaking points of Theresa May's reign was when she entered into formal talks with Mr. Corbyn, a man whom she and many of her colleagues bait as a 'traitor' to the country. Mr. Johnson, among the first to condemn her for it, would be hoist by his own petard if he risked such negotiations.

So what, then, is the point of Mr. Johnson's charade? Why did Conservative MPs overwhelmingly choose him as the best leadership candidate? Why did party activists trust him? Why did the Conservative press, from the pro-Brexit *Daily Telegraph* to the pro-Europe



Evening Standard, back him? Why are right-wing tabloids so delirious about their new leader? The short answer is that after two years of disarray, defeats and demoralisation, Mr. Johnson offers that seductive opiate: optimism.

Lacking answers to the constitutional crisis, underlying crisis of legitimacy for the political system, and stalemated economy, and well out of options, the Right is hankering for the 'hope-ium'. As the *Daily Mail's* front page beseeched, referencing a famous song by the old British comedy duo Morecambe and Wise, "Bring Us Sunshine".

Such a bathetic plea, just over a couple of years after the same paper hopefully exhorted Prime Minister May to "Crush The Saboteurs", shows how deep the depression goes. Indeed, Brexit was itself partly a placebo answer to a long-brewing melancholia on the British Right over the loss of empire: chauvinist self-assertion as national therapy.

Mr. Johnson is the right person to benefit from this because, like Donald Trump, he is a product of the entertainment industry. It is through his self-clowning appearances on the satirical show, 'Have I Got News For You', that he invented his public persona as a harmless gaffeur, stumbling through political life. That persona shrouded his politics in ambiguity.

It won him the matey, gently mocking affection of correspondents, who uniformly call him 'Boris'. It enabled him to become London Mayor twice, despite achieving staggeringly little, and wasting money on vanity projects like water cannons. It saw him through scandals that might have crushed other politicians.

Erring and apologising

In his political columns, written for the Thatcherite faithful, he is a provocateur, who refers to black people as "piccaninnies" with "watermelon smiles", equates Papua New Guineans with cannibals, refers to gay men as "tank-topped bum boys", and suggests that the colonial powers should reconquer their former empires. If ever caught out in one of these statements, he plays up the clowning, knowingly adding one more entry to his "global itinerary of apology".

His stint as Foreign Secretary was less kind to him. The Foreign and Commonwealth Office being a residue of the empire, Mr. Johnson felt compelled to remind people of the fact. On a trip to Myanmar, for example, he thoughtlessly recited Rudyard Kipling's pro-colonial poem, 'The Road to Mandalay'. Many Britons, particularly older conservatives, would have enjoyed Mr. Johnson's display of

chauvinism. More seriously, his laziness and refusal to understand his brief scuppered negotiations with Iran over the release of a detained British journalist, Nazanin Zaghari-Ratcliffe. She is still in prison.

Yet these scandals didn't hinder his progress. Why? Because, like Mr. Trump, he made his base feel good. He was entertaining copy for editors, producers and his social media following. And in a leadership election in which no one had any answers, Mr. Johnson at least had star power.

In part, this is an old story about the Eton-educated rich dominating politics. Mr. Johnson is the 20th Etonian Prime Minister. Legend has it that W.H. Auden, when told by his schoolmaster that only the 'cream' attended his school, replied: "yes, I know what you mean: thick and rich". The preparation of the thick and rich for rule has been the vocation of the U.K.'s public schools for centuries. Yet, Mr. Johnson also embodies, not just the 'celebrification' of politics, but also its relentless and poisonous triviality. It is noticeable that new right-wing tendencies are thriving in cultures of flippancy, contrarianism and on-line irony.

The pervasive lack of seriousness in Britain's political culture, which has internalised the values of mass entertainment, has enabled the new celebrity-politician to evade consistency and accountability, and revive discredited ideologies.

To what effect? In this case, the main result of Mr. Johnson's ascent is to store up yet another meltdown at the top of government, and a bitter backlash among the base. This may be a terminal crisis for the Conservative Party. And it is not likely to end well for the country either.

