



"I hanged myself- the soul climbed up the rope and reached the sky": The Use of Magic (al) Realism in select poems of Syam Sudhakar's *Drenched by the Sun*

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Abstract:

Magic Realism is not only limited to novels but to poetry, painting and films as well. The greatest figure that comes to mind while talking of using magical realism in the Indian context is Salman Rushdie, but his works are in the genre of fiction. In fact, all the authors mentioned above as stalwarts of magical realism are novelists. With the postulates of magical realism studies, this paper explores the nuances of magical realism in the poems of the young bilingual poet from Kerala, Syam Sudhakar, who in this young age has won many awards accolades and ^{lxxvii} recognition for his intense poems, and how his use of magical realism in the Indian context is relevant to world poetry and in establishing the basic presupposition that this mode offers an alternative approach to reality to that advocated by the philosophy of the West.

Key words: realism studies, *Realismo magico*, Salman Rushdie

The analysis

Of the three terms referring to a particular narrative mode that have been in vogue since the 1980s, the term 'magical realism' has become most popular, the other two being 'magic realism' and 'marvellous realism'. 'Magic', 'magical' or 'marvellous', when juxtaposed with 'realism', is an Oxymoron, where there is a forced reconciliation between apparently contradictory terms. All the three terms indicate a narrative method that has been used as an alternative approach to reality as posited by Western philosophy and as such has been used extensively by postcolonial and other non- Western writers. Writers like Gabriel Garcia Marquez ⁷⁸, Salman Rushdie ⁷⁹, Toni Morrison ⁸⁰, Angela Carter ⁸¹, Isabel Allende⁸² are some of the more famous

and popular writers who have adopted this narrative method as an alternative approach to the postulates of the philosophy of the West.

'Magic realism', 'magical realism' or 'marvellous realism', whatever the term might be, is then basically a kind of narrative method that weaves fantasy into the ordinary and makes the ordinary extraordinary and the marvellous commonplace. One comes across factual narrative being brought together with far- flung fantasy not only in novels but in poetry, plays, paintings and films as well. But the term was originally coined in 1925 by the German critic, Franz Roh (1890- 1965) who used the term, *Magischer Realismus* (Magic Realism)⁸³ to describe the art of the German artists. As for the term 'marvellous realism', it first found its coinage in Cuban novelist,



Alejo Carpentier's (1904-1980) 1949 essay, 'On the Marvelous Real in Spanish America' where the concept of *lo real maravilloso*⁸⁴ was introduced. Finally it was the literary critic, Angelo Flores (1990-1992), who, while describing the works of Latin American authors used 'magical realism'⁸⁵ in 1955. Flores stated that the Latin American authors transformed 'the common and everyday into the awesome and the unreal'.

Though the three terms stated above have now become mutually interchangeable, it is clear that each of the terms actually developed in specific and different contexts and undergone various translations from German to Dutch to English and finally to Spanish, making them difficult to define, as Bowers says, 'With each translation the connection between the terms and their origins become blurred and confused'⁸⁶ (15). *Realismo magico*, or magical realism, coined in the 1950s to describe Latin American fiction is now used to refer to everything that includes magical happenings in a realistic, matter-of-fact narrative, where, according to Zamora and Faris (1995), 'the supernatural is not a simple of obvious matter, but it is an ordinary matter, and everyday occurrence- admitted, accepted and integrated into the rationality and materiality of literary realism'⁸⁷ (3) and the 'comingling of the improbable and the mundane' (Rushdie, 3)⁸⁸. In a like manner Luis Leal⁸⁹ (1967) too differentiates between magical realist literature from fantastic literature by pointing out that in the former the mystery and magic is so much an intrinsic part of reality that its presence need not be explained or justified. Angel Flores⁹⁰(1955) concludes that 'the unreal happens as part of reality' as the

'common and everyday' are transformed and translated into the marvelous and the magical.

Magic Realism is not only limited to novels but to poetry, painting and films as well. The greatest figure that comes to mind while talking of using magical realism in the Indian context is Salman Rushdie, but his works are in the genre of fiction. In fact, all the authors mentioned above as stalwarts of magical realism are novelists. With the postulates of magical realism studies, this paper explores the nuances of magical realism in the poems of the young bilingual poet from Kerala, Syam Sudhakar, who in this young age has won many awards accolades and⁹¹ recognition for his intense poems, and how his use of magical realism in the Indian context is relevant to world poetry and in establishing the basic presupposition that this mode offers an alternative approach to reality to that advocated by the philosophy of the West.

