

Revolution Counter Revolution

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BALRAJ PURI

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1977-1978

1978-1979

1979-1980

1980-1981

Preface

No apology need be offered for adding yet one more book to the rapidly grown "Indian Emergency Literature." The life of the country was affected in 572 days—from 26 June 1975, when Internal Emergency was dramatically imposed, rather super-imposed on already existing but not seriously felt external Emergency, to 18 January 1977, when general elections to Indian Parliament were announced—to such an extent and in so many dimensions that the phenomenon could be described by hardly anything short of total Counter-Revolution. That calls for much more intensive and extensive studies.

The inadequacy of most of the studies on the Emergency made so far is eloquently underlined by the re-emergence of Mrs Indira Gandhi on the political stage of the country—within less than one year after what was declared to be the drop-scene of her career—dramatized by return to power of her party in three crucial States of Karnataka, Andhra and Maharashtra after the Assembly poll there in February 1978, despite Shah Commission and opposition by her own erstwhile senior colleagues.

The story of crucifixion and resurrection of Indian democracy, as also of imposition and collapse of the Emergency, not only needs to be told more fully but also requires to be subjected to a more searching scrutiny.

The present volume avoids a simplistic treatment of the phenomenon and looks at its complexity from different angles and from different eyes. Not by "insiders," "approvers" or "after-thought heroes," but by those who know their respective disciplines and minds and are true to facts and their convictions.

Acharya JB Kripalani, "the oldest living public man" of India, gives a telling account of what he calls a nightmare, in one brief chapter. As the same job is being done by many other well-informed writers and politicians as also high powered commissions, the major part of the book is devoted to analysing rather than merely describing the none too pleasant details of the same tale.

It includes studies on the impact of the Emergency on diverse fields like culture, economy, constitution, administration, judiciary and polity of the country and the factors that pushed Indian democracy down the inclined plane to authoritarianism.

The book looks at lights as well as shades of the Emergency period and assesses strength as well as weakness of Indian democracy. Mulk Raj Anand's description of the role of writers in the period, for instance, is far from complimentary to that tribe. Arun Shourie tells the bitter truth about the intellectuals who as a community "collapsed without a struggle." Sunanda K Dutta-Ray, on the other hand, highlights a silver line in the dark period—the bold resistance put up by the judiciary. Abu Abraham represents the in-between class of honest average Indians who neither conformed nor yearned for martyrdom.

Indeed there is something to feel ashamed of and something to feel proud about in the mixed bag of response to the Emergency of the Indian people—politicians, writers, jurists, bureaucrats and the common man.

The much trumpeted economic justification of and achievements during the Emergency are found by Balraj Mehta to be only half truths. The economic causes do explain, but do not justify, its imposition, and the results achieved fall short of expectations and the price paid, he concludes.

The bureaucratic steel framework and the constitutional scaffolding of Indian democracy—and their shortcomings—are objectively analysed in two separate chapters.

The concluding chapter grapples with, in main, two vital questions which have yet not been adequately answered. First, how and why democracy collapsed in a country like India which had a liberal constitution, powerful press, vocal opposition, a galaxy of past and present leadership committed to the value of freedom, autonomous tradition of bureaucracy and an ancient mature nation which had tasted and got used to the fruits of freedom for 28 years?

Secondly, why and how the Emergency to which people seemed to have reconciled, which had been rationalized and eulogized by the intellectuals, which to all appearances had been stabilized and well entrenched and which had reduced the opposition parties to a state of utter despair and confusion collapsed in so short a span of time?

To give the other side of the picture, an official summary of the White Paper presented to both the Houses of Parliament by Mrs Indira Gandhi's Government in July 1975, entitled *Why Emergency?* is added to this volume as an appendix in the end.

What happened and would happen to Indian Democracy is of much wider interest. For India is not only "the largest democracy of the world," no less than half of the population of the democratic part of the world is supposed to be living in this country. Further, being the tenth industrial power of the world, the political framework of economic development she opts for is bound to arouse emulative interest in the rest of the developing world.

A move from political analysis to political astrology is a tempting but still a hazardous exercise. The objective observation of the scholar is in itself an additional factor that disturbs the course of the phenomenon. Arun Shourie's warning about greater difficulties ahead may not be misplaced and in no case warrants complacency. But some of the ways of this ancient nation and of democracy are really inscrutable and beyond the grasp of the yet inadequately developed science of futurology. In a special report of the *Guardian* on India (7 November

1977), Simon Winchester concludes : "She'll (Indian democracy) muddle on hope and pray, long after the rest of a hysterical world had found and lost, its own way." May be.

Though dogmatic prophesies are avoided, there is enough in the findings of this volume to disturb, warn, inform and guide all those who are concerned with the current and future policies of the country. It is in this sense more than a mere post-mortem of the past that is dead.

This book, however, neither claims nor attempts to answer all the questions about Indian democracy. In fact, it adds to the catalogue of questions on the subject. For, in essence, it aspires to contribute its mite to a continuing debate, the continuance of which is a pre-requisite for the survival of democracy in the country.

As a late-comer in the market, the book might suffer in competition. But it is not an unmixed disadvantage. For necessary time has thereby been available to the authors to do justice to their respective jobs. The readers, too, have by now outgrown the euphoria of the March 1977 revolution. As its march has been halted on the Vindhyas—also in the second attempt during what may be called a mini-general election (in five States) of February 1978—they must have realized its limitationis, not only in terms of geography but also ideology. They must, therefore, be in a more realistic and balanced frame of mind to do justice to a serious work like this.

The work is a product of joint efforts. We sincerely thank all the contributors for their cooperation. We are also indebted to Arun Shourie and the *Akashvani*, to Sunanda K Datta-Ray and the *Statesman*, to Abu Abraham and the *Sunday* for reproducing their respective articles from the respective papers.

BALRAJ PURI



The Nightmare and After

J B Kripalani

It was a nightmare. The leaders of all the democratic Opposition parties were arrested and detained under the MISA, enacted for apprehending smugglers and other anti-social elements. Among them were those who had been Mrs Gandhi's colleagues in the government, appointed by her. Some of the detainees were kept in solitary confinement. For many days neither their relatives nor the people knew the places where they were confined. Afterwards, only their close relatives were allowed to meet them. The procedure to get permission for the interviews was needlessly elaborate and irksome. Along with the leaders were arrested many professionals and teachers. The university campuses were flooded with armed policemen.

End of Liberty

Besides these, political workers, or those suspected of having anything to do with the political life of the country, were arrested in thousands and detained under MISA or the Defence of India Act. It is said that sixty thousand Akalis alone found themselves behind the bars. The total number of prisoners in the country could not have been less than a lakh and a half. No allowance was made for the families of those detained. Even the foreign government used to make allowances to the families of those detained without trial.

The Press was placed under strict censorship. So perverse and blind was the censorship that even quotations from the writings of Gandhiji, Jawaharlal and Tagore were not permitted to be published. Under my chairmanship, two committees were formed, one to collect funds for helping the needy families of those detained, and the other for the defence of the accused in the Baroda dynamite case. No newspaper dared to publish news even of the formation of these committees !

People's fundamental rights and civil liberties were abrogated. The rule of law was abolished. The independence of the judiciary was taken away. The courts could give no relief to those detained under MISA or DIR.

Speeches of Members of Parliament were not allowed to be published. When the Speaker was approached in this matter by the Opposition members outside jail, he said : "But, the speeches of the Members are published in the official records !"

If any High Court judge tried to give some relief to those arrested, or passed some remarks against the arbitrary actions of the authorities, he was immediately transferred !

The Constitution was amended in vital matters, specially concerned with the liberties of the individual citizen.

The life of the Lok Sabha and of the State Assemblies was extended for one year and then again for another year. Nobody felt safe. Anybody could be arrested and put behind the bars if the authorities so desired. Fear gripped the whole population. Even among friends none could talk freely. Anybody may be an informant. The spies were so pervasive !

Above Law

A bill was passed placing four persons above the law—the President, the Vice-President, the Prime Minister and the Speaker of the Lok Sabha. They could not be arraigned before a court of law for any offence committed by them—before they came to their high offices, during their tenure of office or even after they had left it ! An ordinance was passed, about whose implications the Attorney-General submitted before the Supreme Court that the government could

shoot, kill or starve to death any citizen and no remedy lay with the courts of law ! This took away the most fundamental right, the right to life of the citizen.

The more galling was the freedom given by Mrs Gandhi to her son to do what he liked. Even when the State Chief Ministers approached her on some official business, she directed them to Sanjay ! She did this, as she said, because when nobody supported her after the Allahabad High Court judgement had gone against her, her son was the one person who stood by her. If a son does not stand by the mother, who else would ? Sanjay's word was the law of the land. He had two pet hobbies, forcible family planning and the beautification of cities like Delhi and Agra.

Compulsory sterilization resulted in the shooting down of many persons ; how many will be known only when the Central Enquiry Commission appointed by the present government submit their report.

In the process of beautifying Delhi, even pucca buildings, standing for twenty-five years, were razed to the ground by bulldozers. No alternative accommodation was provided for the displaced families.

No Remedy

People in those days asked me, as the oldest public man living, as to how and when the reign of terror would end. I always replied : "Humanly speaking, there seems to be no remedy, but God has not become bankrupt."

Unfortunately for her, Mrs Gandhi ordered fresh elections for March 1977, which were scheduled to be held in February 1978. This she did against the advice of her son and of Bansi Lal, her favourite minister !

It would be interesting to know why she did not wait for one year more to order fresh elections. The fact is that her economic advisers told her that difficult times were ahead and prices would keep rising further, and if she wanted to order elections to the Lok Sabha, she should do so then. Also, perhaps, her astrologers, whom she always consulted

on important matters, told her that that was the most auspicious time when she could order the elections. Thus fortified, she dissolved the subservient Lok Sabha and ordered new elections to be held in March 1977.

Both the economists and astrologers seemed to be right. Everything was in her favour. She had a functioning organization to back her. She was in charge of the administration. She could command all the transport she needed. She had money enough to fight a few elections. The youths mobilised by her son would support Congress candidates. The Opposition parties, on the other hand, had everything against them. Their leaders were in jails; even when they were released, they were released not all at once but in dribbles. Their organizations had been smashed. Most of the workers were in jails. They had not a copper in their pockets. Above all, they were not united in a single party at the time. Yet, they accepted Mrs Gandhi's challenge and fought the elections.

Miracle

What happened then was a miracle. The Opposition parties, without wasting any time, united to fight the elections under the 'Janata' banner. They had not yet become a single consolidated party. There was no time for that. But they relied on the justice and the strength of their cause and their belief in the people, poor and ignorant as they were. The oppressed people did not fail them. In the North, East and Central India, they swept the polls. In Mrs Gandhi's home State, UP, the Congress did not win a single seat. She and her dear son were badly defeated. In some other States too, her party failed miserably.

The Opposition parties at once merged to form the Janata Party. They were called upon to form the government. The nightmare was over and the people breathed the ozone of freedom. Their shackles were removed. They were free men again and they could function so.

The Janata government has taken away fear from the minds of the people. The Home Minister has assured us

that there is no shadowing of individuals, no tapping of telephones and no censorship of private correspondence. The independence of the judiciary has been re-established. Fundamental rights have been restored ; so also the civil liberties of the people. The rule of law has again been guaranteed.

It was possible for the new government to administer to the evil-doers of the past regime a dose of their own medicine by arresting and detaining them under MISA and DIR, which yet are on the Statute Book. The people would have been happy if that were done, but the new Janata government proceeds by the rule of law.

Press censorship has been removed. The radio and the television have been made impartial. The Congress has been given the status of the Opposition party. It enjoys rights that were denied to the Opposition parties during the last thirty years. In every matter of importance, the Prime Minister consults his opposite number, the leader of the Congress party.

The Future

The Janata government has yet much to do to sweep away the debris not only of the Emergency period but, as it were, of all the thirty years after independence. They have pledged themselves to abide by the broad principles and policies of the Father of the Nation.

The most difficult problem arises from the economic condition of the country, which has been left in a shambles by the Congress government through its extravagance which has resulted in colossal inflation. The Congress government had left the country, so to say, in a state of bankruptcy. People will have to wait for any marked improvement in the economic life of the country. But the Janata government has begun well and creditably. One hopes that it will be equal to the task of pulling the country out of the morass in which the Congress government had left it. The Silent Revolution of 1977 continues.

Constitutional Props of Authoritarianism

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The ease with which a democratic system gave way to authoritarianism, without formally violating any constitutional provision, underlined the inadequacy of the constitutional safeguards of Indian democracy. But the rulers of that time were evidently not content with the authority they had derived from the Emergency provisions of the Constitution. Besides the extra-constitutional authority they had assumed. They sought more powers through constitutional amendments, most drastic of which was the 42nd amendment.

Mini Constitution

It was unlike earlier amendments, in terms of quantitative and qualitative changes it made in the Constitution. Its 59 clauses covering 38 closely printed pages produced what could be called a mini-constitution. The range of its amendments was wide enough to affect the powers and the roles of Parliament, judiciary, executive, President, constitutional agencies like Election Commission, Comptroller and Auditor General and UPSC and modify the intricate inter-connections and balances between them which were provided in the original document.

The 42nd amendment was clearly aimed at establishing what was described as a "constitutional dictatorship." With the

new Constitution, warns Dr VA Seyid Muhammad, a Minister of State for Law in the Congress regime : "Government could eliminate all political opposition and establish a one-party dictatorship." If experience of Emergency under a party like the Congress—which he presumes to be liberal—could be "nightmarish", Dr Muhammad "shudders to think of what would happen if such enormous powers are vested in a Government some of the components of which have pronounced fascist and reactionary philosophies and tendencies."

Little did the Congress government realize at that time that the Constitution it was adopting was not only for its use but could possibly be used against it ; though fortunately the successor Janata government did not administer its own drug to it.

Judicial Power Abridged

Though the founding fathers of the Constitution did not make it very rigid, they never wanted that it should ever assume the present form. In deference to their intentions, the Supreme Court had, therefore, held in the famous Kesavananda Bharti case that Parliament could not alter the basic features of the Constitution.

The 42nd Constituent Amendment Act amended Article 368 itself which prescribed procedure for the amendment of the Constitution. According to sub-section (4) added to it, "no amendment of the Constitution shall be called in question in any court on any ground." To remove all doubts about the authority of Parliament and remove all judicial or other checks on it, a new sub-section (5) provided that "there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation or repeal the provisions of this Constitution."

Further, the 42nd Amendment also abridged the judicial authority to review the constitutional validity of the laws passed by the Legislature. It takes away the power of High Courts to review Central laws and transfers matters relating to taxation, industrial and labour disputes, land reforms, elections, supply of essential goods, etc, from their jurisdiction

to that of specially appointed tribunals, which are not part of the judicial system of the country. Moreover, the jurisdiction of High Courts to issue writs, interim orders and stay of orders was curtailed, which could delay and deny justice, particularly to those who could not afford expensive redress from the Supreme Court.

As regards the State laws, the powers of High Courts to review their constitutional validity was limited by a stipulation that a minimum of five judges with a two-third majority alone could declare them *ultra vires*. That would mean the viewpoint of minority of judges who support the Government legislation could carry more weight than that of the majority if it was less than two-third.

The same limitation applied to the Supreme Court in reviewing the constitutional validity of the Central law. Another device that was used to avoid judicial reviews of the Central or the State laws was to expand the ninth schedule of the Constitution, which is non-justiceable. Under Article 31A, laws relating to land reforms were included in this schedule. Article 31B ensured legality of even those laws which were inconsistent with the fundamental rights. Under Article 31C, introduced through 42nd amendment, any law could be placed in this schedule on the plea that it furthered Directive Principles of the Constitution ; whereas under Article 31D any laws enacted with the object of banning anti-national activities and associations could be included in the schedule and placed beyond judicial review even if they violated all other provisions of the Constitution.

Executive Powers

Thus the judicial supervision over legislation was considerably undermined. A more disturbing fact was the power the executive had acquired vis-a-vis judiciary. The essential qualification for appointment of judges was no more experience of judicial service or legal practice. The President could appoint anybody as a judge who had held any post, under the Union or a State Government, requiring special knowledge of law.

Also the powers of the President were increased in relation to the Election Commission, Comptroller and Auditor General,

UPSC and Parliament. For final power to disqualify and decide the period of disqualification of candidates was transferred to the President. Likewise, the manner in which the accounts of the Union and States were maintained was prescribed by the Central executive at the cost of the authority of the Comptroller and Auditor General. By precluding production of rules for the transaction of official business, including recruitment rules, in a court of law, the authority of the Public Service Commission was weakened. Finally, the President was empowered to enact legislation necessary to remove difficulties that might be caused by constitutional amendments, thus usurping the power of Parliament.

That the President meant the executive and had no legal personality of his own was clarified beyond doubt by amendment of Article 74 which specifically bound the President to act in accordance with the advice of the Council of Ministers. The conventional power of the constitutional head to "caution and advise" was thus abridged.

Centralization

In addition, the Central executive became more powerful by transfer of certain subjects like education, forest, family planning, protection of wild life, administration of lower courts, etc, from the state list to the concurrent list. The Central Government had also been empowered to deploy armed and police forces in the States without seeking their consent. Moreover, the period for which President's rule could be imposed on a State was increased from six months to one year.

The net effect of the 42nd amendment to the Constitution was transfer of power from judiciary to Parliament, from Parliament to President, from President to Cabinet and its head. Powers were also diverted from autonomous constitutional agencies and the States to the Central executive.

Earlier, the 38th amendment to the Constitution had made even a mala fide declaration of emergency beyond the scrutiny of the courts, while 41st amendment had sought to provide immunity to high dignitaries even for criminal offences. Fortunately the amendment bill could not be passed by Parliament for lack of time.

All this was done with the professed aim and object, as expressed by the 42nd Constitution Amendment Act, of removing "the difficulties which have arisen in achieving the objective of socio-economic revolution."

Democracy and Socio-Economic Revolution

It was never clarified how independent judiciary, freedom of expression and checks on arbitrariness of the executive stood in the way of socio-economic revolution. Already, Articles 31A and 31B had provided protection to socio-economic legislation against judicial review.

No serious objection could have been raised if Article 31, guaranteeing right to property, itself was deleted. Incidentally, the Supreme Court has held that it does not form part of the basic features of the Constitution and was hence amendable. Former Chief Justice Hidayat Ullah was also of the view that out of all fundamental rights, right to property was the weakest. "In order to put an end to the perpetual and deliberate distortion of the issue of the basic human freedoms by snide references to the right to property," argued Mr NA Palkhiwala, "I am wholly in favour of removing the remnants of the right to property from the chapter on fundamental rights."

More proposals could be thought of to help in accelerating the socio-economic revolution. In fact it would be a valid objection that the amendments made to the Constitution during the Emergency did not provide for any radical measures. The 42nd amendment added some provisions like free legal aid to the poor, participation of workers in industrial undertakings and protection and safeguard of forests and wild life in the chapter on Directive Principles. Though useful, none of them can be called revolutionary and none required, for its implementation, any changes in the basic features of the Constitution.

The Constitution was framed on the assumption, which was amply confirmed by the experience of the Emergency, that a genuine socio-economic transformation of society can best be done within a democratic framework.

Citadel of Dissent : The Judiciary

Sunanda K Datta-Ray

On a blistering Sunday afternoon last summer, a couple of bulldozers rumbled into the compound of the glass and concrete Tis Hazari Courts in Old Delhi. Skirting the main building, they went round to the back where on a raised cement platform along Kutcherri Road stood the wood and corrugated iron chambers of nearly a thousand District and Sessions Court lawyers.

Police kept vigil as the bulldozers crashed into the masonry. Walls and roofs came tumbling down ; furniture and fittings were shattered into splinters ; electrical gadgets smashed into smithereens ; and files and papers—the invaluable records of thousands of pending cases—were scattered among the dust and debris created by possibly one of the Emergency's most savagely wanton acts of destruction. By the time the Delhi Development Authority's bulldozers had finished their grim task, 200 cabins had been razed to the ground. Maharajkumari Bhubaneswari Kumari of Patiala, a practising advocate in the Supreme Court, who watched the proceedings, said four bulldozers were engaged in the mission of annihilation. Other witnesses reported that policemen, as well as DDA employees, looted whatever caught their fancy in the doomed chambers.

Since it was a holiday, their occupants were away. But as word spread, panic-stricken lawyers arrived to try and save their property. They were roughly driven away and several sedate advocates, chased by the police, remained in hiding for over a month. Next day, a party of Bar Association members called on Delhi's Chief Justice TVR Tatachari to protest ; but 43 lawyers travelling in the same bus were promptly arrested, 24 under the Maintenance of Internal Security Act and 19 under the Defence of India Rules. Union Minister of State for Works and Housing Mr HKL Bhagat,told another delegation that "a lack of harmony" with the DDA probably explained the demolition. Mr Om Mehta, Minister of State for Home Affairs, assured a third group that there would be no further destruction .