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From 'being different' to 'being dishonourable'

Under Advani, being a 'party with a difference' was BJP's article of faith; under Modi, the claim is just a nostalgic memory



KARAN THAPAR

These days, I find myself increasingly thinking of Lal Krishna Advani. He was the president of the Bharatiya Janata Party (BJP) in 1990 when I returned to India and started working as a journalist. In those days, privately owned news channels did not exist. Doordarshan was a monopoly. The only way independent current affairs was possible was through video magazines. There were two that were best known: Newstrack and Eyewitness. I was the editor of the latter.

I did many interviews with Mr. Advani, probably more than I did of any other politician in that *fin de siècle* period. The common thread that ran through the interviews was a ploy I was rather fond of. Whenever my focus was on an issue or a decision that smelt of realpolitik and appeared less than ethical, I would counter Mr. Advani's defensive answers with a set statement, which I delivered with a grin: "That answer may be okay for other leaders but how can it be acceptable for the president of a

party that calls itself 'a party with a difference'?"

There wasn't a single occasion when this didn't make Mr. Advani wince. It wasn't just embarrassment that I could discern but pain, of the sort that's self-inflicted and, therefore, more hurtful. Whenever that happened, I knew I had made my point. Mr. Advani was too shrewd a politician to verbally concede but the look on his face said it all.

Part of moral core

In those days, the BJP genuinely believed that it was different from every other party. This difference was its moral core. It convinced the party that it was superior to others. At that time, it had 85 MPs in the Lok Sabha but even when six years earlier it just had two, it drew its strength from its moral conviction as much as from its legislative numbers.

I wonder what Mr. Advani would make of his party's behaviour today? Since the swearing in of Prime Minister Narendra Modi for a second term, the BJP has been on an unparalleled – and, it seems, unstoppable – spree of luring MPs, MLAs and even corporators. This has happened in Karnataka, West Bengal, Goa, Uttar Pradesh and Andhra Pradesh. And it has happened by a variety of no-



vel methods. On one occasion, two-thirds of a party's strength in the legislature defected; on another, a sizeable number of MLAs resigned to enable the BJP to cross the majority mark.

Not only is the BJP unconcerned about what this has done to its moral image, but also, perhaps more surprisingly, it is indifferent to what this will do to its internal cohesion and ideology. Consider Goa. The 10 Congress MLAs who switched to the BJP had been elected to oppose it but three of them are now members of its government. One is the Deputy Chief Minister. Just two months ago, they were strong opponents of Hindutva. Today, they are its champions. No doubt this says a lot about

them but it also speaks volumes about the sincerity of the BJP's Hindutva message.

Embracing the defectors

Let me go one step further. Atanasio 'Babush' Monserrate faces several serious criminal charges, including over the rape of a minor in 2016. This was forcefully raised by the BJP in the Panaji byelection just two months ago. 'Save Goa from Babush' was the party's slogan. On that occasion, he won and defeated the BJP candidate. Today, the BJP has opened its arms and embraced him. His wife Jennifer is a Minister in its government. The charges he faces have been forgotten and forgiven.

It seems that in its inexorable march to a comprehensive domination of Indian politics, the BJP is trampling upon its own moral principles and ethical values. No doubt this first happened in Karnataka in 2008 with 'Operation Lotus' but, at the time, that was a one-off and the BJP was not proud of it. Now, there's a brazen defiance of ethics and unconcern with the consequences. The party wants to form a government or gain legislative strength no matter what the cost. It's the end that matters not the means. Success is its own justification.

So where does this leave the

BJP's vaunted claim of being a 'party with a difference'? The truth is that under Narendra Modi and Amit Shah, the BJP feels like any other party. In 1980, when members of the Haryana Janata Party under Bhajan Lal defected *en masse* to Indira Gandhi's Congress, Mr. Advani would have called it the worst example of 'Congressisation of Indian politics'. Today we're witnessing the 'Congressisation of the BJP'.