Born in 1983, in the Palakkad district of Kerala, India, Sudhakar has an uncanny knack of blending the fantastic and the real through meticulous craftsmanship. He began to write from a very young age and his early initiation into poetry was through the guidance of his uncle, the reputed Malayalam poet, Govindanunni. But it was the untimely death of his sister, that made Sudhakar take up this particular mode of narrative where the ordinary and the extraordinary, the natural and the supernatural, the real and the magical, the living and the dead all comingled into a united existence. Sudhakar initially started writing in Malayalam before venturing into the turf of English poetry. *Drenched by the Sun*⁹² (2013) is a collection of 41 poems written over a



period of thirteen years starting from 2000. Early in his life Sudhakar was deeply influenced by Malayalam writers like Mahakavi Kumaranasan and Vyloppilli Sreedhara Menon. As for English poems Sudhakar was influenced by the likes of Ramanujan, Kolatkar, Octavio Paz to name a few. And of course, he had already read Marquez and Neruda while in his teens.

Sudhakar's poetry tries to venture into the genre of magical realism, a technique which has essentially been used in novels not only in Latin America, but has found its way in other geographies too. The rich heritage of Indian myth, folklore and superstitions had been a part of Sudhakar's growing up years; it is this heritage that Sudhakar tries to express through his poems, as he says, 'My home was surrounded with fields shining in the blazing sun. I have grown up with ghost stories and colourful folk tales. All of them find a space in my work, which is my way of connecting with my roots' (as told to Parshathy J. Nath, *The Hindu*). If there was myth and folklore on the one hand, there was the television on the other which was also a medium that yielded 'magic' in the mind of the young poet. Television had just come to the suburban places in India. As he reveals in one of his conversations that as a child Syam and other children would be going a long way to another house to see the popular television serial *Ramayana*, as they had no TV. the moving images of television also weaved a kind of magic in the mind of young Syam in the same way that the *yakshi* of folklore or the *vel* held by *Muruka*, the lord of astrology, find their existence in the very ordinary matter-of-fact day to day setting of his poetry. Sudhakar too, like Alejo Carpentier, believes the

regional presence is one of the key components of the concept of magical realism, because the magical is inherent in the diverse ethnic culture, history and tradition, flora and fauna in Sudhakar's native Kerala. Through the use of magical realism Sudhakar can easily convince the dubious reader about the reality of the supernatural. So the reader is convinced that 'stepping stones' can be made of 'cheese-cakes' and the 'sinking boatman plucks a rainbow and it turns into a boat'.

The technique of magical realism has essentially been used in novels, and is especially associated with Latin American novels. It is easier to employ the marvelous and the magical along with the realistic in the broad space and time of the novel, something which becomes less easy in the small space of a poem. But Sudhakar has done this again and again in his poems. His poems possess the allegorical quality that Dale Carter⁹³ (1966) that talked of while defining and writing about magic realism:

First it is the combination of reality and fantasy and second, it is the transformation of the real into the awesome and the unreal, thirdly an art of surprises, one which creates a distorted concept of time and space, fourth a literature directed to an intellectual minority; characterized by a cold cerebral aloofness it does not cater to popular taste, but rather to that of those sophisticated individuals instructed in aesthetic subtleties. (Carter,

Sudhakar's real world is exceeded by the repeated intervention of myth and



magic and chronological time is often distorted in the same way his favourite European writers Rainer Maria Rilke, Arthur Rimbaud and Joseph Brodsky anchored their poems in their countries' reality and myths, and the way the Latin American novelists played with sequential timing.

The slim volume *Drenched by the Sun* has a motley group of poems consisting of varied imagery, a large number of them being about animals and many related to the poet's childhood world of 'fables and dreams'. Most of the poems are short and interwoven with realism meandering into magic, but a few run longer, as if spilling the magical from the walls of realism like in 'Over the phone you ask me the time; / through you, I hear that place/ Without your knowledge, my wind creeps/ into your phone reaching my village.' Nature, myth, memory, religion, politics, the animal world all comprise the primary theme of Sudhakar's poetry making *Drenched by the Sun* a stunning mix of magic and realism by a young writer.

The title of the book itself is intriguing; it is a juxtaposition of two opposing ideas just as the words 'magical' and 'realism' themselves are. 'Drench' means to get wet or soaked thoroughly by water; here in the title it is 'drenched' by the sun. In Sudhakar's world the sun can 'drench' just as Gandhi's statue can correspond with Jesus' through letters, though the correspondence is snapped off midway as the postman who 'stole stamps off letters/ franked 'Insufficient Postage'/ on the correspondence between/ two eras' or as the soul climbs up the rope after hanging oneself and reaches the sky or like the stars 'that slid from the night sky' 'Under the bird's weight'.

Sudhakar stretches imagination in a matter-of-fact way amidst the real settings through his use of lucid and translucent metaphors. He brings in the marvelous and the supernatural in simple, mundane surroundings like in the poem, 'I Wait', the speaker, is waiting for someone who does come but is soon dissolved into the air.