Barbarism

But the DDA nevertheless mowed down another 200 lawyers' cabins the following Sunday. The remaining 500 or so chambers were ruthlessly removed during the vacation. Similar official acts of vandalism were committed in the Shahdara and Parliament Street criminal courts. A total of 58 lawyers were flung into jail ; the only one to be released being Mr Asoke Sapra, son of the Deputy Inspector-General of Police (Prisons), who was quietly bailed out at night. Other protesting advocates were shown 150 blank MISA detention forms which had been signed by a complaisant magistrate. "If you try to go to courts," warned the police officer, "you'll go to prison instead."

The DDA's official records blandly state that lawyers themselves cleared away 1,000 hutments in Tis Hazari, 80 in Parliament Street and 20 in Shahdara. The Authority's machinery and personnel, they claim, were not used for the purpose.

This devious barbarism is explained simply. Acting under direct instructions from higher authorities, the DDA was wreaking vengeance on Delhi lawyers who had had the temerity to defy the Congress Party's exclusive stranglehold on power. The High Court and District Court Bar Associations (with 650 and 2500 members respectively) held their

elections in April—the very first popular exercise of any kind since the proclamation of Emergency—and the Centre had confidently expected that a cowed and broken nation would tamely endorse its nominees.

Defiant Bar

“The Emergency was at its highest and foulest then,” explained a leading member of the Bar, “and it was unthinkable that anyone else should be selected.” But the unthinkable did happen. High Court lawyers convincingly rejected the vice-president of the favoured National Forum of Lawyers Mr DD Chawla, to elect as their president a prominent figure in Mr Jayaprakash Narayan’s Sangarsh Samiti, Mr Pran Nath Lekhi, who was then in solitary confinement in Tihar Jail. A Congressman was similarly defeated in the District Court elections when Mr Kanwar Lal Sharma became president.

This clearly was an affront that could not be swallowed by a regime that had convinced itself that an obedient country needed only to be ordered to obey. The bush fire threatened to spread with legal elections in Punjab, Haryana, Bombay, Nagpur and Kerala also firmly repudiating the ruling party’s candidates. It is in the context of this resistance that Delhi’s Lieutenant-Governor, Mr Krishan Chand, is believed to have drawn up a list of “loyal” lawyers, promising to “weed out disloyal people from the legal profession.”

As was only to be expected, the penalty for defiance rode roughshod over all canons of law, morality and property rights. Removal of the cabins had earlier been discussed, it being agreed with the DDA that 89 hutments would be dismantled as soon as alternative accommodation was found. But this too was ignored. Some of the advocates had occupied their cabins since Independence, having been allotted the space when they were evacuated from Lahore. The arrangement was formalized about six years ago when the DDA built the cement platform behind the Tis Hazari courts and handed it to the Bar Association which, in turn, allowed members to erect their chambers. The rooms cost as much

as Rs 10,000 each, many being equipped with wood panelling, air conditioners and expensive furniture. All such appointments were either plundered or ravaged in a scandalous orgy.

This is only one of many instances of the kind of relentless pressure that was brought to bear on the judiciary to bring it to heel at a time when only lawyers and law courts dared still cling to India's traditional liberal values. Political dissent had already been crushed by imprisoning thousands of Opposition leaders as well as rank and file workers. Public meetings and demonstrations were strictly forbidden. Legitimate trade union activity was not permissible. Newspapers laboured under a suffocating Censorship Order. They were threatened in addition with the disconnection of power lines, seizure of machinery, attachment of buildings, withdrawal of advertisements, and other arbitrary forms of intimidation. But the judiciary had the courage to continue almost as before even in this stifling atmosphere of terror. It did so not by invoking abstruse moral right or questions of ethical principle, but by strictly operating within the undeniable framework of the law.

Disgraceful

Since their objections to high-handed executive action were, in every case, well founded in the Government's own legislation, the arguments were irrefutable. When they struck down an arbitrary detention order, or demanded improvement in prison conditions, their reasoning was based on what Indian jurisprudence still permitted. The law was gradually revised to eliminate even its basic concepts, but until the degenerative process reached its disgraceful apogee in Chief Justice AN Ray's Supreme Court judgement in the notorious Habeas Corpus case of the Additional District Magistrate of Jabalpur v Shiv Kanta Shukla, lawyers alone continued to hold a flickering candle in the gathering darkness of the Indian twilight.

Mr NA Palkhiwala said their actions would have deserved "no salute, no tribute" under normal conditions. "It is only because of the degradation of the environment

that each ordinary decision of a judge shines out like a beacon of special virtue." But if their actions seemed extraordinary, the price they had to pay was certainly so. Not only did junior advocates appear free of charge, but they also bore the cost of such incidentals as typing and postage. Since the Government figures in 60 per cent of Supreme Court and High Court cases, they moreover incurred displeasure and forfeited rewarding official briefs. Mr VM Tarkunde, a retired Bombay judge now practising in the Supreme Court, defended about 40 political victims and lost his position as a senior counsel for Punjab, Haryana and Maharashtra.

Even more appalling was the vindictive decision to transfer at a single stroke of the pen 16 High Court judges who had offended by pronouncing against the Government in Habeas Corpus petitions. Apart from a Rajasthan judge, nine of India's High Courts held that judicial review is available to victims of mala fide detention. They were removed in breach of the spirit of Article 222 of the Constitution, in direct violation of an assurance given by Mr Asoke Sen as Union Law Minister, and in a manner that fully justified the fears of the Law Commission which claimed in its 14th report that judicial independence would be impaired if judges were at the mercy of the executive. "Every judge knew," says Mr Lekhi, "that a declaration against the Government was an immediate invitation to transfer." A second list of judges due to be punished was on the anvil when the Emergency was lifted.

Undeterred

Of those who were penalized, Delhi's Mr RN Aggarwal, who had courageously argued that "the executive has no absolute power to deprive a person of personal liberties" in Kuldip Nayar's case, was demoted to the rank of a District and Sessions judge. Mr JR Vimaldalal, who had on three occasions publicly reprimanded Maharashtra's politically influential Advocate-General for not standing up when addressing the Bench, was sent from Bombay to Andhra Pradesh when he had only 11 months' service (including three months' leave) left. Gujarat's Mr HH Sheth, who also was

transferred to Hyderabad, appealed against the order. Though one of the three members of the hearing Bench held that judges should not be transferred without their consent, while another complained that "consultation with the Chief Justice of India had failed," the capricious, vengeful and power-hungry executive was not deterred.

But the most tragic case related to Bombay's Justice PM Mukhi, a heart patient who suffered an attack when he was peremptorily ordered to Calcutta. When Mr Mukhi, whose fault lay in making the Custodian of Enemy Property privately bear the expenses of a case that had arisen only because of the Custodian's negligence, asked for time to reconsider the decision, he was callously told that Calcutta's medical facilities were adequate. Mr Mukhi had a second heart attack ; and though the transfer order was eventually reversed, he died before returning to the Bombay Bench.

It is reassuring that the new Union Law Minister, Mr Shanti Bhushan, has promised that such victims of prejudice will be entitled to return to their original posts. Transfer may be normal in other services, but the relationship of master and servant does not exist between the Government and the judiciary and India's last bastion of independence will crumble if judges can be demoted or uprooted at the whim of a cynical executive devoted only to protecting the political interests of the party in power.

But a return to the status quo ante may not be enough. Confidence, worn threadbare, has to be restored, and full measures taken to ensure that the transfer orders of June 1976 are never again repeated. To ensure this, it might be necessary to amend Article 222 so that the accepted convention whereby a judge must consent to his transfer also acquires explicit statutory sanction.

Meanwhile, it is necessary to examine the conduct of the judiciary during the 20 months of nightmare to understand the immense debt that the nation owes to its judges and lawyers and also why their actions provoked such a furious backlash of official retaliation.

If women were the real heroes of the Emergency, as Mr Piloo Mody claimed, advocates and judges were their championing knights. The petitions filed by Mrs Padma Desai, Mrs Satya Sharma, Mrs Bharati Nayar and Mrs Kamla Lekhi—to single out only a few of the intrepid wives, sisters, daughters and daughters-in-law who did not lose faith even amidst their sufferings—would never have succeeded if the law courts were not also determined to set aside the persuasions of power and uphold the rule of law.

Two immutable facts of Indian jurisprudence were recognized as lying at the heart of these and other suits. First, that the right to life and liberty is not a gift of the Government to be snatched away at will. Secondly, while preventive detention might be justified in certain conditions, it can never be equated with punitive detention or used as an excuse to subject prisoners to tyrannical repression.

Secrecy

Mrs Padma Desai, for instance, sued for access to Mr Morarji Desai, but the MISA Detenus Conditions of Detention Rules were never available for reference. They had been published in the Delhi Gazette but all copies had mysteriously been spirited away. Justices S Rangarajan and RN Aggarwal heard her petition; insisted that secret executive orders could not supersede the law which had to be publicly known and struck down inhibiting clauses regarding interviews and correspondence. Mr Asoka Mehta's sister and Maharani Mahinder Kaur of Patiala also successfully moved the courts. Mrs Satya Sharma challenged the detention of her husband, Professor SD Sharma, a signatory to Mr Bhim Sen Sachar's July 23 1975 letter to the Prime Minister, and was rewarded with the ruling that under Article 359 (IA) executive action had to be justified by a valid law even during an Emergency.

The point was most emphatically made in the case of Kuldeep Nayar who also had been arrested within 48 hours of writing to Mrs Gandhi. Mr VM Tarkunde, who argued on Mrs Bharati Nayar's Habeas Corpus petition for three

days, said : "I was always of the opinion that whether grounds of detention were given or not, it is possible to establish that detention was unlawful." Kuldip Nayar's 54-day stint in jail came to an end two days before the judgement ; but since more than 300 similar cases were pending in Delhi alone, Justice Aggarwal insisted on reading out his findings in which he held that "an order of detention under MISA would be beyond challenge only if it is passed under the law."

In vain, Government pleaders argued that suspension of the Fundamental Rights had also abrogated the right to judicial review. But disdaining this claim, High Court after High Court maintained that under Section 2 of MISA the executive was obliged to prove that the arrested person somehow endangered public security. In so doing, they relied on the concept of "natural justice" elaborated by Justice Hegde in an earlier case and on Justice Hidayatullah's 1966 ruling on charges against Dr Ram Manohar Lohia.

"We did not ask for evidence, details or names," said Mr Soli J Sorabjee, now India's Additional Solicitor-General who appeared without fees for several prisoners, "only for some indication of what was suspected so that the Emergency could not be abused to lock up people out of private animosity." Allahabad's Chief Justice KB Asthana upheld that view when quashing the detention of a professor who had been arrested out of spite. He said that only the Government's ipse dixit—a dogmatic pronouncement—was not enough to justify arrests.

Central to this position was the judiciary's conviction, sustained by civilized practice, that even under an Emergency, a man could be deprived of liberty only on the basis of reasonable evidence. Arrests could not lie "solely within the subjective satisfaction of the executive." The Supreme Court (under Article 32) and the High Courts (under Article 226) continued to enjoy the right to examine the validity of such detention ; and the rule of law did not wither away simply because Article 21 had been suspended. The November 16 1975 Ordinance tried to foreclose all arguments on the propriety of detention by suspending Sections 6.12 of MISA and inserting Section 16A with retrospective effect. But

even this did not intimidate the courts which continued to follow Lord Atkin's memorable dissent in the *Liversidge* case : "It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting that the judges are no respecters of persons and stand between the subject and any attempted encroachments on his liberty by the executive, alert to see that any coercive action is justified in law."

The new situation created, said Mr Pran Nath Lekhi who regularly travelled under a formidable armed escort from jail in Jabalpur to Delhi to plead his own case, was that while the courts could not force the Government to show grounds for arrest, they could still ask for grounds and come to their own conclusions in the event of refusal. And so would the judiciary have continued sturdily to resist oppression if the law courts were not dealt a shattering blow on April 28 1976 by the only authority whose obiter dictum they were compelled to respect : the Chief Justice of India whose ruling that Habeas Corpus petitions should not even be admitted has aptly been described as "judicial suicide" and "a mockery of the very concept of justice."

Treatment

Meanwhile, a number of petitions were filed seeking improvement in conditions of detention which are supposed to be regulated by Rules framed under Section 5 of MISA. While several States had neglected to do so, others relied on secret instructions or the arbitrary discretion of the jail authorities. The entire matter was reviewed in the case of Phandudas Krishna Gawde in Bombay when Justices JR Vimaldalal and PS Shah struck down clauses relating to diet, interviews and medical treatment in the Maharashtra Conditions of Detention Order. Their views were based on the fact that "a detenu is not a convict and the power to detain is not a power to punish," and that "restrictions placed upon a detenu must, consistently with the effectiveness to detention, be minimal."

Apropos of this Mr Tarkunde and Mr Lekhi compare Mahatma Gandhi's detention in the Aga Khan's palace in 1942, when he also received a monthly allowance of Rs 1,100.

under the Bengal State Prisoners Regulation of 1818, with the harshness to which Mr Jayaprakash Narayan was subjected in Chandigarh's Post-Graduate Institute of Medical Education and Research.

Lesser breaches of normal practice are no less deserving of study to understand a shameful era in Indian history when people were not only illegally flung into jail but also ill-treated in prison. Mrs Kamla Lekhi and her young children were interrogated for more than five hours when their house in Delhi's Rajinder Nagar was invaded by 300 policemen and four police dogs. Later, an attachment order enabled the authorities to strip the house of its furniture, furnishings and other fittings, leaving Mrs Lekhi with only bare walls. She sued for restoration of whatever had belonged to her personally producing receipts of purchase, but though the criminal courts decided in her favour, the articles were not returned until about six months later.

The Government tried in other tortuous ways to defeat the ends of justice. At least 400 cases, including Mr Madhu Limaye's, were heard ex parte and "dismissed as withdrawn" without the plaintiffs being given an opportunity to make themselves heard. Stay orders by the Supreme Court were cynically timed only to prevent student prisoners from taking their examinations. Bombay's mayoral elections were almost frustrated. The Solicitor-General, Mr Niren De, tried in December 1975 to persuade the Supreme Court to reverse the Keshavanand Bharati judgment on the Constitution's "basic structure." He was foiled only when after Mr Palkhiwala's Cromwellian appeal to the individual conscience of each judge, the Chief Justice had no option but to dissolve the 13-man Bench. Even bail provisions under MISA and DIR were subverted by the tactic of using the Criminal Procedure Code to re-arrest released prisoners outside the jail gates.

It is in this context that the decision of Maharashtra's Acting Chief Justice VD Tulzapurkar, striking down a police order banning a private meeting of lawyers to discuss civil liberties and the rule of law under the Constitution, deserved special mention. "No Government which suppresses

even peaceful and constructive criticism of Emergency at a public debate, no Government which preserves the freedoms only for the cringing and the craven and no Government which permits its Police Chief to perpetrate on its citizens the humiliation and indignity of being required to obtain prior permission for their normal, innocent and innocuous activities can have any moral right to proclaim to the world that democracy is alive in this country." Little wonder that the Censor immediately excised those ringing words,

The tale of degradation is as long as it is both shabby and sinister. There were also occasions when, operating under intense pressure, judicial courage seemed to falter. Mr LK Advani's challenge of the legality of the Emergency, for instance, was dismissed by the Karnataka High Court on the basis of what is now admitted to be the erroneous precedent of Australian Chief Justice Latham's minority view. All High Courts held that provision for monetary allowances to prisoners was an aspect of personal liberty that had been taken away. The same tenuous argument was used to justify solitary confinement which finds little sanction in either the Indian Penal Code or in case of law.

On the whole, however, the judiciary acquitted itself better than any other branch of the administration. Mr Justice HR Khanna's dissenting view in the Habeas Corpus case before the Supreme Court is an outstanding example of probity worthy of the British Parliament's 1628 petition of rights, passed in the teeth of royal opposition, whence the Habeas Corpus Act of 1679 flowed. No less astounding is the facility with which imprisoned lawyers like Mr Lekhi, denied all access to reference books, were nevertheless able to use their brief time in court to look up the relevant laws and repeatedly indict the Emergency for fouling its own rigorous ground rules.

Preface to Lawlessness

These are the less cheerless spots in a dark chapter which began when Delhi's Inspector-General of Police provided a junior officer with a list of about 20 names of people who had to be arrested in clear violation of Section 25 of the

Police Act which calls for warrants. "It was a fittingly arbitrary preface to a lawless era" is the comment of a leading advocate in the capital. It was also the beginning of a long night during which the legal profession alone kept aloft, through individual and collective acts of faith, the standards of justice and democracy.

"We shall not turn the corner until we reach the darkest point of the night," wrote Chakravarti Rajagopalachari in a newspaper exactly ten years ago. "The darkest hour is said to be the hour before dawn." In the light that has now broken, the law courts deserve more than just gratitude. It should be ensured for all time to come that they never again have to combat the challenge of the night when basic human rights were available only to "the cringing and the craven."

4

Writer and Emergency

Mulk Raj Anand

One can only write about the impact of the terrors of the Emergency in terms of one's own experience of them.

I did not become fully aware of the prevalence of fear until I visited Delhi for a seminar in January 1976.

I had gone to see a friend for a drink one evening. The 'last one for the road' may have gone to my head. But, as I walked along Amrita Sher-Gil Marg towards No 1, where I was camping, I suddenly heard a stirring in the hedge of House No 7. I felt that somebody, who had been waiting, was going to follow me. I did not look this side or that, but walked ahead with an uncontrollable thumping of the heart. I tried to rationalize my fear by tracing it to the hangover of the early childhood recoils against ghosts in the night. But there was another sharp rasping sound of leaves crackling and I began to feel, irrationally, that there was someone about. Another sound of what was probably a whiff of breeze and there was a terror down my spine. I wanted to look back but could not. I quickened my pace looking straight ahead. As I passed by No 5, where an old friend of mine, Dr Katyal, had lived and died, I wanted to stop and turn round, but could not for fear that I would come

face to face with the CID man who might be following me. I stepped forward, but before I had lifted my head, a car passed by towards Safdarjang and I stood back startled. That was the limit, I thought, of my neurosis. I hardened my jaws against myself, accused myself of being a coward and turned into No 1. I realized what the fear of fear could mean. I had heard that Sanjay Gandhi was rumoured to have said 'all old uncles must go....'

Ignorance

In the spring of 1976, I went to attend a meeting of intellectuals in Philadelphia, organized by a Jesuit priest, to consider the initiation of a world dialogue for friendship between peoples, peace and disarmament.

In his inaugural address, in a small meeting place near the site where the declaration of freedom was signed in America, our host referred to the lack of freedom in many places, the growing threat to human rights, and the repression 'as in India'. I was startled by this statement. So was Prem Kirpal who sat by me. And the face of Madame Wadia, our co-delegate, who was in the Presidium, went pale. Apparently, the Americans knew a little more about the dwindling freedoms in India than we did. We realized that the foreign press reported incidents of which, under censorship, we had no inkling from our own newspapers.

In New York I met one of my old friends, Ivan Morris, who was then President of Amnesty International. He asked me about the situation in India during a very tense lunch. On my showing ignorance of the horrors, he was appalled at lack of vigilance of the Indian intelligentsia. He told me some stories of the inquisition of prisoners in Bengal. He mentioned the framing of Sundar Rajan for writing articles for the American Press and various other suppressions. And he gave me a dossier to take home.

That night I could not sleep until the early hours of the morning, because of the terrible revulsion against myself for not finding out these things for myself for a whole year after the Emergency. I was so disturbed during the next

few days that I decided to go to Maine for a few days to brood over the facts I had got to know. Some of the Indian students in Harvard told me of awful happenings back home and confirmed the reports of the murders, tortures and harassments in Ivan Morris' dossier.

Soon, I felt something fishy going on about myself. My film *Lost Child*, which was sent at my request to be shown in New York, Washington and San Francisco, was called back by the Ministry of Information and Broadcasting two days after it arrived. We had a private showing in New York. But the film could not go to the other two places where it had been booked.

Harassment

Another experience which made me feel the indirect impact of the censorship was when I came to know of the raid on Kamla Das' house as well as on the office of Sterling Publishers, New Delhi.

Current had taken out an injunction against the poetess for publishing her autobiography, entitled 'My Story', after it had been serialised in this weekly. I was drawn into this affair by writer friends and headed the Defence Committee for Kamla Das. I wrote to Prime Minister Indira Gandhi a letter asking her to intercede on behalf of Kamla Das and have the case withdrawn, as well as an apology tendered. I told her that I had consulted eminent lawyers who had given the opinion that *Current* had no legal copyright on this book. Mrs Gandhi did not answer my letter, but I was told that the weekly had taken legal action, because Kamla Das was suspected of having said something unkind about the Prime Minister.