There is, however, a deeper irony here. Few would deny that Mr. Advani is a founding architect of the BJP. He took it from two seats in 1984 to six years in power beginning 1998. During those three decades (1984 to 2004), the claim of being a 'party with a difference' was not just meaningful but, for many, an article of faith. A mere decade and a half later, Mr. Modi and Mr. Shah have taken the BJP to another level altogether. Mr. Advani could only have dreamed of where it has got to. But, in the process, the party's proud claim of 'being different' has been scrubbed. Today, that is just a nostalgic memory for Mr. Advani's generation. I bet the modern BJP doesn't even know what it means or, if it does, considers it a foolish commitment.

Karan Thapar is a broadcast journalist

LETTERS TO THE EDITOR

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Karnataka imbroglio

The proposal, by K.R. Ramesh Kumar, Speaker of Karnataka Legislative Assembly, to include 'opinion of voters' as a factor to take into account, before deciding on 'resignations by Members', is worth discussing ("Karnataka Speaker disqualifies three rebel Congress MLAs," July 26). However, voters cannot insist on a particular person to be their representative, against the person's own concurrence. Ultimately, resigning must be one's personal right. Alternatively, Mr. Ramesh Kumar's suggestion can also be interpreted as an allusion to possibly giving

the voters the right to recall elected representatives. Nevertheless, some improvements to the rules governing defections and disqualifications are needed. MLAs/MPs can be assumed to have the people's mandate only to follow their party's policies and programmes. But their right to subscribe to other ideologies, policies and programmes can be allowed on the sole condition that they resign and seek a fresh mandate before crossing over. If any Member violates this requirement, the Speaker should have the right to disqualify him/her.

P.R.V. RAJA,
Pandalam

H.D. Kumaraswamy never had the mandate to rule Karnataka. He was the leader of the Janata Dal (Secular), a party which finished third in the Assembly elections. The parliamentary poll results were a further affirmation that Congress-JD(S) combine didn't have the mandate. Under the circumstances, it was understandable that so many of coalition MLAs raised a banner of revolt. People of Karnataka suffered for one month as there was no government and governance was on an autopilot mode. No one outside Mr. Kumaraswamy's core support base will mourn his exit.

R. SIVAKUMAR,
Chennai

Disgust gives way to anger as we observe the disgraceful behaviour of the elected representatives in Karnataka. Not just these unprincipled and selfish politicians, the electorate should also take the blame for these shameful scenes. Just like in Rajasthan High Court, the appellation 'My Lord' has been dispensed with, it is high time the appellation 'Honourable' is dropped while addressing our MLAs and MPs as it is a misnomer in most of the cases.

S. RAJAGOPALAN,
Chennai

Diluting the RTI

The unseemly haste with which the amendments to the Right to Information

(RTI) Act were pushed through Parliament even in the face of stiff opposition from several political parties and widespread resentment in the civil society betrays the authoritarian mindset of the ruling coalition ("RTI Amendment Bill passed in Rajya Sabha amid protests," July 27). It is ironical that despite enjoying huge majority, the Bharatiya Janata Party (BJP) feels insecure when it comes to transparency and probity. The RTI became possible not through the generosity of any one political party but because of a prolonged people's movement. That a sudden political fiat seeks to destroy its spirit is most unfortunate. The

amendments done should be forthwith withdrawn or the Bill should be sent to a Select Committee of Parliament.

SATISH C. AIKANT,
Mussoorie

One of the worrisome features of the Amendment Bill is that it encroaches upon the rights of the State Governments to appoint State Information Commissioners and gives this power to the Central government. This amounts to an assault on the principle of federalism which is a basic feature of the Constitution.