The poems often start with small letters, some of them do not employ capital letters at all to 'reduce the stress', in the words of the poet. The number of lines contained in a stanza also varies depending on the mood and subject matter of the poem ranging from two line stanzas as in 'Kaaladeepakam' to twelve lines used in 'Enchantress atop the potted palm'. But whatever the length, Sudhakar's poems bear the richness, the music and the flavours of his cultural heritage and he very lucidly treads into the realm of magic staying rooted to the realistic framework of his poems. So his sculptor, while wishing to 'carve a sculpture from stone and wood/ in the rain she carves letters', or it appears very natural to him that his grandfather 'shifted a whole field/ in a single night'.

Myths and magic come together abundantly with the real in the world of Sudhakar's poems. In 'Water and Earth' (2011), the poet uses the myth of *tripurasundari* in his poem about creation. Tripura Sundari is a Sanatan Hindu mythological goddess, the highest manifestation of Adi Parashakti, the primeval creator along with Lord Shiva. We shall have the detailed analyses of the poem later in the paper. In 'Enchantress atop the potted palm' (2005) the narrator encounters a *yakshi*, a demoness, who according to a popular myth in Kerala, India, seduces elite young men with her



enchanting body, long flowing hair, alluring eyes, captivating smile and the fragrance of *pala* flower. She takes them to her home atop a palm tree and sucks their blood. The title of one of Sudhakar's seven line poem is 'Kaaladeepakam' (2007) which is an ancient text of astrology:

Here goes the procession of death
through the ribs of dry leaves.

Quietly yawned

the sleeping heart of the peacock.

The blue-neck of writhing death.

Snakeskin entangled the legs.

A rusty Vel.

The *Vel* or lance is a spear-like weapon of the six-headed beautiful Lord *Muruga* or *Muruga*, the lord of astrology who rides on a peacock. The *Vel* is supposed to give infinite intelligence which cannot be gained by any traditional learning. The peacock, the lord's vehicle, represents the greatest Hindu mantra, *Om*. The lord himself was born from the third eye of lord Shiva, the creator of the universe and is the epitome of happiness, beauty and divine light. Ruler of the constellation of stars, lord *Muruga* blesses anyone devoted to him. The blue-neck and snakeskin refer to Lord Shiva, through whose third-eye *Muruga* took birth.

The magical realism technique of the poet is at the strongest when using the long poem sequence form, e.g. the 68 line 'Enchantress atop the potted palm' or 58 line 'All the Lucky Ones' (2006), that has a very strong narrative drive, and the language is that of everyday speech out of which the magical emerge as if it was the most natural element. 'Enchantress atop the potted palm' is one of the most renowned poems of Sudhakar. The poet, a young man

poignantly recounts his childhood memories with his sister as they grew up together. The sister dies and 'One such enchanted day after she died/ Amma planted a palm in a pot./ 'It will only be up to her waist./' For Amma, she was even now the scale.' This very mundane surrounding is all of a sudden filled with the supernatural presence of an enchantress (*yakshi*), who, living at the top of that palm tree, and asking for a wet lime would lure the young men into her abode on the top of the tree, sucks their blood and kills them. Likewise the *yakshi* one day lures the poet too, but she falls in love with the poet and becomes powerless to kill him. The beauty of the poem lies in the descriptions, the evocative atmosphere, the wondrous happenings all of which help to create the magical realism narrative.

In 'All the Lucky Ones' the lucky ones, according to the poet are those who were successful in committing suicide, 'a farmer/ a school kid/ a family/ a nation/ alone and together', but whenever he attempts suicide he is interrupted by either by 'the milkmaid calling/ the postman climbing the stairs/ Janu bursting in to clean/ the thief sneaking behind the dark well/ the unexpected black-out/ the late tedious trains/ the ever-ready-to-help room boy/ the traffic police calculating the precise future of /speed,/ their unending signs.' Suicide is a very real act, but the poet's reasons for not being able to commit suicide gradually verge on the magical as the lines progress.

Presence of all pervading death in the midst of life and its activities is a recurrent image in Sudhakar's early poems maybe owing to the fact that the poet witnessed death from very close



quarters at an early age when his sister passed away. Poems like 'The Prayer', 'Clouds', 'Wax', 'Happiness and Sorrow' and 'Two Little Ones', all published in 2000, are some among many of the poems of his early age that carry the eerie presence of death. In 'The Prayer' a common boatman who one day forgets to return deliberately by making his mundane boat sink, makes another boat by inverting the rainbow and requests an anonymous captain of a wrecked ship for an ore. No matter how much the fisherman in 'Clouds' tries, he cannot stop the dance of death inherent in the universe, though he could make one floating feather go up into the air by whistling into it: 'a thousand and one wings/ doomed for a whole lifetime/ send feathers sliding/ far above the fisherman'.