I went to Mr Rajni Patel, who was said to be one of the Directors of *Current* at that time. This old friend of mine, who had once listened to me lecturing to him in Cambridge, lectured to me instead, from the very first moment that I entered his study in Cuffe Castle. He seemed to wonder why I had held a Press Conference and he suggested that Mrs Indira Gandhi may not like this campaign. I had to

interrupt him as the flow of his words continued. I told him that I expected the Prime Minister to be sympathetic to Kamla Das who is a heart case. I wondered why she had not answered my appeal. I was told that my idealistic interventions seemed odd to everyone. And when I showed Mr Patel the brief text of an apology drafted by Khwaja Ahmad Abbas, he told me it was unlikely that Mr Abu Syed would agree to sign it. After thirty-five years of knowing Rajni Patel as an eminent lawyer, I must confess I was shocked by his refusal to see that the action of *Current* weekly against Kamla Das was illegal and the harassment cruel in the extreme.

One evening I went to the house of Smt Attia Hussain, a brilliant writer from Uttar Pradesh. We were both expressing our surprise that Indira Gandhi, the daughter of Jawaharlal Nehru, could connive at the indecencies of her immediate colleagues.

Soon arrived Qurut-ul-Am-Hyder. She greeted us with a solemn face. I wondered why she was so tense and dared to ask if there was anything wrong. In a matter of fact voice, obviously holding her emotions in check, she said that she had been sacked from her position as adviser to the Chairman of the Board of Film Censors. She said that she had been asked by the Ministry of Information and Broadcasting under Inder Gujral, to leave her position in the *Illustrated Weekly* where she was an assistant editor, and given a contract for three years in the Board of Film Censors. Then a few days ago she had been told on telephone, by a Secretary of the Ministry, that she was no longer adviser. She wrote to the Union Information Minister VC Shukla complaining, but there was no answer.

A few days later I myself wrote on her behalf to Prime Minister Indira Gandhi, but there was not even a word of acknowledgement from her Secretary.

Constitutional Revision

About the time when the Prime Minister Indira Gandhi began to talk of revising the Constitution, I went to see Mr MC Chagla, to discuss with him the way and means by

which a Parliament, which was one year too old, could be prevented from carrying out the changes. Mr Chagla told me that it was all very wrong and something must be done, though he was anticipating that he might be arrested anytime for the frankly critical attitude he had taken about the Emergency, and the various repressive measures adopted by the Government. This came as a shock to me. I had not quite believed that Mrs Indira Gandhi would want to put an eminent old colleague like Mr Chagla behind the bars. But then I thought of all the other erstwhile members of the Council of Ministers like Morarji Desai, whom she had imprisoned and men like Mohan Dharia whom she had suddenly sacked one fine morning.

I wrote an open letter to the Prime Minister asking for a new constituent assembly which may include the peasants, the workers, the middle entrepreneurs, businessmen and intellectuals. Apart from a monthly magazine in the Punjab, the other four or five papers to whom I sent the article advising the postponement of changes in the Constitution, did not publish this open letter. I imagined that they were frightened to do so.

Pseudo-Fascism

Then I heard of the notice to *Seminar* magazine, demanding that the copy should be submitted to the Censors before publication. Mr Ramesh Thappar preferred to close down his publication rather than submit to this humiliation.

The news of the personal intervention of the Minister of Information and Broadcasting VC Shukla in the affairs of the Film Institute in Poona, the direct orders given to Doordarshan to exclude certain people from appearance and the stoppage, for a few days, of *Indian Express* showed, clearly enough the warnings of a programmed suppression, directed by an inner circle of the Prime Minister's advisers, with the consent, and knowledge, of the Prime Minister herself.

And when she spoke in heated words against the Communists and the Jan Sangh, and her son, Sanjay Gandhi,

followed up by full blasts against 'traitors' of all kinds, it was obvious, even to those who retained a margin of doubt about the rumours that a pseudo-fascism was shaping itself in our country.

The appointment of the Swaran Singh Committee for proposals to change the Constitution, and the subsequent passing by the Congress majority in Parliament of the 42nd amendment, in spite of protests from intellectuals who were known to be her sympathizers at one time or another, confirmed for all that Mrs Indira Gandhi wished to secure herself in power at all costs.

And the grooming of her son, Sanjay, which had seemed from the first tentative gestures to be a mere indulgence by the mother of a spoilt son, now became a deliberate, vulgar, undemocratic and somewhat ridiculous effort to impose a dynastic order of succession.

And the highly organised RAW, incorporated in the Prime Minister's secretariat, was known to quite a few of us to be card-indexing all those who might be recalcitrant.

The phrase which became current, as from the extra-constitutional authority of Sanjay Gandhi's office, that 'all old uncles must go,' actualized the threat to each one of us who had been privileged to know Jawaharlal Nehru as a sagacious statesman.

When, after having arrogated to herself permanent authority through the law that the Prime Minister's election could not be questioned, Mrs Indira Gandhi suddenly announced an election, released the important detenus (though she did not lift the Emergency) one wondered whether this was a tactical action, or the genuine revival of democratic hangovers in her mind.

Why Elections ?

Speculation still goes on why she decided on an election in spite of the known advice of the chief lieutenant of the caucus, Mr Bansi Lal, not to go to the polls. Some say, the USA advised this course. Others feel that she was bluffing the people, because she presumed (as most intelligent observers

thought) that she would be elected with a reduced majority and would rule with the new sanctions given to her. The fact that she did not heed all the appeals of the intellectuals, opponents and friends alike, and refused to lift the Emergency seemed odd. All the same, the announcement was welcomed by all and sundry, even though she had given so little time to the Opposition to organize itself for the election.

In the election campaign itself, Mrs Indira Gandhi, already known as a dictator, tried to pose as a *Sevika* and a *Behn*. And she descended from the plane on every nook and corner of the country to curry favour with the electorate. The State Governments were all mobilized to render aid, in spite of the previous Allahabad High Court judgment against her for misuse of official machinery.

The son and heir was even more blatant than the mother. Heckled by audiences for his arbitrary orders to officers to carry out forced sterilizations, he boasted that he would repeat the same orders again. And when he found that neither money nor his goonda stooges were able to influence people to come to his meetings (who were crowding to hear Babu Jagjivan Ram), Sanjay Gandhi staged a bogus assault on himself, alleging that a gang from a jeep had shot at him, in order allegedly to have the election cancelled and revert back to the Emergency.

One day we shall know whether Mrs Indira Gandhi herself tried to get the President of India to cancel the election, or whether this is a mere rumour. But I have frequently asked myself why did she not lift the Emergency until she had lost the election and her party had been routed. Had she intended to do what M Bhutto (whom she congratulated on his victory in the rigged up poll) did in Pakistan? Was she also going to clamp down the Emergency herself if she had won. Did she want to meet Opposition morchas with martial law?

The revelations, beyond rumour and gossip and exaggerated opposition attack, which have now been made since Mrs Indira Gandhi's ousting from power, are disenchanting

in the extreme for those who had known her once as the meek and mild daughter of a freedom loving intellectual, who was not without faults but remained a democrat throughout. She herself has said: "My father was a statesman but I am a politician."

From the tortures of detenus, the conscious imposition of atrocious prison conditions and the calculated cruelties practised on Naxalites, the surveillance exercised through radio monitoring stations, dossiers on every minister at the Centre and the States, the ward and watch on almost every public man, the adroit use of intellectuals against each other—the record of her misdeeds is equal to that of the early Hitler. The building up of the RAW (the Research and Analysis wing in her personal secretariat), with its comprehensive network for espionage in the country, to the tune of a 100-crore rupee budget, shows her capacity for scheming equal to that of Richard Nixon—or one wonders whether she was advised by some evil genius of espionage.

The transition from the 'little gentlewoman' in Teen Murti House to the 'Great Leader' who gained control over the establishment by gradual manoeuvre until she bestrode as a colossus with the charisma of John of Arc, will remain an enigma to most people.

But this will be because most of the Indian intellectuals including myself have retained a sentimental regard for her as Nehru's daughter, and as the first woman Prime Minister in a country where women have been suppressed for centuries.

Adventure in Capitalism

Actually, in fact, Mrs Indira Gandhi seized upon an emergent sense of India's role as a 'great nation'. And, through the first phase of the country's reconstruction, she made herself the leader of a new class of would-be chauvinists who wished to build a power state on the lines of the western nation states. Her populist slogan *Garibi Hatao* was a cover for her deliberately concealed urges to bring about a hundred Jamshedpurs, several million small scale plants, and to entrench Congress landlordism into effective control of India. Maruti Nagar was a model for the kind of adventure in early capitalism on a par with Ford's Detroit.

The ousting of the 'Syndicate' from the Congress, the victory in the Bangladesh war, the 'potential dangers from inside and outside' cry, gave her the leverage necessary to climb on people's shoulders to almost unassailable leadership.

Isolated as a demure respectable Indian woman, self-absorbed and non-communicative always, she idealized her family's high status, her own 'sacrifices', and appeared as a woman-non-woman, with extraordinary concern for her status. It may be remembered that in interviews with foreign journalists about how it felt to be a 'woman Prime Minister', she brushed aside the question of being a woman, disclosing a rigidity against her feminine sensibility, pretending to be a man among men, able to cope with rough characters of her entourage like Yashpal Kapoor, Dhawan and Bansi Lal. Compartmentalizing her relations with the 'professors,' in her secretariat, with the members of the 'kitchen cabinet', and colleagues in government, she kept a fluid mind to indulge the entrepreneurs who were filling the coffers of the Congress party, knowing that they included smugglers with the worst reputations. Aggressiveness was kept behind a discreet *purdah* always, by drawing the *palla* of her sari on the forehead in public. Dependency was shown in gestures like those which she made to her son when he stood by her after the Allahabad High Court judgment, while others in the family were in a panic. On the one hand, she talked of humility before Mother Teresa; on the other, she favoured the aeroplane flying Rasputin Yogi Dhirendra, with his several telephones and a highly organized ashram. Always she was pragmatic, to the point of suppressing her psychological sensitivity in projecting the self image of a politician who could deliver the goods. Afraid of her own aggressiveness, she often burst out in tirades. She accused the Opposition for wanting to do what she herself was doing. The repressions in her nature were always subdued behind the dynamic self-image of a masculine doer, often without the tentativeness or negativity of the woman being allowed to show through. She must have been pleased with Hussain's portrayal of her as Durga and Mahesh Mardini, the passive benign female deity, transformed into the symbol of violence and retribution against evil.

It is only by understanding the various disingenuous masks of Mrs Indira Gandhi, that we can understand her alliance with men and women of the new class of 'national-socialist' occupiers of the vacant spaces of our country, in search of the 'gains of victory' of the bourgeois democracy.

And it is in this way that we can see the seemingly sudden rise of her pseudo-fascist order, which nearly destroyed all the fundamental liberties in less than two years.

Subservience of Intelligentsia

But, correspondingly, we have also to understand the intelligentsia, which, except for a few exceptions who questioned the usurpations, the suppressions and repressions, more or less accepted the suffocating new order.

Enslaved for centuries, and surviving under one-man feudal rule, as well as in British India by servile *Mai-Bapism* before the rulers, the nobility, the gentry, have survived by acceptance of tyranny, of Ram Rajya-one man rule or Viceroyalty, through essential resignation to that part-time tenancy on earth allowed by *karma*. The sanctions of *dharma* still apply to those who want progress towards democracy. The opting out of the individual from the politics of any given period, or defrauding the ruler by lending him money, or by bribing him, or by sycophancy, has become an emergent characteristic in every Indian, specially of the upper hierarchies. Our very conversational speech is couched in terms of Mughal court flattery. And our subservience, parading itself as a kind of intrinsic tolerance, allowed Mrs Indira Gandhi and her 'caucus' the licence to abolish some important fundamental rights, including the powers of the executive, the judiciary, and Parliament itself—not to speak of the complete exclusion of the people from a constitution made in their name.

The equivocations by which Mrs Indira Gandhi invoked the blessings of orthodoxy in a message in favour of 'discipline' from Vinoba Bhave, and yet talked of saving democracy, could pass muster with the bulk of the intelligentsia only because it still posits its faith in patriarchal ethical injunctions, in a society which accepts the great father big benign god as part of the democratic process.

The truth is that the intellectuals, still largely rooted in *Dharma*, with its ancillaries in caste, subjection of women, and the primacy of a Brahmanical order, wish to retain their superior status. Thus they could tolerate the torture of the Naxalites, for instance, because the Communists who profess violence are supposed to be a class of untouchables, who cannot follow the aspiration towards our 'national ethos' of non-violence.

Curiously, even some of the Dalit panthers, who had begun by revolting against the neo-Brahmanism of the rulers, the bureaucracy and the gerontocracy, gave their assent to Mrs Indira Gandhi.

And the Communist Party of India, with their slogans of basic human dignity of the working people and peasants, supported the 'great leader' even though she left no doubt in anyone's mind that she had utter contempt for them. The CPI in Kerala even connived at the tortures of the young student, Rajan, at the hands of Home Minister Karunakaran's police.

As for the university intellectuals, the loaves and fishes of eminent professorships for the old generation, and the fear of losing their positions for the new young PhD's, makes them conform to benign supervision. They feel honoured in honouring the *Babus* of politics with honorary degrees.

The philosophers, having mostly allied themselves with the Advaita and its roots in Sanskrit culture, give their assent to transcendental egoism while paying lip service to Raja Ram Mohan Roy, Rabindra Nath Tagore and Swami Dayanand Saraswati. The commentaries on the *Gita* multiply and the choice of Krishna for Arjuna, 'you ought to fight because you ought to fight' is recommended, in spite of the lapse of the sanctions of the supreme God who uttered the injunction several centuries ago.

The litterateurs draw upon the example of TS Eliot who said that not even the highest individual talent can create any worthwhile writing without going back to tradition.

So that the hero must be capable of standing on one leg for *tapasya* is the very essence of Indianness. The benevolent authority of the miracle-maker, Sai Baba, is accepted by eminent thinkers, because the authority of a 'lost father' can be invoked in the chaos of the modern world pulling the intelligentsia towards the mighty dollar on the one hand and the quest for 'spirituality', which comes from the wish to opt out of the cash-nexus society, on the other.

The Indian individualist intellectual is a lonely person. Essentially, he is alienated from the family, the caste, the class and the organized political parties. Ostracized in his own country, rejected by the West as a 'wog', he is also cut off from his future and lives in a void. Through the breakdown of tradition, unable to accept the shell of ritual, even as he is unable to afford the luxury of genuine Western education, he remains imprisoned within his own sensibility.

The surrender of individual freedom by the intellectual is often from obsessive preoccupation with his own security.

This kind of egoism will always fall easy prey to the modern dictator as it made poets crawl before the Emperors, Rajas and Nawabs, Brahmins, bureaucrats and baboon politicians.

Role of Intellectuals During and After Emergency

Dr Arun Shourie

I will be talking about three questions : first, what did intellectuals learn about themselves during the Emergency ? Second, what role do intellectuals have in the new situation ? And, third, how should we equip ourselves for this role ?

The Emergency was a traumatic experience for almost all of us and among the many other things it did, it enabled us to, or it forced us to, look at ourselves—as if in a mirror. I would presume that almost all of us felt a great deal in our own self-esteem.

We learnt three things about ourselves and I am afraid none of them was at all flattering. First, we learnt that we lacked even the most elementary courage. We collapsed without struggle in the face of the mildest possible dictatorship. I am well aware that there were many excesses ; I am well aware of the tortures and of the sufferings of a very large number of people and it is not out of an ignorance of these facts, but after a diligent searching and sifting of them that I have characterized the 19 months of dictatorship as the mildest possible dictatorship, compared to what a Djilas or a Solzhenitsyn had to put up with, and compared to what may well be in store for us a few years from now. No other characterization of these 19 months is defensible.

And yet we subsided like froth.

The second thing we learnt was that the few among us who picked up courage soon found out that they were almost totally ineffective.

In retrospect, the reason for this ineffectiveness is not far to seek. Almost seven long decades ago, in 1908, when Gandhiji was commenting upon the state of the Indian intelligentsia, he wrote one sentence in *Hind Swaraj*, which will exactly tell you why we were so ineffective during the Emergency. He said at that time that "those in whose name we speak we know not and they do not know us." In other words, the intelligentsia now as then was completely isolated from the people. In fact, in our case we were isolated from each other ; we were isolated from organizations that reached out to the people and, of course, we were completely isolated from the people themselves. We were just decorative switches on the wall with no wires at the back. Hence even those who picked up courage were not able to have an impact. Now, I am not suggesting by any means that the affirmation of the truth is not important. It is very important and those who affirmed the truth took risk and performed a signal task. But it is never enough and it was not enough when we look back at the 19 months of the Emergency.

The third thing we learnt was about our 'conceited cliquishness', our valuable contempt for each other, and this is the thing that was most galling to me personally : it is precisely the thing about intellectuals which did not change during the Emergency. Sometime ago, Nirad Chaudhuri said that we had taken to *nishkama irshya*, to disinterested envy. And I always thought that this valuable contempt that we have for each other and which we express unremittingly, was a reflection of *nishkama irshya*. But these 19 months taught me that this was not a sufficiently strong expression. This contempt for others is really just a reflection of self-contempt. We are lofty in word, but mercenaries and careerists in deed. We hurl this self-contempt at others. We know ourselves and we, therefore, can never believe that anybody else can be standing up for a principle,

that he can be standing up out of just plain honesty. And this was the case during the Emergency. Intellectuals just refused to acknowledge the courage and honesty of those few among them who were standing up, never believing that, just because they were not standing up for a principle, somebody else would be standing up for a principle.

Now you will agree that this is not a satisfactory state of affairs—even from the point of view of the psychological and mental health of the intellectuals themselves. For, if we persist with these features it can only result in evergrowing frustration and evergrowing alienation from our people and from our society.

Conception of Role

The first step to rectify this state of affairs is to have a completely different conception of an intellectual's role. And this is what brings me to the second question : what is the intellectual's role in the new situation ?

Well, it is not very different from what it should have been in the old situation. Our role is to summarize for the masses the experience of the masses. Thus, our role is not to excel in our little specializations ; it is not to peddle suggestions to the rulers, it is, as I said, to summarize for the masses the experience of the masses.

I am led to put this matter thus by reflecting on the lives and teachings of men like Gandhiji and Mao—men who brought about major transformations in their societies. I am led to this formulation also by the large volume of the theory that exists on the subject, and, most of all, I am led to it by reflecting on the thirty years of our recent history.

Let me spell out a few lessons from this history, for then you will see the justification for my saying that the role of the intellectuals is to summarize for the masses their own experience.

These thirty years teach us, first, that the system cannot be, as the phrase goes, 'reformed from within'. It is futile to

hope that something will come from our peddling suggestions to our rulers. The sad fate of many intellectuals testifies to the fact that it is futile to keep peddling suggestions to the rulers and hoping that things will change because of that.

The second thing that the last thirty years teach us is that it is impossible to transform the system by mere cleverness. All the lofties among the intellectuals who thought that they could change the state of affairs by smuggling in a few progressive passages into our Plan documents have all been dealt with in time.

Thirdly, the last thirty years teach us that one cannot get very far by reforming at least one part of the system by marginalism! This is a common illusion. However good the embroidery that I am doing on my corner of the cloth, it will not survive if the entire cloth is on fire. So our primary duty must be—and the only way for us to be effective is—to focus on the entire system.

Fourthly, we have also learnt that it is not possible to make a ruling class change direction merely by frightening it that unless it does so, it will be in for a big trouble. People do not generally commit suicide out of the fear of eventual death.

I have listed four negative lessons of this period. The positive lesson that is implicit in them is that at each stage the weak, the exploited, are the engine of change. And so if we want to participate in this process of change, we must work with them. And, mind you, the exploited, the weak, are not abstractions. They are human beings who are prompted to act not by abstract doctrines but by practical necessity. This is what Gandhiji meant when he said, for example, that "God appears to the poor men in the form of bread." The principal teacher of the masses is their daily living experience, the struggles they participate in the stern but steeling school of labour. Therefore, working with them does not mean peddling abstract doctrines to them, it means summarizing their daily, living experience for them.

Now it may be asked that if the weak, the dispossessed, the exploited, the masses, are the agent of change and if their only school is their daily living experience, then what is there for the intellectuals to do? After all, from this assertion it might well follow that change will come when the masses are ready. What can we do to help?

The fact of the matter is that the development of the masses, of the poor, of the workers and peasants, is often uneven. It is almost invariably uneven. Their ability to perceive the meaning, the import, of their experience often lags behind their experience itself. This retarded or lagging self-awareness is the brake that intellectuals can help loosen.

I will give just one or two examples of how we can play this role. Consider first that every ruling class keeps the generality of the people down not just by overt domination by the apparatus of the State. It keeps them down primarily by exercising what has been called hegemony. That is, by making them internalize into their own minds notions which will keep them from acting against this system as a whole. I believe, for example, that the Indian philosophic and religious tradition is one of the best articulated hegemonic systems that one comes across in history. Now, one of the roles of the intellectuals, a role for which they are well equipped by their training, is to expose to the masses the true nature of such an hegemonic system.