M. JAMEEL AHMED,
Mysuru

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The unravelling of a kidney racket

The National Capital Region is the epicentre of a well-organised illegal organ trade.
Bindu Shajan Perappadan and **Saurabh Trivedi** report on the web of criminals and their modus operandi

Months after the monsoon hit the small town of Saket Nagar in Kanpur last year, Sangeeta Kashyap*, 33, packed her bags for Delhi where she had been promised a good job. She was excited; she had never stepped out of Kanpur before. “My husband’s friend had promised us ₹40 lakh. We dreamt of a ‘pakka’ house, a good education for our children, and even some savings to help us through illnesses. We also planned for old age,” says Sangeeta. On reaching the city that promised to fulfil her dreams, Sangeeta was given accommodation in a guest house in Ghaziabad. “The next day I was taken to a small clinic,” she says, unable to recall the location. “There, the doctors ran a series of tests on me. My husband’s friend told me that this was important because my employer wanted me to submit a medical clearance certificate before employing me as a maid and a cook. But then he took my Aadhaar card and told me that I have to assume a Muslim name and identity. I refused. I realised that something was amiss. Later during the week, when I was taken to a hospital, I overheard people describe me as a kidney donor. I panicked and raised a hue and cry at the hospital. I insisted that I be sent back home immediately. They packed me off to Kanpur and I thought the worst was over,” she recalls. But the nightmare had only begun. “My husband’s friend came home and tried to convince me to sell my kidney,” says Sangeeta. “He told me that he has been living a good life after

The cops tell us that they will catch those who exploited us. But will we get our entire promised money or the organs we sold? No one is ready to answer these questions.

SONU
Prime witness

selling his. When I refused, he along with some other men threatened and assaulted me. They demanded that I pay them ₹50,000 as part of my travel and medical expenses. Frightened and broke, I approached the police. A senior officer asked me to file a complaint. An FIR was registered on February 1 against six persons in the Barra Police Station in Kanpur under Section 420 [cheating and dishonestly inducing delivery of property] of the Indian Penal Code and sections of the Human Organ Transplant Act.” Sangeeta was unaware that her complaint would blow the lid off a massive organ racket.

High demand, low supply
The epicentre of this massive illegal organ trade is the National Capital Region. The web of criminals includes police personnel, doctors, hospital administration staff, medical support staff, and kidney and liver donors – all catering to patients with end-stage kidney and liver failure. These patients can’t be treated with medicines or dialysis and therefore require a transplant. A dozen leading private surgeons are under the scanner now. These include top urologists in Delhi who allegedly worked in nexus with some police personnel from the Uttar Pradesh Police as well as brokers (some of whom were previous donors themselves) to ensure a smoothly running profitable trade, the value of which some people peg at over a ₹100 crore. So far, 15 people, including the CEO of Pushpawati Singhania Research Institute (PSRI), Deepak Shukla, have been arrested, and notices have been served to two leading doctors

at Fortis Hospital in Delhi for violation of the Transplantation of Human Organs (and Tissue) Act, 1994. This legislation was brought in with the objective of “regulating the removal, storage and transplantation of human organs for therapeutic purposes and for the prevention of commercial dealings in human organs.” These arrests and notices could prove to be only the tip of the iceberg. “Investigations against another leading hospital in central Delhi are currently under way and more arrests are likely,” says a senior Delhi police officer who is investigating the case. “The industry is thriving despite several raids and laws against it because those who sell their organs are desperate for money. It is a trade that guarantees high profit. Plus, it’s easy to do business in India,” says a senior Health Ministry official who did not wish to come on record. Impoverished donors are pushed into the trade as organ donations from cadavers and brain-dead patients in India are not enough to meet the requirement of over a lakh citizens annually who require a kidney transplant.

In 2016, in its reply to a Lok Sabha question, the Union Health Ministry noted that there is a huge gap between the demand and supply of human organs for transplant even though the precise numbers of premature deaths due to heart, liver, lung and pancreas failures have not been compiled. The Ministry noted that against the demand of 2 lakh kidneys, only 6,000 were available. Similarly, against the demand of 30,000 livers only 1,500 were available, and against the demand of 50,000 hearts merely 15 were available across the country. According to the Multi Organ Harvesting Aid Network Foundation (Mohan Foundation), a Chennai-based NGO working on organ donation, only about 3% of the demand is met.