Sudhakar's power of imagination and poetic skill is again evident in 'Wax' that opens with a candle burning on the *verandah* that has been blown out signifying death. Suddenly from the candle the poet shifts the readers' attention to a man whose body is also melting like the candle, only the two legs 'wrapping a dhoti' remain. In 'everything in a moment/ vanished/ head before a laugh/ heart before a tremble/ waist before a quiver' one is compelled to ponder over death's abruptness and its ever- presence in and around life; the candle, in the process of giving light, signifying life, itself melts away or dies. The youthful freshness of the poet is visible in 'Happiness and Sorrow: A Crises' (2000) where the narrator's soul who has hanged himself climbs up the rope and reaches the sky, only to be hurled down again to the other part of the world: 'the sky pushed down/ the corpse of my soul/without me/ earth has

completed/ half its rotation/ I fell on the other side'.

The poet's penchant for the magical to coexist with the real as well as psychological insight and make an alternative universe as real as the one present, is manifest in 'The Tea Cup' (2003), a slightly where, as the poet looks into the cup he can see a woman: 'The pattern on the cup/ encircles her/ and the hand bag' The cardamom vapours reveal that the woman, though invisible, is still somewhere inside 'Crouching demurely in the cup' as her handbag still dangles from the handle of the cup.

'Green Sun', 'Water and Earth' and 'Below the Sun, Above the Sea', all published in 2011 break a four year silence. The new poems show Sudhakar writing with a renewed vigour using magical realism. 'Green Sun', the title itself suggesting the beyond natural, is the first poem of the book. The practical telephone becomes the instrument through which the Spanish wind reaches the poet's remote village: 'Over the phone you ask me the time;/ through you, I hear that place./ Without your knowledge, he wind creeps/ into your phone reaching my village'. A place that was of no interest to the poet gains importance because his beloved is there: 'I who prophesy/ by reading the stars and the wind,/ now think of that country'. The raw, spontaneous passion of love reign supreme in this poem, that tries to capture a very personal moment, but the language is magical, fluid and subtly controlled. The lush natural richness of the Dravidian language symbolized by the colour green imparts a green colour to the poet's universe. Echoing the words of Juan Barroso VIII, the magic insight leads to 'a more mysterious, deeper sense



of meaning than it might otherwise have is bestowed upon the finished creation, causing the viewer to respond to the wonderment of the object itself.'⁹⁴

'Water and Earth' (2011) interlocks emotion and action in verse and the fantastic creation is included in the very matter-of-fact wish of the sculptor to carve a figure from stone and wood. But she carves a lot more than that: 'in the rain she carves letters,/ under the full moon she carves the dance of/ *tripurasundari*,/ into rivers, clouds and waterfalls she carves purity,/ light simplicity/ within the ocean she carves movements'. She is at once the microcosmic sculptor as well as the sculptor of life itself: 'from each ray of the sun she carves a man/ and into each of his eyes the pulse of the sun,/ drawing the blueprints on the leaves of palm and the/ sands of streams'. Next, the sculptor wishes to carve a ship but this time 'a sailor with unshadowed face/ arises from the ship', wading through waves 'seeking his sculptor'. The woman and the man complement each other and 'with his fingers in hers/ she draws a new orbit for the moon'.

The bird in 'Below the Sun, Above the Sea' (2011) seeks to build its nest 'From one star to another'; instead of twigs it arranges words one by one to build her abode. The bird's very practical and realistic effort to build its effect is juxtaposed with the magical narrative of its trying to build the nest with words. And then 'Under the bird's weight/ stars slid from the night sky' seeing which the moon bars the bird from entering into the sky by closing the door. But the sea allots the bird a space below the sun, above the sea where it could ultimately make its

nest by joining words and behold the beginning of life.

'Identity' (2007) is one of the last poems that Sudhakar wrote in 2007 before his four year hiatus. It is a parody of the Chilean poet, Nicanor Parra's Spanish poem 'The Poems of Pope'⁹⁵. Nicanor Parra, who described himself more as an 'anti-poet' for his distaste for the normal poetic features like rhyme, rhythm and the special language of poetry, wrote a lot of parodies or 'anti-poem'. Sudhakar, in his parody, overturns Parra's political poem infusing it with elements of magic and writing a poem on morality and moral policing so common in the Indian psyche. The poem opens with a question if anyone has read Nicanor Parra and in the very next line the poet says that a bird has read him poems, thereby juxtaposing the real and the magical so closely. Nicanor Parra's poems were inspiration for the author to write poetry so his poems too are rugged, without the lucid flow of the poetic language. The jerk in the poem's structure is well-suited to the theme of the poem, where the narrator's wish in life is to be a pimp, something that does not suit the image of the poet and the Indian morality. The narrator- poet-pimp ends the poem with the words: "My Holy Vasavadatta,/ forgive me- / For a moment/ I forgot/ even to remember you." Vasavadatta is the heroine of the Classical Sanskrit tale *Vasavadatta*⁹⁶, written by Subandhu in ornate Classical Sanskrit style. The poet, in the middle of the pimp and Vasavadatta, searches for his own identity: 'Birdclub, writer's club,/ blackness, same race, I will change my address/ to be aware of my own identity'. The birds that read Parra's poems to the poet might be the same love bird/s who leads Vasavadatta's lover, Kandarpaketu