Agent of Change

Why is it that we fail to perceive the role of intellectuals in the form in which I have just spelled out?

The first reason is that we have a misunderstanding, an erroneous understanding, of the nature of change. We feel that only rulers can bring it about when, as I have argued, it is the people who are the principal agents of change.

The second reason is that if we really follow the doctrine that our principal role is to summarize for the masses their own experience, this is very uncomfortable for us. It is so

much easier to go on spinning out articles on monetary economics or on some aspects of public finance, or to keep peddling our little suggestions and chits to Ministers and to Secretaries rather than to be actually working with the masses.

The third reason is that we use the word 'intellectual' habitually in such a way as to include professors of monetary economics or journalists. It is my firm belief that men like Gandhiji—men who spent all their lives in actual struggles with the masses, men who spent their time thinking about the whole process and in summarizing the experience for the masses—are the true intellectuals and, as has been correctly said in the case of one of them, they advanced philosophy by succeeding in practice.

We have only to put the matter thus to see how far what we are doing is from what we should be doing. I believe that to perform the correct role, the legitimate role, the only defensible role, intellectuals will have to step out of their skin.

We have seen that what the intellectuals saw of themselves in the mirror of the Emergency, could not but have lowered them a great deal in their self-esteem.

As for the role that I think is the only defensible, the only legitimate role for intellectuals, my basic point is a very straightforward one—in fact, it is oft-repeated. The point is that we must ally with the masses; we must turn our face away from fellow specialists in our disciplines; we must stop addressing the rules; the masses should be the subject of our work; they must be our audience; they must be our teachers.

"I will offer you a talisman," said Gandhiji with his customary directness. "Recall the face of the poorest and the most helpless man whom you may have seen and ask yourself whether the step you contemplate to take is going to be of any use to him. Will he be able to gain anything by it? Will it restore to him a control over his own life and destiny? In other words, will it lead to Swaraj, or self-rule, for the

hungry and spiritually starved millions of our countrymen ? Then you will find your doubts and yourself melting away.”

Implications of the Talisman

Let us spell out the implications of the talisman for our conduct as intellectuals.

The first implication is that we must be citizens first and specialists or professionals afterwards. Unless socially relevant action is at all times our overwhelming concern, we cannot even begin to perform the role that we should play.

The second implication is that we must change our attitude even to purely intellectual work. Thus, for instance, when confronted by a misguided philosophy, our object in combating it must not be mere academic disputation, rather our object should be of removing a hindrance to emancipation. Thus, to press the illustration, if we are studying some of the Indian schools of philosophy, our object in commenting upon them should not be to win academic points purely within “the realm of ideas.” Our objective should be to show how the doctrine of a school enters or reinforces the world view of our people and how it helps or hinders their future emancipation.

The third implication is that we must always focus on the whole and not on the parts. And in doing so we must be audacious. Looking at the matter purely within the realm of ideas, this is one of the principal differences between run-of-the-mill academics and revolutionary intellectuals like Gandhiji. While the academics, the technologists, the so-called ‘practical men’, take the overall situation as given and devote themselves to narrow technical tasks, the revolutionary thinker devotes himself to changing the overall context itself. While the academics are preoccupied with controversies within their professions, transforming the state of affairs is the conscious object of the thought of a person like Gandhiji.

It follows from this that the subjects we work on must be those that will help the weak, the workers, the peasants, understand their strengths and weaknesses, which will enable

them to interpret their situation correctly—in other words, those who help the weak liberate themselves.

I need hardly say that our current preoccupations are far from what is implied by these maxims. How many of our economists would have written articles and given speeches arguing that the needs of the masses must be made the starting point and the focus of our planning? And how many of them have made the needs of the masses the starting point and the focus of their own work?

Language of the Masses

Now if our task is to summarize the experience of the masses for them, if they are to be our teachers and if they are to be our audience, it is obvious that we must learn their language—not just in the sense of the mother tongue etc, but in the sense of their mode of expression—the language that one can acquire only, as a great playwright has said, by ‘watching the mouth’ of the people. It most certainly implies that we must learn to put across our results in the media through which the workers and peasants absorb information and impressions.

Passion is an essential chemical in all this. Mere intellectual dissatisfaction with the existing state of affairs, unless it is accompanied by a warmth and a passion for the alternative world, will always end in mere hopelessness, railing and wailing against what is; we will shrink back from the struggles, which alone will produce the new world; or, noticing that the new is not perfect (as it can never be) we will lose heart and take to railing and wailing again instead of prosecuting the new struggles that the new situation demands.

I have argued thus that we must adopt the point of view of the masses, that to do so we have to learn from and then teach the masses. Now all this is possible only if we actually participate in mass movements. After all, one cannot comprehend mass struggles, to say nothing of influencing them, by gesticulating from the sidelines. I can go on drawing out inferences. Our current practice is so far removed from

what we should be doing that the list of such inferences can be made very, very long indeed.

Greater Difficulties Ahead

But instead of adding to this list of desirables, I would like to draw attention to the context in which we will have to be functioning in the coming years. This context, the circumstances in which we will have to function and perform the sort of role that we have been discussing in these circumstances, will become more and more difficult in the coming years. I believe that the current phase of freedom is an interregnum between the 19 months of terror, and what could be a much longer period of much greater difficulties and a period that could last much longer. Because of the co-existence of different modes of production during the last three decades, members of our class (for example those who man the State apparatus, intellectuals and others) had a degree of autonomy which enabled them to manoeuvre and manipulate over a fairly wide terrain. Our ability to manoeuvre and manipulate will be much less in the future.

The contradictions within this system have prevented adequate change for over a decade. The Emergency gave us a glimpse of the manner in which this stalemate is likely to be broken. The unexpected restoration of freedom should not blind us to the underlying shift in the balance between different classes. The landed interests who since independence had been acquiring control of organizations of the Congress and a few other parties and by the late 1960s had captured these upto the State level, have now made a spectacular thrust upto the national level. They and the owners of industry are now poised to use the State apparatus openly and audaciously for their own purposes. And they shall do so in collaboration with foreign capital. Industrial and agricultural labour cannot but be sat upon in this process. And that must inevitably entail curbs on the freedoms of speech, organization, etc.

Possibilities for influencing the course of events will, of course, always seem to be around the corner. But they will chiefly be hallucinations.

They will crop up from time to time. They will be earnestly considered and vigorously debated. Some steps will actually be taken towards translating them into reality. But before the decisive steps are taken, contrary tendencies will appear and force compromises which will leave things more or less as they were.

As the vice closes in, the scope for doing merely good deeds will become less and less. Even today, those who have been hoping that whatever happens to the overall system, they will do their bit by doing good to at least a few—these gentle and good people are already finding that they have to face greater and greater difficulties for doing good. In fact, today even to do some limited good, one has to use one's family, social and other connections. And these good deeds are in any case mere trifles in comparison with the inexorability of the general drift.

Moreover, I believe as the vice closes in, the capitulation, the compromises that are necessary to do our little good deeds will entail ever greater humiliation and an ever increasing psychological price.

Thus, on the one hand the role that we must play—the only legitimate, defensible role—is very different from our current conduct, from our current preoccupations, and this new role requires that we literally step out of our skin. On the other hand, the risks and costs of doing so will be more and more difficult in the coming years. We will have to choose sides. And this is what will entail risks and costs. As the great Faiz has said :

“I see no other way out for intellectuals. If they persist in their present ways they will be in for ever increasing frustration and alienation. And they will end up projecting their frustrations on to the country itself. I am afraid many of us have already got into this habit—knowing that we will not change, that we will not do anything. We go around as if nothing will ever change, as if nothing will ever get done in our country.”

I will end with just three words. The Buddhists, I understand, give but three words of advice to the new aspirant.

These words are appropriate for our intellectuals who are now faced with a difficult task of transforming themselves completely. These three words are BEGIN AND PERSEVERE.

I commend these three words because the only touchstone by which our intellectuals will be judged and the only way by which they can redeem their self-respect is by actually altering their practice. Even introspection and self-criticism are valuable only to the extent to which they actually lead us to alter our practice.

Indian intellectuals are an articulate lot. In fact, articulation in our case has been a substitute for action. It would be a great misfortune—most of all for ourselves—if now self-laceration joins articulation to produce a reinforced substitute for action and for actually altering our practice.

6

Neither Conformism Nor Martyrdom

Abu Abraham

I claim no heroism and let no one recommend me for a Tamra Patra. Anything that I did in the Great Emergency was in the course of my normal work as a journalist—and as a member of the Rajya Sabha.

I noticed in the *Mathrubhoomi* of Calicut sometimes back a reference to me as one who was put in prison. Well, thanks for the compliment but I had not such luck. Actually there is much to be said for not letting some idiot bash you up in a stinking old cell. And if you remember what happened to Rajan of Calicut, you can die a horrible death even without heroism.

True heroes should be honoured, as also innocent martyrs like Rajan. In my own profession, I can think of very few heroes. One is Mr Narasimhan, who was my editor at the *Indian Express* during a very difficult period of the Emergency. A man of strong liberal convictions, his basic simplicity and innocence gave him unusual courage. He could not see why anyone should object to honest and fair criticism of a government which was so obviously misbehaving.

Another hero is Edatata Narayanan, managing director of *Patriot*, the pro-CPI daily, who refused to print news about Sanjay Gandhi for the simple reason that he could not see

what political standing he had apart from being the Prime Minister's son. *Patriot* suffered for this policy (advertisements were cancelled on the orders of the caucus) but he stuck to it. No one has so far mentioned his name in the context of Emergency heroism because, I suspect, he was with the CPI, which gave a good deal of support to the Congress government.

One other person to whom I would like to give a medal is Khushwant Singh, editor of the *Illustrated Weekly*, but for entirely different reasons. He was, I think, mistaken in his assessment of certain people and sometimes too effusive in his praise, but he has bravely refused to join the chorus of denunciation and has not joined the New Sycophancy.

We are now witnessing the emergence of a breed of after-thought heroes whose pre-dated adventures are being recounted daily. There are the I-told-you-so heroes. Those who always hated Mrs Gandhi can now say that they were always right. Women-haters, Nehru-baiters, reactionaries, anti-Russians, even anti-birth control people can all claim to be heroes.

In my case, I was none of these. I have been an admirer of Indira Gandhi for many years, both when it was fashionable to be one and when it was not.

Let me begin at the beginning. In 1969, when I returned from a long stay in London to take up a job as cartoonist of the *Indian Express*, it was the time of the Great Congress Split. While the paper took a pro-Syndicate stand (with Frank Moraes as editor) I took an anti-Syndicate position. But occasionally I also did a cartoon critical of Mrs Gandhi, as when I showed her riding a tiger ("There was a lady of Riga"...etc). On such occasions I used to be reprimanded by my "progressive" friends who would say "you are pandering to your proprietor, you must support the progressive forces."

Then in 1972 I was nominated to the Rajya Sabha by Mrs Gandhi—who else?—whose originality, if nothing else, ought to be admired. The same progressives started saying

that I was getting tame because I had joined the Establishment. When the Emergency came, and I was commenting critically of it, they said : "Well, because you are a member of the Rajya Sabha you're able to get away with it." And thus it has gone on. It is very difficult to get credit for anything in this profession. Your honesty is always suspect, whatever you do.

The Emergency was unexpected and it came as a shock. But the next day I went to the *Indian Express* office in Madras (I was there on holiday) and did a cartoon on the censorship. It appeared and so did a number of others, until I was told to submit all cartoons to the censor. During the 19 months, there were two periods when I was forced to submit my cartoons. Each time, after a few silly attempts to get past the bureaucratic machinery, I stopped altogether and took to illustrating letters and writing articles. For the rest of the time I carried on as if I had full freedom. (These drawings and some satirical articles will soon appear as a book).

Despite some of its evil manifestations (censorship, for instance, and the large scale arrests) I could see after the first few weeks that the Emergency was beginning to show some desirable effects and had considerable support from people in general, especially in the South. In Kerala the absence of strikes, and the normal functioning of schools and colleges, were seen as real gains. During the months before the Emergency I was greatly influenced by the overthrow of Allende in Chile. On August 14 1975 there was the coup in Bangladesh. One can ignore these things now, but I could not do so then. Therefore, to the extent that I was against the chaos that preceded the Emergency (my cartoons on the JP movement were mostly critical), I felt that the "strong medicine" (the phrase used by Mrs Gandhi) was probably working. But strong medicines, as I said later in Parliament and also in Sukhdev's documentary film, *The Sound of Thunder*, should only be for a short period. The Emergency should have ended in December 1975. If Mrs Gandhi had held elections in, say, February 1976, she would have, I think, won easily. When it went on longer, the inevitable corruption of power happened.

The Chandigarh session of Congress at the end of 1975 was my first experience of the vulgarity that was later to become a more and more pronounced feature of the Emergency. The Sanjay Factor began in Chandigarh, and was assiduously built up from then onwards by the Punjab-Haryana mafia and the money-bags. It now appears that the Americans too played a prominent part in building up and using Sanjay. Authoritarianism received the support of big money. From that time onwards it was clear that the Emergency would only deteriorate. I think my cartoons show my dissatisfaction with the Emergency. I also spoke critically of it in the Rajya Sabha. To quote my speeches on the Emergency, the Objectionable Matter Bill, the extension of the life of the Lok Sabha and other matters like censorship will take too much space.

Parliament is a place where one tries to influence opinion. It is not a place for demonstration. I was, as a nominated member, under no obligation to toe the Government line though certain conventions had to be observed. I have abstained on a number of occasions, including during the vote on the Emergency (mine was one of only two yellow lights in a sea of green). I have also sometimes voted against the Government as, for instance, on the Press Objectionable Matter Bill. However, I must admit that on the constitutional amendments I went along with the Government, although only after expressing my reservations in each case.

I also did not oppose the second extension of the Lok Sabha, though I strongly pleaded for early elections because, as I said then, the Emergency was deteriorating and various groups were misusing the powers given under it. I had, at that time, reliable information that elections were being planned for early 1977. Besides, I was always convinced that Mrs Gandhi would hold elections. As it happened, the cynics who used to mock me were proved wrong. I understand that sometime earlier Jayaprakash Narayan had received a firm personal assurance from Mrs Gandhi that elections would be held in 1977.

During all these 19 months I never lost faith in the people. Cynicism is an easy way of avoiding commitment. I felt deep

inside me that democratic ideas had taken root in India. All my personal experience in the last few years had confirmed my faith. Therefore I never gave much chance for a totalitarian regime to continue for a long time. For this reason I also took issue with foreign critics for their pessimism and ignorance. In two articles early in 1976—in the *Guardian* and in *Tribune* of London—I questioned the credentials of some of the Western commentators. When they were not patronising, they were malicious. We have had long experience of this. Some people took these articles as a defence of the Emergency, which they were not. Well-informed criticism abroad would have helped us, but instead we were made pawns in a renewed cold war. Ironically, when the foreign Press began to find virtues in the Emergency, everyone here had got sick of it.

Thus you see that I have been a critic of Congress and Mrs Gandhi but not an opponent. I don't think it has mattered much to history what position I have taken on issues, but it has mattered to me a lot that whatever mistakes of judgment I may have made I said honestly what I felt at the time. There was no material gain to be had. I would not change a word from anything I wrote during the Emergency, nor a line from anything I drew. I have never belonged to a party organization, though I have been a very political social democrat throughout my adult life. I shall continue to maintain some detachment from party politics. If the Janata Party harasses the President, I shall again draw him in the bath, signing ordinances.

As you see, my virtues are mostly negative. I am glad I have never had anything to do with Sanjay, though there was much pressure put on me to interview him. The only time I ever saw his face was when we happened to be travelling in the same plane from Hyderabad once. God is great, as the editor of a magazine found when two features planned on Sanjay and Yunus did not materialize and then the elections were announced.

To the question : "What did you do in the Great Emergency ?" my simple answer is : I remained myself.

And that's good enough for me.

Economic Causes and Consequences of Emergency

Balraj Mehta

Much has been written about the traumatic experience of the Emergency—its origin, its operation, its “gains” and the terrible losses it inflicted and the excesses committed under it on the people and the country. But this has been done, by and large, within the limited frame of what is called “political analysis” garnished by what may be called the “human interest” angle to it. What is offered along these lines tends to be superficial and generally ends up by merely passing a self-righteous judgment against one person or a group of persons who attempted to subvert Indian democracy for personal gain or dynastic ambition ; which the people of India succeeded in frustrating by their vote in the fateful general elections of March 1977. This is hardly an adequate or satisfactory treatment of a major and significant, though brief in historical terms, phase in modern Indian history. It does not explain how one person, Mrs Indira Gandhi or her son, and a group of persons surrounding her or him found it so easy to manipulate parties and politics and the entire State apparatus to achieve their despicable ends. A deeper probe of the economic, social and political forces and processes at work in the system which ultimately led to the proclamation of the Emergency in June 1975 and the caucus role is yet to be attempted.

Since economic objectives were cited as the principal justification of Emergency, a study of the economic developments preceding it and economic "achievements" following it would be particularly rewarding.

Economic Stagnation and Decline

Having achieved an annual growth rate of 8 to 10 per cent in industrial production and of employment in organized industry of 6 per cent, during the decade between 1955 and 1965, industrial economy of the country became stagnant. Farm production, however, made a limited headway after a new agricultural strategy was launched. This cushioned somewhat the negative impact of the general slow-down of economic development. The new agricultural strategy, which placed exclusive reliance on a small upper crust of the peasantry for a breakthrough in agriculture, by virtue of its very nature, lost its momentum and effectiveness within a few years. The cushion provided by it was eroded and the vulnerability of the economy was exposed. The strains and distortions flowing from populist policies inspired by the *garibi hatao* slogan, which had won handsome electoral gains for Mrs Gandhi, then began sharply to surface and soon assumed menacing proportions.

The first approach to the Fifth Five Year Plan prepared towards the end of 1971, after the massive electoral victory of Mrs Gandhi earlier in the year, had copiously spoken of surpluses in the economy adequate for both growth and social justice. This was the time when *garibi hatao* euphoria was at its height. With Mrs Gandhi herself holding the Finance Portfolio after ousting Morarji Desai from the Cabinet, there began a series of "crash" programmes of employment generation, subsidies of various kinds, relief works, tax exemptions and incentives and a scramble for early credit from the nationalized banks.

But it was soon found that there was really no worthwhile outcome of all this hectic activity. Contrary to the false and facile promise of *garibi hatao*, there was a further

and sharp deterioration in the conditions of life of the mass of the people and greater disparities between the rich and the poor. The resources recklessly spent with an eye on narrow political gains (a marked feature of Mrs Gandhi's economic management during election times, including those held in 1977) were cornered by the politically influential groups and the economically powerful vested interests. The facile belief that there were abundant resources in the economy to squander, gave way to panicky cries of non-availability of resources for any kind of planned development. Starved of investment, the economy inexorably moved towards crisis of shortages of basic and essential goods and severe inflation.

The suggestion of a plan holiday was always indignantly rejected by Mrs Gandhi. But what a travesty of planning it was when overall investment even in money terms tended to remain stagnant. It was sharply declining in real terms year after year under her rule. It was claimed that even if it was not possible to maintain aggregate development outlay, everything was being done to safeguard the so-called "core sector." But the fact is that projects in the core sector were also abandoned or postponed one after another.

From Populism to Authoritarianism

The entire exercise in "updating" the Fifth Plan draft in these conditions, for instance, degenerated into scaling down the targets for all essential and basic goods and services.

If slips in the plan implementation upto the closing stages of the Fourth Plan had resulted in putting off the national targets of per capita incomes set in for the sixties by about five years, the situation in 1974 came to such a pass that these targets as well as the targets for other crucial areas were pushed back by 10 to 15 years compared to the original time schedule. This is what made for panic as well as desperation and started driving the political leadership to greater and greater stubbornness and authoritarianism in running the affairs of the country. Since it had no more

resources to play with, it tended to maintain its position more by authoritarian methods and means rather than through promise of economic and social betterment of the people.

It was no accident that at about this time organs of control and repression began to claim priority in allocation of resources at the cost of social and economic development. It was revealing, for instance, that a high official of the Home Ministry in his evidence before the Public Accounts Committee of Parliament in 1974, strongly argued that "there has been a demand from the States that certain major aspects of police development have been hitherto neglected due to paucity of funds, and this paucity of funds was due to the fact that this is a non-plan subject and therefore in future at least some of the major police development items should be included in the plan." The Home Minister told the Committee that he was in touch with the Planning Commission in this connection and there was strong support for this idea.

This was the state of mind of the government in 1974—a year before the Emergency was clamped. If in the sixties the wars with China and Pakistan had resulted in a major diversion of resources from development to defence, the seventies saw priority for police and organs of repression over social and economic services in the allocation of resources. This was not just drift towards non-planning, it amounted to perversion of the very concept and meaning of planning. This provides a good insight into the drift towards the proclamation of the Emergency.