The Indian Transplant Registry notes that live transplants account for the majority of kidney transplants in India; cadaver transplants account for a very small number. “In India, [the] deceased organ donation programme is largely restricted to big institutions and the private sector which makes it less accessible for all. The deceased donation rate in 2013 was 0.26/million population and this went up to 0.36/million population in 2014,” it says.

Modus operandi
In the case that the police is investigating at the moment, patients who needed transplants were admitted in large and well-known private hospitals that are protected by a battery of lawyers and administrators, says a senior Delhi police official.

“Donors, all of whom are from very poor families, are brought to these hospitals for initial testing and matching with patients,” explains Lucknow-based Vardhan, a prime witness in the case. “We are then trained to face the interview board of the competent authority [which evaluates transplant of organs between near relatives related genetically] or the Authorisation Committee [which evaluates transplant of organs between those related emotionally and where the donor’s intentions are altruistic] of the hospital for clearance for donation. Then we are housed in guest houses in Delhi. There we are tutored to tell the hospital board that we are relatives of the patients we are donating organs to. At this point, the payment too is partially made.”

Like Sangeeta, Vardhan’s story began around August last year. He desperately needed money to pay for the operation of his two-and-a-half-year-old child who was born with a hole in the heart. He decided to sell one of his kidneys. “An old friend told me about this offer. He made it out to be a noble deed. He said I would get ₹2 lakh – enough to pay for my child’s surgery and for setting up a small shop for myself. It seemed like a good option. I thought God has given the poor two organs as personal insurance against bad times,” he says. He breaks down while showing large surgery scars on his abdomen. Following the surgery, Vardhan has one kidney and no child. He is without a job. And to make matters worse, he has been receiving death threats from those in the illegal organ trade. “Life has become unbearably



the hospital administration’s goons took back the money I got from my kidney sale after I refused to work with the gang. My child died without treatment. And my wife, who I married against the wishes of our parents, left me as she was frightened by the death threats. No one is willing to employ me in Lucknow because they think I am involved in something illegal. I used to repair watches. I have become a nervous wreck following the investigation,” he says. His only mistake, he says, was his refusal to become a headhunter himself. “They call me daily to tell me that I will be ‘accidentally’ killed in an accident soon. They stole my money after I refused to work with them,” he says.

Attractive to the poor
“While there are many layers of control to prevent exploitation, the fact that there are a negligible number of organ donations makes finding a matching donor for the patients a tough task,” notes the Mohan Foundation. Under the law, only those related to the patient are allowed to donate organs. This further reduces the number of prospective organ donors. In 2013, the medical journal, *Indian Journal of Anesthesia*, stated that of the 205 patients declared brain-dead at AIIMS in Delhi in the trauma

centre over the last five years, only 10 were potential organ donors. The reasons were varied. There was lack of awareness about organ donation among family members. Many believed that donating a person’s organs after death would affect the person in his or her ‘next life’. And processes were simply not in place to help such donations. “Indian organs are being sold thanks to advertising by word of mouth. We are dealing with an underground mafia of organ traders. In this case, the gang managed to create fake identities. And with the help of medical persons, they managed to manipulate medical tests and documents,” says a senior official from the Uttar Pradesh police who is involved in inter-State investigation. “Those in the business had created a large database of those who were ready to donate their kidneys and livers. These people were then recruited into the business to find more sellers. And with every new racket being busted, we also find that the age of the donors/sellers is rapidly falling. Younger men are being recruited or are coming forward to donate their kidney or liver. This is really worrying,” says a Delhi police officer. A witness in the case, Sonu*, admits that he is only 18-20 years old. “According to my official papers, I am much older though,” he says. “I decided to sell my organ to help my family which was on the verge of starving to death. But today, even after selling my kidney, my life is no better. Policemen and laws don’t understand that we sell our organs just to ensure that we are able to stay alive.” Sonu and Vardhan were admitted in the same hospital at the same time for kidney removal. Like Vardhan, Sonu too was cheated by middlemen, who only gave him a portion of the promised sum of ₹2 lakh. “When I close my eyes, I dream of blotches of blood. The cops tell us that they will catch those who exploited us. But will we get our entire promised money or the organs we sold? No one is ready to answer these questions,” he says. The investigating agencies claim that they are fully aware of the reasons that compel people to sell or donate organs. “A kidney is sold for anything between ₹70 lakh and ₹1 crore depending on how urgent the need is. The donor/seller never gets over ₹3 lakh. The rest of the amount is distributed among those who run the business,” says a senior official officer from the Uttar Pradesh Police.