to his beloved. So the birds connect 7th century *Vasavadatta* with the 21st century Parra along with all their dissimilarities and the poet, living in both the worlds experience both.

The magical realist manifestation in 'In the orchard' (2000) reveals itself in the fact that the atmosphere and incidents are all treated as if they are normal and ordinary. Thus the orchard that is situated between 'hell and heaven' has giant trees with 'burning' and 'melting' leaves, and inhabits 'a bear that shrinks into a rabbit skin/ when the wind rustles up snowflakes./ a lizard's writhing tail/ quarrels with the body.' An 'obese lemon' with a 'luscious body' sits on a 'cotton chair' with 'cheese cakes as stepping stones'. The orchard is fluid, sensuous, real and magical, all at the same time. This magical strategy is apparent in one of the 2007 poems, 'Brown Water' where the very common rise of water level has marvelous associations. The poet becomes an otter from whose mouth the muddy water becomes a rainbow: 'water rises in the street-/ when it reaches the third floor/ I'll dive and swim like an otter/ a mouthful of muddy water/ spurting from my mouth/ as a rainbow'. The fish-eating semi aquatic mammal, otter has a lot of other connotations as well. In zodiac and astrology an otter symbolizes life, playfulness, entertainment, imagination and wisdom. At one point the poet refers to Noah and at another to television cameras thereby infusing myth and reality to, as Roh suggested, turn 'daily life into eerie form'⁹⁷.

Reading Sudhakar's 'Colours of Black' (2006) one is reminded of Gabriel Garcia Marquez's statement that he 'was able to write *One Hundred Years of*

Solitude simply by looking at reality, our reality' in spite of the fact that throughout the novel one finds incidents like carpets flying, telekinesis, living dead, etc. In 'Colours of Black' the colours from clothes from a ladies' shop come off to giggle and dance all night when the shop is closed, rivers flap their wings and fly away in the sky, in the morning the child on his way to school can see the 'colours returning to the clothes', the boy's father who is 'flying up/ over the decaying lake/ to the children/ with his big leather wings', and someone plays marbles with two eyes. And there is absolutely no explanation why things happen in that manner.

Even some of the comparatively shorter poems of the collection, *Drenched by the Sun* contains the magical elements in them along with the real. The speaker in the 13 line short poem 'Dampness' (2000) is dead and lies in a mortuary, but he can hear the sound of the alarm that wakes him from his sleep and he can feel the cold too as too as only one thin cotton sheet covers him. And in 'Two Little Ones' published in the same year along with 'Dampness', the two friends that play, bath, sing and dance together wearing similar dresses are actually chubby little vampires. Likewise in 'This is What Happened between Me and that Electricity Pole' (2002) ants stitch up the cobbler as he stitched up the shoes from cows' hide and which 'seemed to trot', and in 'Cat' (2000) the poet makes love with a cat. In 'A Man and the Singing Stones' (2005), the poet recounts how a small fish falls from the sky as rain on John who is on his way 'to the mill/ for some firewood'. The fishes, like raindrops are all over the ground, 'leaping/ Rubbing against the mill's roof tiles,/ they are rolling down'. As John gathers the fish in



the box as if fish falling from the sky was the most natural thing to happen, 'The paws of three animals/ fall on the box' and 'Another paw emerges from the box'.

Some of the features that come up after analyzing the above poems are that Sudhakar has never tried to justify or explain any of the magical elements in any of his poems. The settings of the poems are in the normal modern world going around in its usual day-to-day chores. Magical incidents take place as part of the everyday life resulting in, according to the words of Angel Flores, 'an amalgamation of realism and fantasy'⁹⁸. His poems thus corroborate with one of the chief characteristic features of magical realism, i.e., hybridity. Not only do the poems bring in a fusion of the urban and the rural, it also harmonizes such opposites as the Western and the native. As one goes through the poems, one notices the poet's detachment, his lack of communication regarding the accuracy of the events and his respect for the magic that does not allow the magical to digress into fantasy. Just as the authors stated at the beginning of the paper had employed 'magical realism' narrative method as an alternative approach to the postulates of the philosophy of the West, so does Sudhakar in the context of Indian English poetry, where though 'magical realism' might have been used as a narrative method, but definitely not as hugely and importantly as Sudhakar. His poems, dealt above, therefore, are an invaluable contribution to the growth and development of 'magical realism' in Indian English poetry.