Implications of Anti-Inflationary Drive

It was in the third quarter of 1974, after breaking the railway strike with an iron hand, that the great fight against raging inflation was launched by Mrs Gandhi's government and has since been claimed as a great "gain of the emergency." With the public platform flourish in which leaders of India's ruling circles are so proficient, the then Finance Minister in Mrs Gandhi's cabinet, Mr Y B Chavan, declared that "there are no soft options before us." Accordingly, wages and D A were impounded, a compulsory

deposit scheme was launched and credit squeeze was proclaimed. It was argued that this would result in curbing current consumption and thus a better balance between demand and supply would emerge to ease inflationary pressures. But this was a totally distorted interpretation of the nature and substance of the economic crisis into which the country had been led.

Is it at all desirable, for instance, to balance the demand for food with its availability by forcing sufficient numbers to starve and reducing their incomes to a level which will bar their access to the market? But this was precisely the cruel logic of the anti-inflationary drive launched in 1974. Its aftermath is still being felt even when supply of foodgrains has improved. There is at present a large buffer stock of foodgrains. But enough purchasing power has not been left in the hands of large numbers of people to satisfy even their minimum consumption requirements of food.

It was ridiculous to suggest in 1974, as it would be now as well, that the Indian economy was overheated and required measures somehow to depress demand in it. The fact, on the contrary, was that the economy had been stagnant for nearly a decade during which acute shortages of most essential goods and services had developed, growth of employment had lagged far behind the growth of labour force and nearly one-half of the population had been pushed below the poverty line of Rs 40 per month per capita in 1961 prices. The problem, therefore, was not of excess demand facing the economy, except for what emanated from a very thin top stratum for certain selective types of goods and services, but of extreme shortages on the supply side. The sharp strains in the economy were to be attributed directly to the failure of public authority to manage available supplies in a meaningful and equitable way which would have helped to promote investment and enlarge the supplies in course of time.

It was also grotesque, to say the least, that while large cuts were made in plan outlays for the most essential development and public welfare programmes for want of investible

resources, the funds expected to be saved by curbs on wage and DA and compulsory deposits, which were the high water marks of the government's anti-inflationary drive, were only frozen and not put to productive use. This only implied that after a short break, the impounded funds would go to swell the pent-up demand for current consumption even while productive capacity would not grow. This is precisely the problem that the successor Janata government is now having to face.

It was noteworthy also that while curbs were placed on dividend distribution in order to soften the resistance of the working people to wage and DA curbs, the private sector was allowed to make use of the retained surpluses for its operations. This was the first indication of a swing, which was later to assume major dimensions during the Emergency, towards greater reliance on the private sector rather than on the public sector for mopping up savings and channelling them into economic activity. This underlined the fact that Mrs Gandhi's government was relinquishing its prime responsibility as an agent of economic growth.

By 1974, the government of Mrs Indira Gandhi had become so helpless in the performance of its development role that its loud claims of stabilizing economy were hardly to be taken seriously. This is exactly how matters turned out to be. After a brief respite from rising prices as a result of its ruthless attack on working peoples' earnings and living standards, the prices again began their upward march early in 1976. But, in this process, the viability of the domestic market was sharply eroded and shattered and even the wholly inadequate established productive capacity, measured in terms of the needs of the population, was driven into a situation of demand recession.

Illusory Gains

The Emergency was proclaimed in the midst of this multi-dimensional economic crisis growing in intensity from day to day. But a major plan of the propaganda machine set in.

motion by the Emergency regime was the "economic gains" of the Emergency. What exactly were these "gains?"

Among the major "gains" claimed for the Emergency was control over prices. It is even now suggested by some, including the former Prime Minister, that the erosion of discipline after the lifting of the Emergency has resulted in prices rising again. The very idea that administrative regulation governs the economic process in a simplistic fashion, as is implied in these claims, is extremely naive. What is needed is to seriously and objectively examine the economic situation, during and after the Emergency, to assess the content and the directions of official economic policy and management and their long-term implications and significance. So far as the behaviour of prices is concerned, the claims on behalf of the Emergency are, of course, a downright lie.

The anti-inflationary measures taken in the third quarter of 1974 had worn out in efficacy by March 1976 when Emergency was still very much in force. The prices had steadily risen in the next 13 months of the Emergency by well over 10 per cent.

What then were the economic "gains" of the Emergency? The question of adopting harsh options has always figured in discussions and debates over economic policy alternatives. There is no doubt that the Emergency provided scope for wide ranging initiatives and innovations, overcoming long-established rigidities in economic policy and management—as in many other functions of the government. But harsh options, by their very nature, must hurt. The question is whom do they hurt. A clue to and a definition of the response of the government to the challenging tasks it set about to tackle in the conditions of Emergency have to be found in the measures taken by it in the period of the Emergency.

This was not possible by getting bogged down in 20 or more points which were invoked as a *mantra* for every problem. On the contrary, an objective study of the 20-point programme showed that, in contrast to the heady days of populism and *garibi hatao*, its most notable feature was

avoidance of flamboyant posturing. There were a few concessions to populism in it but its principal appeal was clearly addressed to what might be called the "viable" strata in the economic structure. It was not fortuitous that the Prime Minister should have considered it necessary to make a special broadcast to the nation, the very first after the declaration of the Emergency, and before the 20-point programme was outlined, to give the assurance that any further nationalization of industries was ruled out and the economic controls would be relaxed. This was widely appreciated by industry and trade and the first to hail the economic measures after the Emergency was the Federation of Indian Chambers of Commerce and Industry which characterized them as "a sensitive and realistic programme of action which must be supported by all reasonable sections of the public."

Rich Dividends to the Rich

It was, however, the budget for 1976-77 which outlined more fully and comprehensively the new orientation of government's "pragmatic" economic policy. The lowering of income and wealth tax rates and revival of development rebate in the new form of investment allowance were claimed to have raised the rate of domestic savings and investment in the private sector and helped private companies generate internal sources for expansion and modernization. The problem of demand recession resulted in the grant of substantial excise relief on many items. The "modern" spirit of the budget was hailed by even such bitter a critic of the government as Mr Palkhiwala who estimated that tax-payers numbering a few millions would be allowed to retain as much as Rs 205 crores in 1976-77 which they would be free to "spend or invest." The odium of luxury items for elitist consumption attached to cars, air-conditioners, TV and the like was removed in the process. Subsequently, the decision to cut minimum bonus for the workers, generous financial assistance offered to sick mills and industries, incentives for export promotion and price adjustment were wholly in tune with the new spirit and philosophy of the budget. It will be an interesting exercise to work out the total gains that private

enterprises reaped as a result of these measures. The figure will turn out to be over hundreds of crores. The pumping of financial resources into the private sector was combined with a policy of relaxation of industrial controls and licensing restrictions. Side by side, the import and export policies were correspondingly modified. Scope for foreign collaboration and foreign investment was enlarged.

There was nothing freakish about these measures. They added up to a coherent policy package to fit into the realities of established social and power structure. In spite of intricate and elaborate system of bureaucratic controls on prices and distribution, licensing regulations and a stiff progressive tax system, the motivated forces of profit and market in the mixed economy had resulted over the years in the evolution of an economic and social structure in the country which rested on a narrow basis of elitist consumption. Having allowed this structure to emerge, it had become imperative that a pattern of demand should be generated which would underpin the established production apparatus. The government felt free in the conditions of the Emergency to disregard the argument that industries catering to non-essential consumption of upper income brackets should not have been allowed to be set up in the first instance. Or, that the fuller utilization of the present structure of production capacity would result in pre-empting scarce resources in capital, raw materials and skilled manpower for subsidized production for the satisfaction of elitist demand and aggravate shortfalls in essential priority production and investment for meeting the requirements—present and future—of mass consumption. The government, therefore, went ahead with the new orientation in the allocation of available resources. The thrust of fiscal policy to channel resources into public sector investment was altered. Its logical corollary was that the principle of progressive taxation should be moderated and the fiscal instruments should no longer be used for such social purposes as reducing income inequalities. Enforcement of compulsory savings on working people by wage, DA and bonus curbs was treated quite differently in this context—as measures to regulate money supply with the public and to augment resources for

spending in the public as well as private sector industry and business.

Economy Failed to Pick Up

The results were disappointing. This disappointment is even now voiced by prominent spokesmen of the present government who complain that in spite of these measures, investment did not pick up and the spectre of recession did not lift.

The problem of the market aggravated to an extent that not only TV sets and cars were finding marketing difficulties but intermediate goods which are critical to development like steel, coal and cement, even at their present miserable levels of production for 600 million people and their needs, were also becoming surplus to demand and had to search for export outlets. The position has by now worsened so much that even the available stocks of foodgrains and controlled cloth have to face market resistance for lack of purchasing power with the masses who otherwise suffer from mal-nutrition and go about half-clad.

Reliance on unfettered administrative action or only fiscal and monetary measures to achieve economic advance has by now been seen to be misplaced and inadequate for correcting fundamental structural imbalances and for overcoming deep-rooted social and economic constraints on development and economic progress. There is indeed no way for avoiding or evading basic reforms in the economic system and social relations if economic growth on a durable basis is to be organized. A broadening of the social base of the agricultural production and productivity, re-ordering of investment priorities which are geared to build up employment opportunities, generation of new income among the masses and satisfaction of the needs of essential mass consumption are pre-requisites of any worthwhile economic development policy for India. But it is unthinkable that such a policy can be evolved or operated without wide mass awakening and participation in the affairs of the State. It cannot be done by curbs on the people and elevation of the bureaucratic

administration and organs of law and order to unfettered and unquestioned power. On the contrary, such a dispensation is bound to disorient and distort the content and direction in the management of the State in political and social spheres as much as in the economic sphere. This indeed is the basic experience of the 19 months of the Emergency rule.

Mrs Gandhi in one of her election speeches said that the issue in fateful March 1977 election was "what direction the country will take." The burden of her election campaign had indeed been that even if some excesses had been committed during the Emergency and the democratic liberties curtailed, it was basically for the good of the people and for long term social and economic development of the country. The issue thus posed by the Congress party was development versus non-development or even anti-development. Similar arguments are trotted by her even after being unseated from power.

The question to be asked, however, is whether the Congress party lived up to these claims and whether its conduct in the elections itself helped in any way to advance economic development. The Emergency was used as a forceful instrument for advancement of the interests of the upper crust in society with disposable incomes and investment surpluses in the hope that this might generate confidence in them in the viability of the mixed economy, which they had earlier come to doubt and thus result in a spurt in investment and economic growth. That this hope did not fructify wholly is a different matter. It is significant to note that populism with its accent on *garibi hatao*, which was adopted with much fanfare at the time of the grand split in the ruling party in 1969 to win sorely needed public backing in the tussle against the party bosses, was unceremoniously dismantled under the Emergency in favour of stern demands on the people for dedication, discipline and hard work to achieve higher production without any thought of equitably sharing the rewards of it.

Hasty Retreat

The Emergency bestowed on the ruling establishment full powers to order the people to do its bidding without having to face any question or protest. This was the basis on which many "gains" of the Emergency became possible. But these gains proved to be extremely ephemeral. Some of the policies of Emergency which at one time appeared so well entrenched were abandoned in a precipitate manner, bordering on indecency, when elections were again called and their weight was felt.

It took 12 months for the anti-inflationary gains to be wiped out and for the price line to cross by early 1977 the peak level of 1974. It took hardly eight weeks for all the "gains" of family planning, fiscal and taxation policy, wage policy and urban development to be thrown overboard. In this process of hasty retreat on a broad front combined with unseemly public apologies by pygmies who once appeared as formidable giants in political arena, truth in public life became the worst casualty.

The unfortunate part of it is that in this process some of the basic imperatives of socio-economic growth which transcend transient pressures and political expediency were allowed to suffer an incalculable damage.

Family planning is undoubtedly an important national need but the manner in which the family planning drive was conducted during the Emergency and the manner in which apologies were later offered when this became an electoral issue and there was mass resentment over it, has resulted in erecting new barriers for a sane and sensible population policy to be adopted and implemented for quite some time in the future. The precipitate concession in farm taxation and wage and DA adjustments as vote catching devices in contrast to the ruthless manner in which the working people's demands for just compensation for their honest labour were suppressed during the Emergency will similarly make it difficult for any government to adopt and implement a rational and development-oriented fiscal policy, or an income, wage and price policy.

Mrs Gandhi said during her election campaign that politics in India was not a question of outwitting one person or another but a question of serving the millions. The sad fact, however, is that the government and the party over which she presided never approached politics on the basis of this principle in their swings from populism to authoritarianism. She has grossly and totally abused this principle before, during and after the Emergency.

The parties opposed to the Congress on their part have also been easily tempted to take every opportunity to berate and condemn. But this too is a narrow approach, coloured by short-run political considerations. What is needed is a more positive and fundamental commitment, a serious search for solutions to the problems thrown up by recent developments in India and determination to overcome the distortions that have come to plague the entire system.

This commitment by the political parties and in the entire gamut of the political alignments in our country is yet to evolve, specially in respect of problems of socio-economic transformation. This remains a challenging task.

The social roots of the gathering economic crisis came right into the open in 1974. Mrs Gandhi apparently sought to adjust economic policy and management squarely and as far as possible unequivocally in service of the thin strata of "viable classes" in urban and rural economy in a desperate bid to stabilise the economy. The wage and DA restraints could not have been possible but for the successful crushing of the railwaymen's strike in May 1974. The blocking of the generation of new incomes and new employment which must necessarily be the upshot of slow-down of development and diversion of resources and assets to sections and classes already established in a dominant position in the economic and social system could not have been possible over an extended period without denial of trade union rights and civil and democratic liberties. Such were the social roots and the consequences of the economic crisis and its political manifestation in the double Emergency which Mrs Gandhi imposed in June 1975.

Inadequacies of Janata Revolution

There can be no avoiding or evading of far-reaching institutional and structural changes by the Janata government either, if growth with stability is desired. A broadening of the social base of agricultural production and productivity, freeing the pattern of investment and production from the present tie-up with consumption requirements of upper classes and expansion of employment are indeed the imperatives of a sound economic development policy for India. The economic situation has repeatedly belied the belief that solution of India's economic problem can be found by relying on sophisticated fiscal and monetary instruments alone, without structural changes in economic and social relations. Deadlines for completing the land reforms or distribution of surplus land under the ceiling laws were set and then conveniently ignored, the investment and production pattern were left to the market forces to determine, trade in food-grains and wage goods was left for the private enterprise to regulate and even conventional tax measures to raise resources for public sector investment were dispensed with. This style simply did not work. Experiments in these directions, in fact, only sharpened the basic contradictions in Indian economy and society. How the sharpening contradictions are proposed to be contained and resolved in the coming years will have to be seen.

A deep probe into the economic and social processess which ultimately found their political manifestation in the form of the Emergency and the caucus rule has been avoided so far by our social science analysts. One reason for this, apart from their other inadequacies, may be that such a probe, if seriously attempted, would call into question the very viability and lay bare the democratic veneer of the present socio-economic and political system rather than merely its gross aberrations under Mrs Gandhi. Many of the analysts, after all, are committed to the present system and its perpetuation and are indeed partners in the ruling Establishment. There are quarrels within the Establishment always and everywhere and they might only be identified with or allied to one or the other group or faction contending for supremacy

within it. Some of them are also quick-change artists, adept at transferring loyalties depending on adjustments in the co-relationship of forces within the Establishment to suit their personal career prospects.

Was the Emergency declared one fine morning or was the then ruling group leading upto it over a period of time? Was it only a desperate defensive measure which the entrenched authority resorted to in face of a strong challenge mounted by its political adversaries within the system? Was the political crisis a reflection of a deeper crisis building up within the system, which the ruling group felt it could not handle within a democratic framework and hence was forced to resolve it by the use of naked force? It is necessary and useful to pose these questions for the simple reason that the ouster of Mrs Gandhi from power and lifting of the Emergency have not resolved the basic contradictions and tensions in Indian society and political system.

The elections of March 1977 were staged by Mrs Gandhi to legitimize and perpetuate her Emergency rule. It goes to the credit of the people that they made it a costly gamble for her. By rejecting the Emergency, the people of India also regained the right to seek basic reforms of the system under comparatively more peaceful and open conditions than Mrs Gandhi was willing to grant them. But the social composition of most of the new "Janata" rulers and their social and economic commitments are not radically different from those of the previous ruling class. That is why after a brief period of relaxation and a measure of rapport between the new rulers and the people, contradictions and tensions are again surfacing. How exactly these contradictions and tensions will manifest in the political processes is yet to be seen. But can the drift towards authoritarianism, whatever form it might assume, be ruled out when these contradictions and tensions again build up and begin to overwhelm the established system?

8

Democracy and Bureaucratic Behaviour

A Viewpoint

(The role of bureaucracy has been a subject of controversy which was very hot immediately after independence. It cooled down later but has come up again in the wake of what happened during the Emergency.

The bureaucrats are themselves in the throes of discussion, as many of them are facing enquiries and worse. The following is a discussion paper which was circulated among and discussed by members of some IAS-ICS and IPS associations).

This paper is an attempt to analyse bureaucratic behaviour in the context of the democratic system visualized in the Indian Constitution and to see whether bureaucracy has developed any characteristics which are inconsistent with the basic tenets of democracy. An attempt has also been made to identify the changes which need to be introduced in bureaucratic functioning so that governmental power cannot be exploited, as has been done sometimes in the past, to subserve personal and political ends of politicians in power.

To lay down the framework in which bureaucracy should function, it is desirable to define the concept of democracy at the outset. Democracy, like socialism, means different things.

to different people. Despite this difficulty, one could reasonably state that :

Democracy is a system of government based upon the free choice of citizens in which the relationship between one individual and another, the individual and the state, are governed by laws ;

The laws are administered by an independent judicial system which seeks to ensure equality between them ;

Under the laws freedom of thought, expression and association is assured so that a minority opinion in the course of time can become a majority opinion.

In the context of this brief note the term 'Bureaucracy' covers the various types of functionaries belonging to different regular and permanent services who act as instruments of the political executive to carry out different functions in accordance with the Constitution, the laws enacted by the Legislature (and the rules of procedure laid thereunder) and the directions issued from time to time in pursuance of the objectives laid down by the government. Even though the discussions cover general services, the observations and conclusions are equally applicable to the police, the engineering, the medical and other personnel whose behavioural patterns reveal the same strains and aberrations that characterize the functioning of the general services.

Social Values

One of the essential attributes of democracy is that governments constituted under this system are granted a conditional and, in terms of time, a limited mandate. This very fact implies that in a democratic system, government is an institution created and legitimized by society and it cannot, therefore, set itself as the final and unquestionable arbiter of social values, objectives and norms.

Changeability being the essence of democracy, the bureaucracy, as its operational instrument, cannot commit itself

finally and irreversibly to the point of view prevailing at a given time. To the extent it does so, it renders itself unfit as a democratic institution since a new set of people, who may be elected to power later and who may hold different views, would not be able to repose full confidence in it for carrying out their directions. Actually, in a democratic society, a bureaucrat may be asked to implement a policy in which he himself does not personally believe. However, so long as he fulfills his assigned tasks faithfully and assiduously, he cannot justifiably be blamed for his divergent private opinions.

Many things have happened in the last few years which have eroded the faith of the people in the capability of Indian bureaucracy to function in a democratic manner, though at the very last moment it seems to have managed to retain a vestige of respectability by conducting free and impartial parliamentary elections. Notwithstanding this limited redemption, the overall judgement is still quite derogatory, largely because of the many sins of omission and commission occasioned by the pernicious doctrine of "commitment" which sought to subvert the basic tenet of the neutrality of bureaucracy which alone in turn can justify its continuity in spite of changes in the political complexion of the parties assuming power from time to time.

For any set of human beings who cannot but have some opinions of their own, it is by no means easy to go on functioning within the bounds of operational neutrality. For one thing, this condition entails a high degree of anonymity in the working of government servants which, in a way, tends to dehumanize their functioning. Unless the government servants are deliberately given a high degree of freedom of expression, at least within the confines of the government hierarchy, and also allowed adequate opportunities to derive satisfaction from the attainment of a high degree of professionalization, the bureaucracy takes on the character of a disoriented group of people looking desperately for self-assertion.

A careful analysis of recent bureaucratic behaviour would, perhaps, indicate the validity of the above conclusion. It

also explains why so many government servants tended to go berserk the moment they got an opportunity to wield real power unfettered by a myriad of constitutional and external constraints. It is high time that academicians and practical administrators should study and document in detail ; (i) the role of bureaucracy in a democratic society ; (ii) the extent of neutrality required from government servants ; (iii) the sources (or their absence) of personal satisfaction (from a sense of personal achievement) available to bureaucrats ; (iv) the degree of internal democracy and opportunities for professionalization available at present ; (v) the psychological strains engendered by anonymity or loss of identity ; and (vi) the measures required to prevent these strains from creating a pathological compulsion to go to any length in compromising with the political masters of the day to enjoy a share in real power.