Expanding the web
It was when a police team from Kanpur approached the Delhi police regarding a kidney racket that they stumbled on T. Rajkumar Rao, 40, alleged to be the kingpin of an international kidney racket. Rao himself was a donor. But unlike other donors, Rao was ambitious and built his own empire. He had been arrested before and sent to prison. But after being released, he resumed his activities and changed his base from West Bengal and its neighbouring States to central India. He got donors and sellers from Unnao, Kanpur, Lucknow and Fatehpur. A police officer who once interrogated him recalls Rao as being very sharp and knowing how to influence donors and later make them part of his racket. “There were around 12 permanent members in the gang. They would prepare fake documents, coordinate with hos-

pitals and donors, transfer money and prepare donors for interviews,” he says. Rao used to keep a large portion of the money for himself in every deal. The rest was shared among the others, including the donor. “He never paid the promised amount to the donor. And when the donor asked for it, Rao would urge him/her to bring more donors with the promise of more money. Regardless of the deal, the donors get only between ₹2 lakh and ₹4 lakh of the promised ₹5 lakh,” says the officer. Donors who refused to co-operate were threatened with legal cases of cheating. Suresh Singh* got a kidney transplant in 2016, and was chagrined for demanding money for it. “After a prolonged kidney treatment my doctor recommended a kidney transplant. He told me that my kidney would stop functioning soon,” he says. “I discussed it with the personal staff of the doctor and offered to pay for a kidney if I could get a donor. I got a call from the doctor’s secretary, who gave my family members the contact of a man who could arrange a donor for me. After several rounds of negotiations, the deal was fixed at ₹20 lakh.” Suresh was asked to pay immediately, he says, while the paperwork was taken care of by the ‘staff member’. “I paid the amount before the operation and it went off smoothly. I met the donor only once during the interview. I was introduced as his elder brother to the hospital,” he says. He explains that a major part of the

An old friend told me that I would get ₹2 lakh – enough to pay for my child’s surgery. It seemed like a good option. I thought God has given the poor two organs as personal insurance against bad times.

VARDHAN
Prime witness

payment was made through cash and rest was transferred to a bank account. Rajesh Yadav, Superintendent of Police (Crime), Kanpur Police, says that a Special Investigation Team has been formed to investigate the case. “Till now we have arrested 15 people in the case including doctors and middlemen. We are in touch with the Delhi and Faridabad Police to get information regarding the whereabouts of other suspects,” says Yadav. “To make this a watertight case we have ensured that the donors and recipients are prime witnesses and not the accused. During the investigation, we found that the hospitals and middlemen had prepared a fake profile of donors. The coordinators at PSRI hospital had forged DNA reports to present the donors as blood relatives of the recipient. We are also looking at how the organ transplant clearance committee of hospitals ignored all the facts and never cross-examined donors and recipients,” says a police officer who is part of the SIT team and did not wish to be identified. A 2003 report in the *Indian Journal of Medical Ethics* is a chilling postscript to the story. “If the organ trade is not controlled, disappearances, especially among street children [and] kidnapping rackets may flourish along with the theft of organs of executed criminals in future. The people may lose trust in the medical community and may suspect their involvement in the premature declaration of death on seeing a signed donor card.”

*Names have been changed to protect identities



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