Drenched by the Sun consists of 41 poems of various lengths out of which roughly half have been dealt with in this

paper. Sudhakar deals with a wide gamut of subjects and the poems in this collection are a mine of rich poetry. At times the poet is intensely personal, while at other times he is political; but whatever the theme the poems are loaded with metaphors, images, allegory and dream sequences. The major themes of Sudhakar's poems are the themes of time and death and love; for Sudhakar time is cyclical rather than linear. All these varied aspects would enable readers to have different readings and interpretations of the poems, and examine them in the light of different critical theories.

References:

- ¹ . Ibid.
- ² ,L.I.C v. Manubhai Shah(1992)3
- ³ . Indian Express Newspaper v. Union of India (1985) 1. S..C.C 641.
- ⁴ ..Sakal Papers v. Union of India, A.I.R. 1962 S.C. 305.
- ⁵ .Saroj Iyer v. Maharashtra Medical (Council), A.I.R. 2002 Bom. 95.
- ⁶ . Article 361 – A of the Constitution of India (1) No person shall be liable to any proceedings, civil or criminal, in any Court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly or as the case maybe, either House of the Legislature of a state, unless the publication is proved to have been made with malice.
(2) Clause (1) shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station as it applies in relation to reports or matters published



in a newspaper. Explanation: In this article newspaper includes a news agency report containing material for publication in a newspaper.

⁷ .Ibid.

⁸ .Tata Press Ltd v. Mahanagar Telephone Nigam Ltd (1995) 5 S.C.C. 139.

⁹ .Hamdard Dawakhana v. Union of India, A.I.R. 1965 S.C. 1167.

¹⁰ .Hindustan Times v. State of U.P (2003) 1 S.C.C. 591.

¹¹ .Nihal Chand v. Bhagwan Dei A.I.R. 1935 All. 1002.

¹² .Kharak Singh v. State of U.P. and Others 1964 S.C.R. (1) 332.

¹³ .U.D.H.R. 1948 –Article 3- Everyone has the right to life, liberty and security of person.

¹⁴ Sharada v. Dharampal,(2003) 4 S.C.C 493, at p.521.

¹⁵ . Article 17 of the International Covenant on Civil and Political Rights, 1966:

1. No one shall be subject to arbitrary or unlawful interference with his privacy, family, human or correspondence, nor to lawful attacks on his honor and reputation.

2. Every one has the right to the protection of the law against such interference or attacks.

¹⁶ . The Indian Penal Code, 1860, section 292 -294 makes the sale, letting to hire, distribution, public exhibition, circulation, import, export and advertisement of obscene material an offence punishable with imprisonment and fine.

The Dramatic Performance Act, 1876, Preamble Section 3(c) : section 6 gives the government the power to prohibit public dramatic performances on the ground of obscenity and in case of violation imprisonment and fine follows.

The Post Office Act 1898, Section 20: prohibits the transmission by post any material on the ground of decency or obscenity to imprisonment and fine.

¹⁷ . Chandrakant Kalayandas Kakodkar v. State of Maharashtra (1969) 2 S.C.C 687.

¹⁸ . Ranjit D.Udeshi v. State of Maharashtra (Lady Chatterley's Lover) A.I.R. 1965 S.C. 881. AT.7.p. 885.

¹⁹ . Ranjit D. Udeshi v. State of Maharashtra (Lady Chatterley's Lover) A.I.R. 1965 S.C. 881 pp. 887-88

²⁰ .Booby Art International v. Om Pal Singh Hoon (1996) 4. S.C.C.1.

²¹ .K.A. Abbas v. Union of India (1970) 2. S.C.C.780 pp. 802, 803.

²² . The Obscene Publications Act 1959, section 1 – states that if the entire article 'if taken as a whole, is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it'.

²³ . Ramjit D.Udeshi v. State of Maharashtra A.I.R 1956 S.C. 881.

²⁴ . Section 292 (1) of Indian Penal Code, 1860-For the purposes of subsection (2) a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct terms) persons who are likely, having regard to all relevant circumstances to read, see or hear the matter contained or embodied in it.

²⁵ .Chandrakant Kalyandas Kakodkar v. State of Maharashtra (1969) 2 S.C.C. 687.

²⁶ . Ibid.

²⁷ . Samaresh Bose v. Amal Mitra (1985) 4 S.C.C. 289.



²⁸ . Kharak Singh v. State of U.P. and Others 1964 S.C.R.(1) 332.

²⁹ . Id. At p.359.

³⁰ . Ibid..