Parameters of Functioning

In order to ensure that the terms of reference of this commentary on recent bureaucratic behaviour are well understood, it would be worthwhile stating, in concrete terms, the well recognized parameters and concepts which should govern bureaucratic functioning. Some important ideas relevant in this context are stated below :

- (a) Bureaucracy is not responsible for policy-making. At the most its role extends to policy analysis and making of recommendations to the political decision-makers on the basis of feedback experience with reference to the policies being implemented on the ground ;
- (b) Bureaucracy is not directly responsible to the people or even to the legislature. It is eventually responsible to the government and its executive arm, ie, the council of ministers, not in their personal or political capacity but in their role and functions as ministers ;
- (c) Bureaucracy's rights of self-expression with reference to government policies are circumscribed by clearly laid down rules ;

- (d) Bureaucracy is not expected to recognize the authority of anyone, except the political executive, be he a legislator or the most prestigious political figure, in the performance of its functions ;
- (e) Bureaucracy is not concerned if the fortunes of any individual or political party are adversely affected as long as it functions uniformly, according to the rules of business laid down by the government ;
- (f) It is not normally expected of bureaucracy to carry out the verbal orders of superiors. Where a bureaucrat does so, he has to assess the nature of such instructions. If he finds that the verbal orders conflict with declared policies of the government, he has the right to ask for a written order from his superiors ;
- (g) Bureaucracy necessarily has a hierarchical structure, going right upto the political executive, in which it is not open to a superior to ask his subordinate to assume responsibility for an action which was either endorsed or not clearly countermanded by him ;
- (h) When a situation so demands or when he is specifically called upon to give his views or report facts observed by him, a bureaucrat is required to express himself unambiguously regardless of the preconceived ideas of his superiors ;
- (i) A bureaucrat is a person who has sold his intellectual and professional skills for payment and, therefore, what he does in accordance with instructions has nothing to do with either his personal views or his moral responsibility as a social being ; and
- (j) Like everyone else it is open to a bureaucrat to chuck his job if he finds that his moral position conflicts violently with the performance of his official duties.

As stated earlier, the whole framework within which a bureaucrat functions is extremely restrictive and in a psychological sense somewhat dehumanizing. However, the

rigours of those conditions are to some extent counter-balanced by the sense of security and safeguards offered to him by the Government. Besides, like other employers, governments also tend to create a happier environment for bureaucracy by defining areas in which, subject to overall policy directions, its members might exercise a certain degree of initiative. Occasionally, members of bureaucracy also find a measure of happiness in their vocation when they discover that the jobs assigned to them correspond with their aptitudes and professional expertise.

Sins During Emergency

The current criticism of bureaucracy is not based upon any acts of commission arising from its performing the duties assigned to it by the ministers acting constitutionally as political executives. It stems from acts which did not have any official sanction, but were nevertheless performed by it to satisfy the wishes of ministers and political functionaries in their personal capacity. If a minister and political executive, duly backed by legal authority, ordered a bureaucrat to place orders for a commodity or an equipment with a particular firm, nobody is going to hang him for doing so. If a bureaucrat stopped disbursement of pay to his subordinates, in accordance with duly notified rules concerning the family planning programme, no one can reasonably hold it against him. On the other hand, if these actions were taken by him without official instructions merely to please his own minister, there is no reason why he should not be held guilty.

If a charge-sheet was to be prepared against bureaucracy as a collective entity, it would perhaps state that the members of this body in large numbers :

- (i) failed to express their true opinions when occasions demanded it ;
- (ii) favoured particular persons in contravention of the procedures clearly laid down by the government ;

- (iii) instigated, aided and abetted acts of violence on human beings, not sanctioned by any laws or written orders, to fulfil targets of family planning ;
- (iv) concocted material knowingly and routinely used false evidence to support charges against thousands of persons to detain them under DIR and MISA ;
- (v) Aligned themselves with individuals or groups in power in their political or personal rather than official capacity.

The issue which has to be considered carefully is as to whether if such a charge-sheet was framed, would there be adequate evidence to rebut it ? If the answer is likely to be in negative, here is a situation which calls for serious consideration and analysis, particularly with a view to identifying and neutralizing factors which led to aberrations from the indisputable norms of bureaucratic behaviour on a large scale.

Whose Responsibility ?

Fortunately for bureaucracy, the politicians on either side of the fence are anxious to excuse many bureaucratic excesses and aberrations on the ground that these were occasioned by an atmosphere of insecurity engendered by the policies and personal traits of some of the erstwhile rulers. It is widely admitted that the atmosphere of terror, which bureaucrats helped in creating among the people, also pervaded within their own sub-culture. The sense of security which is a prerequisite for the proper functioning of bureaucracy had disappeared and many subterfuges had been developed by some of the politicians in power to create a feeling of anxiety amongst its members regarding promotions, postings, continuation in service after attaining the age of 50 years, and in some cases even personal security. In addition to these negative factors, the functioning of bureaucracy was also subverted by a system of favours which tended to destroy its hierarchical structure. Undoubtedly, these are

forceful extenuating circumstances, but it has still to be determined as to whether these adequately justify the aberrations or are there any patterns of behaviour or categories of actions which cannot be excused despite these unfavourable environmental factors.

In a hierarchical system, it is appropriate to assign responsibility for aberrations to higher echelons and develop corrective mechanisms which would keep the people at the top from making compromises which go against pre-determined norms of behaviour. The onus of guiding and protecting junior functionaries, by resisting pressures which force them to act in the field as extended arms of political parties in power, falls obviously on the senior members of the bureaucratic hierarchy. There is considerable truth in the general view that during the last few years, the people at the top of the pyramid here failed to discharge this responsibility. On the other hand, many of them actually pressurized the field level functionaries to act in a manner which, in retrospect, appears unjustifiable by any reasonable norms of propriety.

Undoubtedly, those whose personal conduct cannot be justified either on the grounds of official and lawful instructions requiring them to conduct themselves in a particular fashion or on the plea of general deterioration in the environment will be brought to book in due course. In such cases the bureaucracy has to decide as to what does or does not amount to victimization so that victimization can be resisted in the long-term interests of the system. It, however, needs to be considered as to what view should be taken of a situation in which, in all likelihood, field officers will be brought to book for "excesses and improprieties," while those who assumed the role of leaders in managing the bureaucratic apparatus by exercising persistent pressures through letters, telephone calls and across the table reprimands will go scot free.

There is a widespread feeling that most of these "leaders" will soon re-establish themselves in positions of power

through their sycophancy and unlimited moral flexibility to satisfy the desires of the new masters. If future developments confirm the apprehensions of the personnel at the firing line, every field officer will harbour a deep sense of injustice for any action taken against him. On the other hand, if these "leaders" are censured and punished first, not only for derailing the whole bureaucracy but also for distorting and obstructing the vision of their erstwhile political masters, even those who come in for castigation in the course of various inquiries would feel that besides the administration of heavy-handed justice, something constructive has been done to prevent the subversion of the system in future.

Democracy within Bureaucracy

Since the bureaucratic system is likely to survive, even after the buffering and castigation in store for many of its members in the near future, it is necessary to think of effective measures designed to prevent large scale aberrations in its future behaviour. The challenges which now face bureaucracy make it absolutely necessary that its members should collectively study the experience of the last few years and then determine as to what are the prerequisites for its proper functioning. The lessons of the past can then be internalized and more importantly, the political executive can also be advised, should such an occasion arise about what may or may not be demanded of them, in the interest of the democratic functioning of the government. Besides, meting out exemplary punishment to the members of the administrative caucus—which functioned as the hatchetmen of politician who sought to subvert democracy by obliterating political opponent and terrorizing the public—it is also necessary to introduce a measure of internal democracy within the bureaucratic apparatus by systematically establishing a tradition of free expression and participative decision making. For this a very effective safeguard would be to introduce a system of collective appraisal of seniors by juniors/subordinates. This mechanism would prevent the development of autocratic and authoritarian tendencies among top bureaucrats and also militate against use of other questionable devices to silence or neutralize honest differences of opinion.

Some of the basic and specific prerequisites for the proper functioning of bureaucracy are that :

- (a) There should be no public criticism of bureaucracy for poor performance. Instead, where necessary, individual government servants may be dealt with according to laws and legally promulgated procedures for their acts of commission and omission;
- (b) government servants should not be required to defend the decisions of the government before the legislature and its committees. In such forums, government must be represented by the ministers themselves;
- (c) no government servant should be castigated or censured for expressing a view contrary to those held by his superiors in a forum in which he is required to express his views;
- (d) whenever a government servant feels that his verbal opinions have not been given due consideration, he should be permitted to express his views in writing and once he has done so, he must be absolved of the consequences flowing from the decision of his superiors;
- (e) the system of secret annual assessments should be replaced by more open procedures under which the person affected has an adequate opportunity for placing his point of view also on record for a balanced appraisal, after a lapse of years on the eve of his promotion. All annual entries, even if these are not adverse, should be communicated so that the government servant may know the areas in which he should improve himself;
- (f) a sense of security among government servants must be created and an environment must be nurtured which would not encourage their alignment with particular parties or individuals. For this the system of promotion should be so modified as to ensure that people with reasonable ability and

requisite application will not be superceded. Unless this is done, people on the verge of promotion will find it worth their while to become the instruments of politicians who hold the power to decide their fate. Whenever a government servant is superceded he must be given the full grounds of supersession and also allowed access to a forum in which he can agitate his claims and demand even-handed justice. It would also be desirable to establish tribunals to adjudicate on punitive transfers and postings;

- (g) no government servant should be suspended, unless a charge-sheet is served on him simultaneously and his order of suspension should become void automatically after the expiry of six months from the date of its implementation;
- (h) instead of attaching a lot of informal perks to various jobs, the facilities required for their performance should be quantified in monetary terms and government servants should be paid cash allowances so that people do not tend to elbow out each other to grab the jobs considered attractive;
- (i) the present omnibus coverage of the Official Secret Act should be reviewed from time to time so that the conduct of government in relation to an increasingly larger number of cases can be examined by the persons affected by its decisions ; and
- (j) to the extent possible, professional service associations should be encouraged to present their assessment of the government's personnel policies in an impersonal manner.

Other measures which would also contribute significantly to the improvement of bureaucratic environment would consist of :

- (i) The formulation of a rational policy for personnel management and career development ;
- (ii) a careful demarcation of areas for exercise of

- initiative, creation of opportunities of self-expression for members of bureaucracy ;
- (iii) provision of adequate opportunities for professionalization ;
- (iv) liberal grant of earned and study leave ;
- (v) introduction of provisions for enabling members of the services to opt out of government employment on proportionate (possibly liberalized) benefits of pension and gratuity after a minimum (say ten years) period of service ; and
- (vi) demarcation of the residual citizenship rights of government servants in relation to freedom of thought, expression and association.

While it is largely for the government to consider and implement the measures proposed for creating an environment favourable for the proper functioning of bureaucracy, it is also essential that bureaucracy should itself assume the responsibility of drawing up a code of conduct for itself which should govern the behaviour of its members with reference to :

- (a) The politicians in power ;
- (b) the senior members of the hierarchy ;
- (c) the junior echelons especially the field level functionaries ;
- (d) the members of the public ; and
- (e) the discharge of statutory judicial or quasi-judicial functions vested in various posts.

Obviously, the mere adoption of a code of conduct will not be enough. It will also be necessary to find ways of enforcing it—and in this professional associations can play a significant part. It should be considered whether violation of the code of conduct could not be punished, in the first instance through censure by the Association and, then, suspension/ex-communication of the errant official from its membership with due publicity through the Press.

In order to ensure the effectiveness of such a code it would be necessary to bring within its ambit other services as well.

The bureaucracy has for long been functioning in isolation which has bred in it an insular outlook. This gesture would, therefore, be symbolic of its genuine desire to work on more democratic lines and in a common accepted framework of conduct.

Safeguards for Neutrality

It would be appropriate to end this note only after drawing attention to one more aspect of the environment in which bureaucracy had been functioning in the recent past. Not only the bureaucrats but also the members of the political party in power at the Centre had started assuming that the political complexion would remain unaltered for all times to come and, therefore, as long as their position was secure with reference to the hierarchy of this party, they need not think of the niceties of procedure and the principles of rectitude laid down for the functioning of the government in a democratic set-up. Consequently the distinction between the government and political party had got altogether obliterated from peoples' minds and in this kind of a situation, it was inevitable that the neutrality of civil servants should become a casualty.

Bureaucracy functions in an environment created by the political executive. Therefore, in the ultimate analysis, the performance of bureaucracy in future would depend upon the extent to which self-denial is exercised by the political executives in using the government apparatus to favour those who have some influence with the political party in power or its willingness to desist from interfering in postings, transfers and promotions of people whose conduct might accidentally, or by deliberate design, have helped their cause in inter-party struggle for political power.

Need to Change Style

The degree of free expression within the bureaucratic set-up is also determined to a great extent by the style of functioning of the political executive. To the extent political executive is tolerant of participative discussion, the internal functioning of bureaucracy also tends to assume a democratic

and participative character. This greatly improves the system of vertical and horizontal communication and thereby facilitates decision-making on the basis of objective information about the requirements of a given situation and the experience and reactions of people at the ground level.

There is, however, a strong feeling within the hierarchy that the free play of ideas and air of informality which characterized the system till mid-sixties has gradually disappeared. Power has slowly become centralized in the Secretariat, and within the Secretariat in a few individuals, to a point which militates against any scope for even honest differences of opinions. As in any other body of men seeking formal or informal power there is always an undercurrent of intrigue within the bureaucracy which, especially in State governments where only one person occupies the needlepoint at the very top, takes the form of character assassination, marshalling of caste loyalties, rumour mongering and establishment of hegemonies by cutting off communications between the political executives and senior civil servants and the functionaries at the lower levels.

Many positions, created in recent years to assist the political executives in the discharge of their official duties, have assumed a specially dangerous character in so far as the communication system within the government is concerned. It is of utmost importance that these restrictive and authoritarian trends should be carefully appraised in the context of the complexity of problems handled by the government and the need for participative decision-making to counteract against personal prejudices and pre-conceived notions of people in authority distorting policy-analysis, exercise of delegated authority and performance of the routine functions of administration.

—(Courtesy : *Secular Democracy*, August 1977)

Counter-Total Revolution

Balraj Puri

"It was a proposal regarding committing suicide that we were just discussing,"¹ with these words—or in almost so many words—Mrs Indira Gandhi prefaced, with a grin on her face, the announcement to hold general elections to Parliament, before an assembly of the Chief Ministers of the Indian States in the evening of January 18 1977, after stepping out of a cabinet meeting which heard and approved the fateful decision in a manner to which it had by now been well used. The Chief Ministers, who were in the capital to attend one of their periodic conferences, had been invited at Prime Minister's house to be the first to formally hear the Cabinet decision.

Evidently she was pretending to be humorous. And the Chief Ministers, too, did not read anything more than what met their eyes then. But was it a Freudian slip, indicating her sub-conscious sense of insecurity and fear?

Psychological Make-up

"What has happened is not surprising," Mrs Gandhi said with a hindsight. She was always warning about agencies, she told the post-election session of the All India Congress Committee held in New Delhi on 5-6 May 1977, "which would not let us function and would weaken if not destroy Congress." She added fatalistically, "it was perhaps inevitable that they would succeed."²

Indeed, she has warned times without number, before, during and after the Emergency, against internal and external threats to the stability, unity and very survival of the nation as also to her own life.

In the Congress session held at Chandigarh in January 1976, where the President Dev Kant Barooah summed up the ideology of his party as "loyalty to Indira Gandhi," amidst deafening cheers, she gave vent to her sense of loneliness. In her address, hitting hard all around, she accused her colleagues of having remained silent spectators when she was being attacked and her character was being assassinated by the opposition. Queering the pitch of her speech, she asserted that she met the challenge alone and would do so in future also.

Referring to her Cabinet colleagues, she said way back in 1972, in a press interview, "what do you expect me to do? I am surrounded by a bunch of idiots."³ Sasthi Brata finds three traits in this remark. "The first is frantic impatience with the frailties of other mortals, born of a pathological conviction in something approaching one's own divinity. The second is culpable contempt of one's countrymen. And the third is an ominous pointer to the kind of actions such a personality might take if ever it was thwarted in any field by those it considered infinitely inferior."⁴

Similar traits of her personality were manifested soon after being elected the Prime Minister of India in 1966. Expressing her impatience and contempt for persons and institutions she had to work with, she said: "Our party workers remain as backward and ignorant as ever...The trouble is that Congress has never succeeded in evolving into a modern party. Sometimes, I feel that our Parliamentary system is moribund. Everything is debated and debated and nothing gets done."⁵

Rise of Mediocrity

Such a person cannot suffer an institution where he or she has to face an equal or superior; nor would an equal or

superior person would be tolerated. "Soon after 1967, she became suspicious of people who had a standing in public life"⁶ observes Janata Party President Chandra Shekhar.

Men and women around Mrs Gandhi, in the words of Janardhan Thakur, "constituted so much mediocrity, so much grossness and insignificance of character that would have been hard to find even in the minor courts of the Italian Renaissance."⁷ According to Mr MO Mathai, Special Assistant to her father: "...unscrupulous, crude and small men and an immature boy took charge of her."⁸

Are these fascist traits? According to Thakur, Feroze Gandhi called Indira Gandhi a fascist in 1959 when she was Congress President.⁹ Describing symptoms of fascism, Arun Shorie writes: "A regime of this sort filters a particular brand of persons on the top—mediocre, weak men strutting around as strong, quick to make deals with any adventurer, cynical, devoid of all principles." "Quite apart from the filtering process of the regime's structure," he continues, "the personal security of the usurper (dictator) requires that only such persons reach the top."¹⁰

Fascism, Bertrand Russel had said, has no philosophy. "It has a psycho-analysis," of the ruler as well as the ruled.

That the psychological traits of her adult and public life discussed above had early beginnings is admitted by Mrs Gandhi herself. She says: "My own childhood was an abnormal one, full of loneliness and insecurity."¹¹ Her father Jawaharlal Nehru had, in a letter to Mrs Vijaylakshmi Pandit dated 2 June 1934, further remarked: "Indu revolves round herself, self-centred; she hardly thinks of others—expecting everybody to minister to her comforts."¹²

Authoritarian Personality ?

At the same time, having inherited the leadership from her father and grandfather, she had convinced herself that she was destined to play a great role. She, in fact, succeeded in creating the impression that she wanted to perpetuate a

dynastic rule even after her. "Quite honestly," she believed in 1966, "I was the only natural choice for the job"¹³ (of Prime Minister). Since childhood, she had fancied to become a Joan of Arc. She is once reported to have said that she would like to go down in history as a strong personality, "somewhat like Napoleon or Hitler because they would always be remembered."¹⁴

In order to live upto the ambitious role she had aspired for, she had to project the image of a brave leader. "Fear and Indira Gandhi do not go together," she told pressmen in Srinagar in October 1977. But if she was really fearless, she need not have always tried to seek abnormal powers and safeguards—much more than required in a given situation. When, for instance, her Law Minister HR Gokhale told her that he had ensured, through necessary legal and constitutional changes, 99 per cent chances of getting High Court decision on her election reversed in the Supreme Court, she is reported to have insisted, "make it cent per cent."

"She must be afraid, she does so many things out of fear"¹⁵ was also the verdict of Mr Jayaprakash Narayan. However, a burning passion to be on top and urge for perfect security tended to make her a reckless gambler. Mathai claims to have once told her father that having had no security right from childhood, "insecurity will shadow all her life and her actions will largely be governed by it."¹⁶

Does an ambitious person, who is basically lonely, insecure, suspicious, self-centred and reckless answer the description of an "authoritarian personality?"¹⁷

While it is possible to explain much of the political behaviour of Mrs Gandhi and its impact on political developments in the country in terms of her psychological make-up, an attempt to explain the entire phenomenon called the Emergency in terms of the role of a single person would also tantamount to a belief in a sort of "personality cult"—in reverse. Psychology of a leader may be a necessary, but in no case a sufficient, condition for his or her becoming a dictator.

Anatomy of Authoritarianism

An authoritarian regime comes into being not merely due to psychological compulsions of the ruler but also in response to the psychological needs of the ruled. When fear—of external threat or internal chaos—grips a people, insecurity caused by economic or political factors haunts them, gap between expectations and achievements widens and the democratic forces fail to channel the resultant frustration, cynicism and impatience of the people, and chauvinistic fervour atomises group and individual identities, a psychological atmosphere is created for the search of a “strong leader.” When democratic institutions prove inadequate to represent and express power urge of the people—one of the basic and legitimate human urges—their accumulated urge gets identified with the supreme power of the leader.

Also “people have a latent desire towards dependence and want the comfort of irresponsibility,” says Einstein while discussing the causes of origin of fascism which “depends on the desire of many persons to submit and obey.”¹⁸ AD Gorwala, “almost begins to suspect quite a number of Indians are not averse to tyranny and do not even feel very strongly about its worst excesses.”¹⁹

While sadist-masochist psychology of the ruler and the ruled that drives them towards authoritarianism is difficult to read and measure, political, economic and social factors that create such a psychology and an authoritarian atmosphere can be objectively identified.

It is important to remember in this context that it was not an effective and efficient democracy that was demolished on June 26 1975 ; it was an ailing system that collapsed on that day.

Ailing System

The following description of the national scene in the year preceding the Emergency might not be off the mark :

“Almost every aspect of the system is afflicted. The value of money is vanishing with accelerating speed. Unemploy-

ment, scarcities and disparities are mounting in direct proportion to the explosion of expectations and promises of 'garibi hatao.' The crisis in investment, production and distribution mocks at our professions of planning and socialism. The political system is unable to contain or provide an adequate outlet to the popular discontent. Votes do not accurately measure public opinion while legislative seats are not proportional to the votes polled by the parties. Popularity alone does not enable a politician to share or get power...Practically the whole society is corrupt. No political leader can win an election or survive politically without resorting to corrupt means. No businessman can remain in business unless he evades taxes and greases the palms of administrators for getting permits, licences, allotments and thousand and one facilities from the government. No government official can make his both ends meet and live up to the standard his colleagues are maintaining without accepting gratifications.

"Apart from the state of economy recorded in official documents, political situation reflected in legislatures and morality preached from the stage, we have a parallel economy, a parallel politics and a parallel morality."²⁰

We have noted that Mrs Gandhi had herself expressed dissatisfaction with the system. Apart from blaming the "backward and ignorant" workers of her party and "moribund" parliamentary system, she said, "on top of all this, the inertia of our civil servants is incredible...Sometimes I wish we had a real revolution—like France or Russia—at the time of independence."²¹

Attack on the System

Talk of changing the system started in the ruling party itself. A Congress MP, Mr Shashi Bhushan, openly made out a case for a "limited dictatorship." The then Congress President, Mr DK Barooah thought "it irrelevant to look for foreign models to describe, justify or defend Indian democracy." "The habit of being guided by foreign models,"

he said, "often leads people to describe the absence of a viable opposition as a weakness of Indian democracy."²²

The ideologues of the regime propounded alternative concepts of democracy and rationalized the decision to scrap the system, which was working till 25 June 1975, in the name of people and democracy. Dr DV Urs, Vice-Chancellor of University of Mysore expressed the following view :

"Times without number we quote the founders of the English democracy, French and what not...This has led to the creation of a universe of discourse which not even three per cent of our population understands. The multitude, the bulk of the society lead a life that is de-linked from the ruling thought of the country."²³

"The national objective of socialism," observed Dr KL Shrimali, then Vice-Chancellor of Banaras Hindu University, "cannot be achieved without a high degree of social discipline." Hence he argued, "everything that stands in the way of effecting basic changes should be removed."²⁴ 'Everything,' we know, included opposition parties, free press, independent judiciary, fundamental rights and democracy itself.

Mrs Gandhi herself seemed to believe that opposition was unnecessary in the initial phase of building a country because "there were not many paths to choose from when they were doing the basic things." In an interview to the *New York Times* as late as in early February 1975, she explained, on this ground, "why so many countries have given up democracy."²⁵ In a biography of Mrs Gandhi, Uma Vasudeva quotes her another statement made as far back as in early 1950's in which she said : "In order to make the country strong, remove poverty and eradicate illiteracy, it would be better not to have any opposition parties."²⁶

Portents

The ground was thus prepared for tampering with the system and for "increasing identification of the government with the Congress Party....especially since the armed

victory over Pakistan, in public media as well as elsewhere.”²⁷ Reading the portent in “these contributions to Parliamentary democracy,” a sober journal like the *Economic and Political Weekly* suspected as early as in September 1972: “May be somebody has already taken a decision that to promote faster economic growth in the country, a guided democracy is the most essential of prerequisites.”²⁸

Analysing political trends in the country, the socialist leader NG Goray came to a similar conclusion in an article in *Janata* dated 22 July 1973, significantly titled “Getting Ready for a Dictator.”

In the European Conference on Modern South Asian Studies held at Heidelberg in 1972, David Potter of Britain’s Open University expressed the view that, “in the circumstances, it is hard to see how the contradiction can be satisfactorily resolved within the existing framework of India’s political democracy.” Elaborating the contradiction, he said, “the middle class will not provide the leadership required for her (Indira Gandhi’s) survival since it is against their interest to do, and the bureaucracy cannot provide the administrative capacity because it lacks the power to make it effective...The common man has waited for a long time, and won’t wait much longer.”²⁹

Collaborators

Not everybody could read “the writing on the wall” that clearly. Some of the present staunchest critics of Mrs Gandhi had gone farthest along with her. It would be too presumptuous to condemn all of them as opportunists and short-sighted.

Assessment of her role varied from person to person and time to time. According to Asoka Mehta, the period from 1966 to 1967 was her “finest hour” when she was “honourable and honest.”³⁰ Chandra Shekhar believed, “intuitively, she has always been a liberal and for the poor man.”³¹ He and his other “young turk” colleagues in Congress tried hard to sell the idea of joint Indira-JP leadership. Even Mr Abdul

Ghafoor, who as Bihar Chief Minister put up a last ditch fight against JP's movement, concurred with the view that "only two leaders—Mrs Gandhi and Mr Narayan—could salvage the nation."³² Mr Minoo Masani, a lifelong friend of JP would not call the Prime Minister and her government fascist. For, if they really were, he asked not long before the Emergency: "Would Jayaprakash be alive and functioning, would the great march in Delhi of 6 March 1975 have passed off so peacefully and successfully?" He also believed: "Only an adjustment between Prime Minister and Jayaprakash may provide the way out."³³

"Progressive" Congressmen, scared of "right reaction" and "imperialist designs," had no option but to be on her side. Men like Siddhartha Shankar Ray, of that tribe, "almost worshipped her."³⁴ He supported the Emergency which he thought "should be there for a short period and used for the purpose of bringing back sanity to the country."³⁵ And a wise man like Mr Jagjiwan Ram waited for the "right time for the right action." There were also those who were "shocked at the truth" when it began to come out after the Lok Sabha elections.³⁶

From 1966 to 1977, Mrs Gandhi disillusioned many supporters and dropped many colleagues, though her bandwagon made good the loss in quality by gaining in quantity. In her climb to power and then absolute power, she drew upon the support of many, however passive or partial, at various points of time, who had no faith in authoritarianism or personality cult, much less in a dynastic rule.

Apart from such "collaborators," a section of the opposition also supplemented her efforts—equally unwittingly—in creating an atmosphere for authoritarianism. She, in fact, owned many political ideas popularized by the opposition. She tried to appear more nationalist, more socialist and more anti-imperialist than her opponents.

Supplementary Roles

The main planks of Bhartiya Jan Sangh and other militant nationalists were, for instance, hostility to Pakistan, demand

for making an atomic bomb, unitary form of government and so on. Many leftists shared some of these short-cuts to popularity.

With India's victory over Pakistan and its split in two parts in 1971, annexation of Sikkim with India, atomic explosion, concentration of power at the Centre and emasculation of the states, growing identification of India with the third world, with anti-West overtones, increasing expenditure on and strength of India's armed forces, emphasis on unity and stability of the country and warning against external threats in the official statements and finally with her emergence as a strong leader, Mrs Gandhi was able to steal much of the chauvinistic thunder of her opponents. Jana Sangh leader Atal Behari Vajpayee was so swept off his feet at Pakistan's defeat in 1971 that he called her goddess Durga.

Projection of Jana Sangh as her main opponent in the North, on the other hand, had the additional advantage of enabling her to rally non-Hindu and non-Hindi speaking communities, besides genuinely secular elements round her.

As fascism is essentially a manifestation of aggressive nationalism, all those—of right or left—who made it as their main plank of opposition to the ruling party tended to contribute to the process of erosion of Indian democracy.

Even a man like Vinoba Bhave used a chauvinistic argument in advising JP not to wage a struggle against the government. He said : "With the United States arming Pakistan and China also helping her, it was not advisable to weaken the government."³⁷

JP's most outstanding contribution to the Indian politics lies in his courageous and frontal attack on chauvinism. On issues like relations with Pakistan, border dispute with China, dialogue with Sheikh Abdullah on Kashmir issue, status of Nagaland and making an atomic bomb, he swam against the popular current. He espoused the cause of autonomy of the States which had been reduced to "a condition of glorified municipalities under Prime Minister Indira Gandhi's Government."³⁸

Mrs Gandhi borrowed populist socialist rhetoric with similar ease. She adopted some socialistic measures like bank nationalization, ending privileges of the former princes and the ICS and land ceiling legislation.

It was JP again who warned against confusing statism with socialism. The growing concentration of wealth and power and rampant corruption, according to him, went ill with his concept of socialism.³⁹

JP's Assault on the System

Notwithstanding JP's dissent, there were many issues raised by the opposition, the authoritarian implications of which were not adequately realized at that time. But where most of the opposition, including JP, collaborated most effectively with Mrs Indira Gandhi was in her efforts to demolish the system.

True, the system as it existed before the Emergency was ailing and defective in many respects. But the crucial question was whether it was to be mended or ended ; and if ended, to be replaced by what. The then Union Home Minister Uma Shankar Dikshit, who claimed to have been "a lifelong admirer of Mr Narayan" and wanted the country to benefit from his "mature and conscientious advice," must be quite earnest when he pleaded that "the system of parliamentary democracy had been tested and found adequate in this country and, as such, nothing should be done to damage it until a better, well defined alternative with proved efficacy was available."⁴⁰

Since his *Jeevandan*⁴¹ in 1954, JP carried on a crusade against the parliamentary democracy, the constitution, the party system and pursuit of power. His latest movement, however, was negation of this crusade in every respect. For he led the struggle for power on behalf of the opposition parties, which, far from being discarded, were main instruments of his movement. Moreover, the issue on which he got popular mandate was restoration of parliamentary democracy and the original form of the constitution.

To be fair, he was realistic enough to modify his earlier utopian ideas in favour of a workable strategy. He made it vehemently and repeatedly clear that the Bihar movement did not aim at establishing a partyless democracy, though that remained his ultimate aim.⁴²

But if this did not remove confusion from the minds of some people, it was not entirely due to their ulterior motives. Though he never disowned his earlier political ideas, the references that follow relate to the period after the last month of 1973 when he resumed active public life after one year's silence and started last phase of his career.

Inaugurating the All India Radical Humanist Association conference at Calcutta he said : "It would not be wrong to say that the differences between the performance, as distinct from the manifestoes of the various parties, in or out of government, has been no more than that between tweedledum and tweedledee.⁴³ Referring to his criticism of parties and politicians, Mr Sachchidanand Sinha rightly observes : "At this juncture to generalize the guilt of politicians tended to minimize the guilt of those who held power and who alone could use it for good or evil."⁴⁴

JP did not hide his distrust of parties. "If the movement in the rest of the States (outside Bihar)," he said, "is started by political parties, it is bound to fail."⁴⁵ He wanted students and non-party people to come forward and the political parties to form a part of it. He, in fact, believed that the students' and people's struggle committees "are developing their own identity," independent of and more important than parties,⁴⁶ which later proved to be almost an illusion. He "did not visualize the people's movement as one of the united front of political parties."⁴⁷ In reality was it anything much more than that? How strongly JP wished to bypass political parties would be evident from a note he recorded in his *Prison Diary* on 6 September 1975.⁴⁸

His distrust in democratic institutions, however, became infectious. A good parliamentarian like Mr Atal Behari Vajpayee announced on 8 December 1974 his decision to

resign from the membership of the Lok Sabha (though his party did not allow him to do so) on the ground that "parliamentary democracy was no longer an effective instrument to serve the people in India and had become a good means to acquire power and prestige."⁴⁹ Similarly Minoo Masani responded to JP's belief that "hope for India lay neither through elections nor Parliament."⁵⁰

JP was not content with merely overthrowing the Congress rule. He demanded that "whole system must go lock, stock and barrel."⁵¹

Distrust of Western Democracy

He shared with Congress leaders and pre-Congress intellectuals their lack of faith in the "western model" of democracy, quoted earlier. He regretted the failure to understand what he was doing in Bihar by "Indian intellectuals cast in the mould of Western thought (in which I include also the Russian) and modes of action."⁵² NJN had earlier advised him to grasp "the techniques of gaining power and using it by means of the party system."⁵³

JP, on the other hand, cited Gandhi's example, who dominated the political scene and was the supreme commander of the nationalist forces, but declined even to be an ordinary member of the Indian National Congress. "After independence, too, he did not seize supreme power as the Western pattern would have expected him to do."⁵⁴

Obviously JP's ambitions far exceeded those of Mrs Gandhi who was content to be merely a Prime Minister—however powerful—of the country. He, however, overlooked the fact that at that time Gandhi was effective mainly because he had a powerful instrument like the Congress Party and a personality like Jawaharlal Nehru to mobilize people and to wield government power. JP's own movement acquired political effectiveness only after a viable and credible alternative to Congress and Mrs Gandhi emerged in the form of Janata Party and Mr Morarji Desai respectively.

Nobody can deny JP's monumental contribution to creating these alternatives. But till they were created NJN

had a point in arguing that his "saintly virtues were politically meaningless." NJN may be a little harsh in his comments but they indicate the extent of confusion about potentialities of JP's movement among those who were not hostile to him. He wrote: "From the Congress point of view if Mr Jayaprakash Narayan did not exist, it would be necessary to invent him. Any establishment under the pressure of increasing discontent attempts, as a matter of expediency, to create a diversion. And this is what JP has obligingly, if also unwittingly, done."⁵⁵

Authoritarian Backlash

The real danger was not that JP was providing the safety valve to Congress, but that under the pressure of his movement "if besides Congress, the system also collapsed, we are not sure what would replace it." In fact, "in the ensuing confusion and instability, the danger of an authoritarian backlash cannot be ruled out." An authoritarian trend in Indian politics was also visualized, "if the movement gets exhausted on account of organizational and ideological inadequacies or superior strength and tactics of the establishment."⁵⁶

The fateful judgment of Justice Jag Mohan Lal Sinha of Allahabad High Court, which set aside the election of the Prime Minister of India, on 12 June 1975, precipitated the backlash. The battle lines were clearly drawn and its last phase—to the finish—began. The parable about a cat which when cornered became desperate, with which Mrs Uma Vasudeva starts her book on the *Two Faces of Mrs Gandhi*, applied to both the sides. None had needed its moral, viz, "If you want to hit the enemy, you must leave a way out for him. Otherwise his despair can make him a killer."⁵⁷

In a mammoth rally at Delhi on 25 June, the opposition led by JP gave an ultimatum to Mrs Gandhi to resign, or face a countrywide agitation from 29 June. JP also gave a call to the police and military not to obey any "illegal" orders of the Government.

If the issue was to be settled merely by the size of the demonstrations, Mrs Gandhi had already won it. On 20 June, a bigger rally was held near the boat club of New Delhi, to express solidarity with the Prime Minister. Described by her as "the biggest in the world,"⁶⁸ it was mobilized with the help of the government machinery of the neighbouring States, as was admitted by their ministers and officials of that time before the Shah Commission. She left nobody in doubt about her determination to stay on as the Prime Minister.

Around the midnight of 25-26 June, the President signed the proclamation of the internal Emergency. The cabinet came to know of it and gave *ex post facto* approval to it at a hurriedly called meeting at six in the morning. The external emergency was already in operation since Indo-Pak war of 1971. But the double emergency created the desired psychological effect.

Collapse of Resistance

The Emergency operation was remarkably neat. "Not a dog barked," the then Defence Minister Bansi Lal is reported to have boasted. Quoting Cromwell, who had made the same comment when he dissolved the British Parliament, Sir Ivor Jennings said: "The dogs bark in Parliament, if there were no Parliament they might bite."⁶⁹ "Even I was astonished," observed Mrs Gandhi, "as far the public reaction to the declaration of Emergency." She said: "When the Emergency was declared there was not a murmur at all. There was not a case where the police had to be used."⁶⁰

These are no empty boasts. Almost all the chronicles on the Emergency, despite their critical attitude to it, attest to this fact. According to the authors of the *Decline and Fall of Indira Gandhi*, "the first impact on the Indian people of the Emergency regime was favourable. For the first six months everything went off swimmingly."⁶¹ Mr Sachchidanand Sinha records: "The arrest of all top leaders of the political parties including Jayaprakash Narayan left the nation cool. There were no spontaneous strikes, no demonstrations, no uprooting of rails."⁶² CGK Reddy went

round the streets of Delhi to find "at least a few of the lakhs of people, who had gathered only the previous evening to hear JP, determined to bring down the Prime Minister and would now organize themselves to resist what was virtually a dictatorship." His "expectations and hopes were belied."⁶³

Acharya Kripalani, the seniormost public man of India, chided the people for their role during the Emergency. Addressing a big public rally at Lucknow after the Emergency he said: "You are the people who were shouting slogans in favour of Mrs Gandhi and today are raising slogans against her." He asked: "Is it not shameful?"⁶⁴

The journalists, as the Minister of Information and Broadcasting LK Advani observed, crawled when asked to bend. According to Dr Arun Shorie, "the intellectuals lacked even the most elementary courage. They collapsed without struggle. They were almost ineffective."⁶⁵ Phaneswarnath Renu, the lone Hindi writer in JP's movement, despaired that the famous and established writers, "who should have lent expression to the suffering of the millions, were silent."⁶⁶

JP begins his *Prison Diary* (on 21 July 1975) with the following words of despair:

My world lies in shambles all round me. Here was I trying to widen the horizons of our democracy...And here am I ending with the death of democracy...I wonder what all those ladies and gentlemen are saying now who used to tell me that I was the only 'hope' for the country.⁶⁷

Miscalculations ?

"Where have my calculations gone wrong?" The earnestness with which JP asks the question deserves equally serious response. To say (as JP records in the *Diary* on the following day) that Mrs Gandhi was by "inclination and conviction a dictator"⁶⁸ is an adequate answer.

Jack Anderson and Les Whitten wrote in *Okla Homa Journal* (4 July 1975): "Under similar circumstances Richard Nixon, whatever the sins on his head, never attempted.

what the sanctimonious Indira has stooped to.”⁶⁹ But why? Was it simply because Nixon was more virtuous? They hasten to add: “Had he done so, no one of significance would have obeyed his orders.” JP admits his mistake in presuming that people and Congress Party would not allow Indira Gandhi to do what she did.⁷⁰ But the crucial question remains. Why did people, Congress and all men of any significance succumb to what Dr Arun Shorie characterizes as “the mildest possible dictatorship, compared to what a Djilas or a Solzhentsyn had had to put up with.”⁷¹

There are quite a few pointers towards a fuller explanation of the phenomenon in the foregoing account of facts and events, which preceded the long night that dawned on 26 June 1975 and lasted for 572 days. Some of the factors touched in this context include psychological make-up of the leader and the people, state of economy, political climate, decline of ethical standard, organizational and ideological inadequacies of the opposition parties, conformism of the intellectuals and shortcomings of the system as a whole and JP’s assault on it without offering a viable alternative. Had not the same type of stuff—leaders, intellectuals and people—shown a better mettle during the British Raj?

Why Regimentation Succeeded?

According to Sasthi Brata, British Goliath had an Achilles’ heel in the form of “Principles” whereas “the leonine lady who was, in all but name the dictator of India, had no such weak spot.”⁷² But an important difference between the two regimes, let us admit, was that the Indira Government was not as much hated as an alien British Government was. It was, therefore, easier for the former to regiment the national life.

In a developing independent country agencies of promotion of art, culture and literature, institutions of education, most of the media of publicity are run by the State. The intellectual, therefore, depended growingly, and during the Emergency almost exclusively, on the State for his survival, recognition

and affluence. The cost of not collaborating and reward of collaboration increased rapidly.

In India stakes in political power are also very high. "The difference between successful and unsuccessful politics is the difference between prosperity, social status, power and a meaningful life on the one hand, and poverty, oblivion, sense of impotency and existential meaninglessness on the other."⁷³ In order to cling to power and retain confidence of the leader, a politician was thus willing to pay much more price in terms of principles and self-respect than he would in a normal democratic set-up. For the same reason, the ruling party in general, and its leader in particular, became desperate and ruthless for retaining power.

In order to increase its acceptability, the Emergency regime adopted many slogans and programmes popularized by the opposition. Anti-smuggling drive, income tax raids, anti-inflationary and price control measures were part of this policy and must have earned it some popular goodwill also.

The declared objectives of the regime were not merely confined to administrative efficiency, social discipline and economic amelioration but also extended to "A comprehensive transformation of society," a phrase often used by the Prime Minister and her son and the nearest equivalent to "total revolution." The tasks of the new revolution ranged from making India a world power to eradication of social evils like dowry, from economic reform to ecology (tree plantation), from cultural renaissance to family planning and so on.