³¹ . R. Rajagopal v. State of T.N (1994) 6 S.C.C 632.

³² .The Times of India, Nov 10, 2001,p.7.

³³ . Ibid.

³⁴ . *Kaleidoscope (India) (P) Ltd. V. Phoolan Devi* , A.I.R. 1995 Del . 316.

³⁵ . *Bobby Art International v. Om Pal Singh Hoom* (1996) 4 S.C.C.1.

³⁶ . *People's Union For Civil Liberties v. Union of India* (1997) 1 S.C.C. 301

³⁷ .*State of Bihar v. Lal Krishna Advani* (2003) 8 S.C.C.361.

³⁸ . *T.V. Ramasabha v. A.M Ahmad Mohideen* A.I.R. 1972 Mad. 398.

³⁹ . The Defamation Act 1996, section 2(4) – An offer to make amends under the section is an offer-(a) to make a suitable correction of the statement complained of and a sufficient apology to the aggrieved party. (b) – to publish the correction and apology in a manner that is reasonable and practicable in the circumstances and (c)- to pay to the aggrieved party such compensation (if any) and such costs, as may be agreed or determined to be payable.

⁴⁰ .Human Rights Act 1998- object – ‘An Act to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights’.

⁴¹ . *Hulton v. Jones*. [1910] A.C. 20- Artemus Jones described as a church Warden, accused of living with a mistress in France. It was a fictional figure, but court awarded the person of that name damages.

Cassidy v. Daily Mirror Newspapers Ltd. [1929]2 K. B.331- paper published photographs of the plaintiff's husband with an unnamed lady, announcing their

engagement, which was not so. The paper had to give damages.

⁴² . Criminal Procedure Code (1973), section 199 –No Court shall take cognizance of an offence under chapter XXI of the Indian Penal Code except on a complaint made by some person aggrieved by the offence.

Chapter XXI of the Indian Penal Code 1860 deals with defamation, having sections 499-502.

⁴³ .*John Thomas v. Dr. K. Jagadeesan* (2001) 6 S.C.C.30.

⁴⁴ .*G. Narasimhan v. T.V. Chakkappa* (1972) 2 S.C.C.680.

⁴⁵ .*Mahendar Ram v. Harnandan Prasad* A.I.R. 1958 Pat. 445.

⁴⁶ .In Re. S.K. Sundaram(2001). 2 S.C.C. 171,

⁴⁷ . Chapter XXI: Defamation – section 499: Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that hereinafter expected, to defame that person.....Ninth exception – Imputation made in good faith by person for protection of his or other's interests – It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, of any other person or for the public good.

⁴⁸ .*Sewakram Sobhani v. R.K.Karanjia* (1981) 3 S.C.C.208. The Supreme Court held that the ninth exception of Section 499 of Indian Penal Code 1860 needs that the imputation must be shown to have been made in (i) in good faith and (2) for the protection of the person making it or of any other person or for the public good.



⁴⁹ . Ibid.

⁵⁰ .Mitha Rustomji v. Nusservanji Nowroji, A.I.R. 1941 Bom. 278.

⁵¹ . *Harbajan Singh v. State of Punjab* A.I.R. 1966 S.C. 97.

⁵² .The Contempt of Courts (Amendment) Act, 2006, section 2, substitutes section 13 of the Contempt of Court Act, 1971.

⁵³ .*Saibal Kumar v. B.K. Sen* A.I.R. 1961 S.C. 633.

⁵⁴ . *Saraj Iyer v. Maharashtra Medical (Council) of Indian Medicine* A.I.R. 2002 Bom. 97.

⁵⁵ . *State of Punjab v. Gurmit Singh*, (1976) 2 S.C.C 384, pp. 404—05.

⁵⁶ . *People's Union for Civil Liberties v. Union of India* (2004) 9 S.C.C. 580

⁵⁷ .The Indian Penal Code 1860, section 228-A – prohibits publication of name of a victim of a sexual offence. Fair comment is allowed.

Indian Divorce Act 1869, Section 53- Proceedings under the Act may be heard behind closed doors in certain circumstances.

The Special Marriages Act 1954, section 33 - In-camera proceedings – if either party desires or Court decides.

The Hindu Marriage Act 1955, section 22 – In-camera proceedings allowed if either party so desires or Court decides.

The Official Secrets Act 1923, section 14 – empowers the Court to exclude the public from proceedings if prejudicial to the safety of the state, subject to section 7.

The Contempt of Courts Act 1971, section 4- prohibits publication of proceedings in –camera in certain cases.

The Prevention of Terrorism Act 2002, section 30 (repealed from 21st Sept 04) – permitted the holding of proceedings in-camera where the life of the witness was in danger.

The Children Act 1960, section 36- prohibition of names or photograph or address or school or any identity of children in any case be published, unless the authority feels it is in the interest of the child. The Juvenile Justice (care and protection of children) Act 2000, section 21- prohibition of publication of name or photograph or address or school or any identity of a juvenile in conflict in any case in media or visual media unless the authority feels it is in the interest of the child.

⁵⁸ . 'Couple named in Baby P abuse case' Agence France – presse, London, retrieved 20/08/2009

⁵⁹ . *Rajendra Sail v. M.P. High Court Bar Association* (2005) 6 S.C.C. 109, para 31 at p.125.

⁶⁰ . Ibid.

⁶¹ .Ibid.

⁶² . The Contempt of Court (Amendment) Act 2006 –Section 2 substituting section 13 of the Contempt of COURTS Act, 1971.

⁶³ . *State of Maharashtra v. Rajendra Jawanmal Gandhi*.(1997) S.C.C. 386.

⁶⁴ . *R.v. Savundranayagan* [1968] 3 All E.R. 439.

⁶⁵ . *S.K. Sundaram : Inre* (2001) 2 S.C.C; A.I.R. 2001 S.C 2374.

⁶⁶ .*Law Commission of India, 42nd Report on the Indian Penal Code*, 1971, Chapter 23, pp.336-340

⁶⁷ . Law Commission of India, 156th Report on the Indian Penal Code vol. 1 August, 1997,p.340.

⁶⁸ . Id. At. p.341.

⁶⁹ . *A.K Gopalan v. Noodeen* 1969 (2) S.C.C 734.

⁷⁰ .Madrid Principles on the Relationship between the Media and Judicial Independence ----- convened by the



International Commission of Jurists in Madrid from 18-20 Jan. 1994.

⁷¹ . www.Dailmail.co.uk.A government appointed panel advises Indian government to increase FDI in print media from 26% to 49% - retrieved on 07/02/13.

⁷² . Romesh Thappar v. State of Madras (1950) S.C.R. 594.

⁷³ . Rajendra Sail v. M.P. High Court Bar Association (2005) 6 S.C.C. 109.p.125.

⁷⁴ . Special Civil Suit No. 1984/2008 in Pune trial court.

⁷⁵ . KP Saikiran 'CLC for Law on Privacy' January 31, 2009, The New Indian Express p.11.

⁷⁶ . Ibid.

⁷⁸ Garcia Marquez, One Hundred Years of Solitude, Of Love and Other Demons, Love in the Time of Cholera, Autumn of the Patriarch, etc.

⁷⁹ Salman Rushdie, Midnight's Children, Shame, Satanic Verses, etc.

⁸⁰ Toni Morrison, Beloved.

⁸¹ Angela Carter, Nights at the Circus, Wise Children, The Bloody Chamber, etc.

⁸² Isabel Allende, The House of the Spirits, City of Beasts.

⁸³ Franz Roh, Nach- Expressionismus, Magischer Realismus, pp- 133-34.

⁸⁴ Alejo Carpentier, De lo real maravilloso americano, Mexico:Universidad Nacional Autonoma de Mexico, "On the Marvelous Real in America." Magic Realism. Ed. Zamora and Faris.

⁸⁵ Angelo Flores, 'Magical Realism in Spanish American Fiction', 1955.

⁸⁶ Maggie Ann Bowers, Magic(al) Realism, Rutledge, 2004.

⁸⁷ Zamora and Faris, Ed., Magic Realism: Theory, History, Community, Duke UP, 2005.

⁸⁸ Salman Rushdie, Midnight's Children, London: Vintage Books, 2010.

⁸⁹ Ilan Stavans, A Luis Leal Reader, Michigan: Northwestern UP, 1907.

⁹⁰ Flores, 114.

⁹² Syam Sudhakar, Drenched by the Sun, Sydney School of Arts and Humanities, 2016.

⁹³ E. Dale Carter, Magical Realism in Contemporary Argentine Fiction, Ann Arbor: U Microfilms, 1969, pp- 3-4.

⁹⁴ Juan Barroso VIII, Realismo magico y lo real maravilloso en El reino de este mundo y El siglo de las luces ,Miami: Ediciones Universal, 1977, pp 14- 15.

⁹⁵ Nicanor Parra, "Poems of Pope", translated from Spanish to English by Edith Grossman.

⁹⁶ Vasavadatta, was written by Subandhu whose dates are not accurately known but generally considered to be written in the late 7th Century. But Maan Singh, history scholar has stated that Subandhu was the courtier of the Gupta emperor, Kumaragupta (414- 455) and Skandagupta (455-467). Maan Singh dates Subandhu between 385- 465 CE.

⁹⁷ Franz Roh, German Art in the 20th Century. Greenwich: New York Graphic Society, 1968.

⁹⁸ Flores, 112.