Donning JP's Philosophical Apparel

Mrs Gandhi quoted profusely from the scriptures written by JP, of course, without acknowledgement. Instead of quoting chapters and verses a few samples might suffice.

Democracy does not mean voting once in five years or whatever it is. We want to make democracy more meaningful to all the people.

I am only continuing the revolution which was begun by Mahatma Gandhi, because the aim of that was

a change in the structure of society, fight against the system...

The aim...is not only a better material standard of living for the people, but a much wider concept of what is a better human being.

The very concept of democracy is not the same in every country.

Our concept of democracy is a much wider and deeper than the Western or the Eastern bloc's.

If they (people) get a feeling that this system... is not serving the purpose of the larger number of the poor people, why should those people tolerate it?⁷⁴

It is hardly necessary to quote corresponding statements of JP to prove that he had said similar things in almost similar words. Sanjay Gandhi's emphasis on the role of "youth power," debunking of 'isms' and ideologies, talk of all-round social change and condemnation of communism and the CPI, too, were not entirely alien to the thought frame of JP.

That people were more important than institutions was implied in popular movements for dissolution of the State assemblies. Mrs Gandhi extended the logic to pronounce supremacy of people even over judiciary and Constitution. She sought legitimacy of her leadership from crowds of people. The technique of collecting such crowds has, however, by now been well known.

She was also not far wrong in saying that "the whole talk of changing the Constitution emanated from the opposition."⁷⁵ The very idea of amending the Constitution to restore "Parliament's sovereignty," which had been abridged by a Supreme Court judgement, was first mooted by the late socialist MP, Nath Pai. The opposition had made no mean contribution to generating the populist wave which Mrs Gandhi tried to ride.

The fate that Indian democracy eventually met on 26 June 1975—which JP called its death and Mrs Gandhi described

as its derailment—was not merely due to a miracle brought about single-handedly by a superhuman dictator. If the opposition got confused and failed, if the complex phenomena exceeded the grasp of intellectuals, if many leaders, claiming to be democrats, connived or remained passive, if people did not offer effective resistance, if the entire system succumbed to the will of the supreme leader and if she imposed an authoritarian regime on the country without any glaring violation of the letter of the Constitution and without large scale deployment of police or army, there are enough cogent reasons. A further and thorough study of these reasons should be more rewarding than merely loading the entire nation with a sense of guilt.

Moral Judgment

However, an explanation of how Mrs Gandhi outmanoeuvred her adversaries, at any rate in the first round, is no justification of her actions. Those who were tactless in defence of democracy or whose ideas were twisted and exploited cannot be equated with those who deliberately usurped and misused power. The tyrants cannot be equated with the victims of tyranny. The corrupt-sadist caucus cannot be equated with revolutionary and idealistic youth who rotted in jails. The oriental despotic sultana cannot be equated with the saint who has renunciated all worldly goods.⁷⁸ In no case excesses and crimes of the Emergency can be condoned.

Hitler became a dictator by a similar combination of factors ; through a decree of emergency, innocently provided for in the otherwise democratic Weimer constitution, subsequently amending but without suspending it, and due to appeasement policy of governments of democratic countries, in particular one led by Chamberlain in Great Britain, and confusion and miscalculations on the part of liberals, socialists and communists. While appropriate lessons must be learnt from the follies of the founding fathers of the Weimer constitution, Chamberlains, liberals, socialists and communists, they cannot, in fairness, be treated at par with Hitler and his barbaric tribe in a moral judgment.

In comparison, opposition in India fought valiantly and indeed won the final round of the battle; notwithstanding its strategic and ideological deficiencies discussed earlier, and unwitting contribution in pushing the country towards authoritarianism.

Happenings During Emergency

While in the interest of rigorous analysis and terminological exactitude, neither Indian Emergency can be described as Nazism nor Indira Gandhi as a Hitler; what happened during the Emergency was quite unusual judging by the standards of administration India was used to, not only since independence but perhaps also during most part of the British rule. Was S Nihal Singh exaggerating when he said: "She (Mrs Gandhi) subjected the country to the most tyrannical regime it has had for two centuries?"⁷⁷ Mrs. Gandhi's Minister for Information and Broadcasting VC Shukla had replied him partially. When the *Times of India* editor Girilal tried to argue in a meeting that even during the British regime such restrictions were not imposed on the press as were being done during the Emergency, Mr Shukla cut him short with: "This is not the British regime. This is national Emergency."⁷⁸

Ban on 26 parties and detention of a total of 1,40,000 political prisoners during the period of the Emergency might also be an all-time record.

Again, the State machinery under the Prime Ministership of Mrs Gandhi acquired unprecedented power, without adequate checks and balances. At the Centre, she had roughly 7,00,000 policemen, belonging to the Border Security Force, the Central Reserve Police, the Central Industrial Security Force and the Home Guards; besides 80,000 police in the states and armed forces totalling one million.⁷⁹ In addition to numerous intelligence agencies, she specially relied on RAW (Research and Analysis Wing) for political intelligence and operations. Starting with a budget of Rs 5 crores, it reached Rs 100 crores.⁸⁰ The media of publicity—with censorship on the press and state owner-

ship of TV and wide network of radio—gave complete monopoly to the government over sources of information to the people. The growth of communications also helped to improve the efficiency of the instruments of repression. Not content with these powers, Mrs Gandhi added many legal and constitutional weapons to her armoury, to transfer power from judiciary to Parliament, from Parliament to President, from President to Executive and finally to herself. Again, not content with arbitrary powers thus acquired, she created an extra constitutional authority headed by her son, with extra constitutional agencies and unlimited resources, which necessitated her connivance at growing corruption.

It is, therefore, not surprising that Mr Justice JC Shah, heading one member Commission inquiring into excesses during the Emergency, was “shocked” by the revelations made during just 12 days of hearings. It appears, he said, “that there was no safety of anyone. Persons could be whisked away, houses could be searched, any amount of indignities could be inflicted on the people with no redress.” He was amazed that “all this happened in a civilized nation.”⁸¹ The people bailed out by the courts were re-arrested at the jail gate in a large number of cases.⁸²

Total Counter-Revolution

These sordid happenings need hardly be catalogued or detailed here, as they are by now well known and are being exposed by authoritative agencies. But it is worth noting that no new repressive machinery was created during the Emergency. By and large the same system—political and administrative—which was supposed to have served the preceding democratic regime became subservient to the new authoritarian regime. Some of the stalwarts of the freedom movement, senior IAS and ICS officers, inheriting British tradition of bureaucratic autonomy, members of the prestigious professions and the best intellectual talent of the country were willing tools of Mrs Indira Gandhi. Most of them conformed to the new regime in a manner which in political parlance is called opportunism.

Some persons are capable of behaving differently in different situations and under different systems. The role of a cog is determined more by the machine of which it is a part than by itself. "Hannah Arendt has argued that Adolf Eichmann, who sent millions of European Jews to their death, was not the sadistic killer he is made out to be, but was a run-of-the-mill bureaucrat of the Third Reich. Evil, she in effect says, is rarely ever the work of evil persons, but of ordinary law-abiding citizens like you and me...Most people operate at a level of morality where the sanction of an authority magically turns evil deeds into good and good deeds into evil. This magical transformation is facilitated by the tendency of authoritarian and repressive regimes to concentrate decision making in a few hands."⁸³

Rarely had Indian nation in its long history undergone such a comprehensive transformation in such a brief duration. The impact of the Emergency was all pervasive, on the psycho and moral behaviour of the people, politics, economy, culture, administration, academic and educational institutions and social life.

This was the nearest ever approximation to a total revolution, albeit in counter direction. "We find today," laments JP in his *Prison Diary* on 7 August, "the dark clouds of total counter-revolution encircling us."⁸⁴

The Dialogue

The leadership of the opposition was inevitably overtaken by feelings of helplessness and despair. Acharya Kripalani conceded: "Humanly speaking, there seems to be no remedy."⁸⁵ JP was afraid he would not see his world (in "shambles" at that time) put together again in his lifetime. "Maybe," he despaired, "my nephews and nieces will see that —Maybe."⁸⁶

Many scholars, Western and Indian, "cast in the Western mould" (to use JP's phrase) found confirmation of the theory that the Western democracy did not suit the developing world.

"India got a system suited to her genius," was the verdict of this tribe.

Indeed, Mrs Gandhi's Finance Minister and the present leader of opposition in Parliament YB Chavan claimed : "Democracy has not only not suffered a demise in India, but is more living and throbbing than ever."⁸⁷ And much after the Emergency was over, she herself had the temerity to say : "If you look back you will agree that there has never been more democracy in the country before I became Prime Minister. Never, Never."⁸⁸ We seemed to be approaching the Orwellian world of 1984 rather too soon.

Most of the opposition, on the basis of its assessment of the situation—not entirely unrealistic at that time—sought a negotiated settlement with the Government, which according to CGK Reddy, "exhibited in a most flagrant form in mid December 1976 when the representatives of Congress (O), BLD, Jana Sangh and Socialist Party discussed and tacitly approved of a document. They chose to call it a working paper." He describes it as "pure and simple a surrender document."⁸⁹

On 14 December 1976, Mr George Fernandes, the then Chairman of the Socialist Party, in a letter to JP strongly disapproved the move of the opposition parties. He wrote :

"The opposition leaders lack not only perspective but also in nerve...This is not the stuff that can oppose and overthrow a dictatorship ; if anything, this is the stuff that breeds and nourishes dictators... I am aware of your own frustrations with the opposition leaders."⁹⁰

Mr Asoka Mehta, on the other hand, reported to the Working Committee of Congress (O) that the meeting of the opposition leaders "approved" the approach (note of the BLD) and "welcomed a dialogue" (with the Government).⁹¹

• Leftist Take-over ?

Did Mrs Gandhi suddenly turn hostile to the Communist Party of India and the leftist lobby within her party towards

the close of 1976 in order to accommodate the non-communist opposition ? Or her overtures to the non-communist opposition were due to a fear of a leftist take-over ? Her fears on this score are discussed by Mrs Uma Vasudeva in one full chapter of her book on *Two Faces of Mrs Gandhi*, comprising over one-fourth part of it.

JP also suspected that the CPI, communists in disguise within Congress and the Soviet Union had planned to take over the country. He gives even a benefit of doubt to Mrs Gandhi who "has become a stooge." But he warned : "A time may come when, having squeezed the juice out of Mrs Gandhi, the Russians through the CPI and Trojan horses within the Congress will dump her on the garbage heap of history and instal in her place their own man." "This plan", according to JP, "is not known to Indiraji though she might have some private suspicions."⁹²

Who was using whom ? Or both were trying to use each other for their respective ends. But it appears each was preparing to get rid of the other. According to Bihar Congress-leader Sita Ram Kesari, "it was to neutralize this (the Communist) threat that Sanjay was built up."⁹³

However Mr Sanjay Gandhi—who was compared by the then Congress President Dev Kant Barooah to Maharaja Ranjit Singh, Shankaracharya, Vivekanand and Akbar⁹⁴—grew into an important autonomous phenomenon and more than anybody else shaped the eventual form and content of the Emergency. He liked dictatorship, as he told a West German paper once, though "not of the Hitler type."⁹⁵

As far back as 6 August 1975, he lashed at the CPI, the principal political ally of her mother. In an interview to Mrs Uma Vasudeva, the editor of the *Surge*, he said : "If you take all the people in the Communist Party, the big wigs—even the not-so-big wigs—I don't think you would find a richer or more corrupt people anywhere."⁹⁶

Though Mr Sanjay Gandhi appeared to be building a political force, in particular through mobilization of the youth,

independent of and in opposition to the communists within and outside Congress—and even parallel to Congress—Mrs Gandhi herself openly owned and intensified the anti-communist campaign when “dialogue” with the opposition began in December 1976. The Gauhati session of Congress marked a turning point in its ideological direction. The communist sympathisers within the party started falling from grace and position since then.

Decision on Elections

Apart from a possible Freudian death wish—which cannot be verified—and a rational expectation that the room vacated by the communists and their fellow travellers in the positions of importance would cause a vacuum which might irresistibly attract anti-communist leaders and parties towards her, Mrs Gandhi’s motive in ordering elections in March 1977 was also to raise “a constitutional scaffolding to the power structure that she thought belonged to herself and her family.”⁹⁷ The state of the national economy and politics, including that of the opposition parties, must have encouraged her in assuming that the time chosen by her for seeking constitutional legitimacy of her regime was most opportune. The elections in neighbouring Pakistan a little earlier, which projected her as a more democratic country than India, hurt Indian pride and prestige and might have precipitated Mrs Gandhi’s decision to follow suit. Her confidence in mastery over tricks and tactics of the election game and manoeuvring capacity in normal political process, too, was not misplaced.

Had Mrs Gandhi not decided to hold Parliament poll a year ahead of the schedule, it is generally agreed, there was no imminent threat to her regime. In fact the opposition leaders were as surprised at the popular response they got and their eventual victory in elections as at the collapse of their movement in June 1975.

Miscalculations

Where did Mrs Gandhi’s calculations go wrong? It is as vital a question as the similar question JP had asked him-

self after the Emergency was clamped down on the country. They provide clues not only to the fortunes of the two most prominent personalities of the time but also to the political behaviour of the people and political developments in the country.

What are the factors that hurled Mrs Gandhi down almost grotesquely from the affections of her people and her place in the history.⁹⁸ How was democracy resurrected in the country after its unceremonial burial barely nineteen months ago ?

Our present knowledge of the causes of rebirth is as woefully inadequate as that of the causes of death. The democratic revolution, however, was as bloodless and peaceful as the earlier authoritarian 'coup.'

Is that a reflection on the character of Indians—on their capacity to suffer, their passivity, their resilience and their potentiality of revolt ? Is Indian mind schizophrenic ; half democratic and half authoritarian ? Or were the dictator and the dictatorial regime imperfect ?

Some scholars have made generalizations regarding ambivalence and lack of sharp commitments of the Indian mind—perhaps on account of the Hindu tradition of simultaneous belief in many mutually contradictory gods and scriptures. If this were true, it would answer Acharya Kripalani's rebuke to the people for shouting slogans for Mrs Gandhi on one occasion and against her on another.

To some extent these generalizations about the psychology of people hold good everywhere. People do tend to reconcile to the fait accompli. If rape becomes unavoidable, says an old adage, relax and enjoy. An authoritarian system develops cracks not when the terror and suppression are at their height out when the system to which people get used shows signs of relaxation and modification. For with sudden changes in the pattern and direction of a system, reflexes of the people get deconditioned.

People Deconditioned

Thus when anti-west pro-communist ideology of Congress was suddenly reversed, dialogue started with yesterday's "traitors", Parliament's life was cut short and people—who had taken their rulers for granted—were given an opportunity to choose and change their rulers, the conditioning process was rudely shaken. As a consequence, new forces were released that neither the ruling party and its intelligence agencies nor the opposition could anticipate.

This does not, anyway, imply that the dictatorship could have lasted forever, if the elections were not held when they did. It is possible, though hardly necessary for our present purpose, to speculate the form urge for freedom and dissent might have taken, the way resistance might have been organized, the type of contradiction that might have developed within the authoritarian system and other factors—internal and external—that might have deconditioned the conformist part of the population, in that case.

The prospects of deconditioning itself depend on the extent and manner reflexes of the people have been conditioned by the system. Inadequacy and incoherence in the ideology of the Emergency, organizational shortcomings of the ruling party and inefficiency of the administrative apparatus are some of the factors that are responsible for the inability of the system and its leaders to win emotional and intellectual allegiance of the people in sufficient measure. The concept of a dynastic rule, which is the popular image that the Emergency eventually acquired, was in no way inspiring. Moreover, whatever her achievements before and during the Emergency, "in grabbing absolute power, Indira Gandhi let herself in for absolute corruption and, on balance, when the sheet came to be drawn, the 'gains' to the country for which she sought credit were like dust in the scale against the degradation into which she had dragged India."⁹⁹

Even the former Prime Minister and her apologists do not deny that excesses were committed by overzealous bureaucrats in implementation of official policies. Family planning

and slum clearance drives, in particular, hit poor and backward communities which had been traditionally loyal to the ruling party. Shift in their loyalty was a crucial factor in turning the electoral tables against it.

Indira Loses Last Battle

The greatest handicap of the authors of the Emergency was their inability to disown Gandhi and Nehru for obvious reasons. That they were a source of inspiration to the opposition and embarrassment to the ruling party would be obvious from the statement made by the former Minister of Information and Broadcasting, Mr VC Shukla, before the Shah Commission. He said, "quotations from national leaders were censored because they had faded in the pages of history and most of them were relevant to the days of the Raj. Their reproduction would have created misunderstanding."¹⁰⁰ Jawaharlal Nehru's own paper, *National Herald*, stopped publishing his famous quotation on its masthead—being published ever since its inception—which read "Freedom is in peril, defend it with all your might."

It is not a mere coincidence that 2 October 1975, the first Gandhi birthday anniversary after the declaration of the Emergency, was marked by arrests of prominent public men including octogenarian Acharya JB Kripalani, a veteran parliamentarian HV Kamath and *Sadhana* editor Mihir Thatte for organizing or participating in celebrations of the birthday of the father of the nation, which were banned at several places.

The urge for freedom—a basic human urge—further inspired and institutionalized by the illustrious leaders of India could not be easily banished from the minds of the people. When the opportunity came to choose between freedom and bondage, their choice was obvious and unmistakable. The common man demonstrated, what the intellectual had not appreciated, that he valued freedom no less than bread.

Finally, it was JP's personality that made all the difference in the outcome of the titanic battle between the rival forces. India's High Commissioner in the UK, NG Goray was not indulging in undue flattery or exaggeration when he said in London: "If Mr Jayaprakash Narayan had not led the 1975 movement, Mrs Gandhi's dictatorial rule would have continued indefinitely and a nation of 600 million would have lived in chains."¹⁰¹

India was fortunate to have a Mahatma to lead her liberation struggle. She was again fortunate that a saint returned from "jaws of death" to be available for leading what is called the second liberation struggle, barely three decades after the independence of the country.

Did not Lord Krishna himself declare in the holy Gita that he would incarnate to rescue India whenever *dharma* declined?

But should basis of a modern secular India be built on a theological belief? Should not the guarantees of democracy be rather secured in the consciousness of the people, avenues of articulation of their democratic urges and effective institutions of democracy—including a system of checks and balances, a well-balanced party system, free press, free judiciary and other constitutional agencies and provisions?

Total Revolution

JP himself is not content with what is called Janata revolution. He rather feels that "the people's movement has suffered to some extent" when the people engaged in spreading his message were voted to power. "What we lack today," he says, "is a well-knit revolutionary organization that can plan and work out programmes of action." He wants all those groups that profess total revolution to merge into a united organization.¹⁰²

JP's distrust in effectiveness of political power, political parties, constitution and institutions does not seem to have declined appreciably despite the contrast in their use and misuse after and during the Emergency respectively.

The two words of "Total Revolution" are today as hollowed as they were dreaded during the Emergency. In either case no justice has been done to the concept which deserves a more analytical and thorough examination.

According to JP, it is a combination of seven revolutions—social, economic, political, cultural, ideological or intellectual, educational and spiritual.

While it is conceivable that a group of persons might agree on an integrated view of a new society, the implications of forming "a united organization" to bring it about are rather serious. For no single institution, party or organization can represent diverse aspirations of a whole man, without emasculating some of them. Such experiments have been tried only in totalitarian societies and were approximated in those old societies in which state and church were merged.

Indeed pluralistic institutions of democracy alone differentiate it from totalitarianism. Thus a person may simultaneously belong to a political party, a religion, a culture, an economic class, a nation, a region and an ideology. Loyalties to various institutions cut across one another. People with different spiritual and cultural outlooks might, for instance, agree on common economic objectives. And people with different economic and political views might have a common spiritual or social philosophy. In fact a number of permutations and combinations—in terms of beliefs in diverse fields—do and must exist, excepting in a totally regimented society.

While a case can surely be made for radical changes in the seven fields mentioned by JP, complete agreement on quantity and quality of changes in all fields must not be a pre-condition for action in a particular field. Despite inevitable inter-connections between various walks of life, each one must be ensured a degree of autonomy in a free society.

As observed by Bertran D Wolfe, "the essence of the total state and the totalitarian party does not lie in tyranny or terror, although these are necessary in varying doses and

at varying stages to atomise and subjugate society. But the essence of totalitarianism is painfully simple and lies in its very root, the word total."¹⁰³

Acharya JB Kripalani did not elaborate his point but similar apprehensions must have weighed with him when he criticized the concept of total revolution as alien to Gandhism.¹⁰⁴

This is not as such intended to be a critique of JP's thought. Those who are interested in the subject are referred to a thorough, though a little irreverent, study of it in an article by the present writer in *Conspectus* No. 3, 1966 (India International Centre, New Delhi) and a chapter in *Democracy and Non-Violence* (Gandhi Peace Foundation), 1968.

In view of the fact that JP became the rallying point and a symbol of popular revolt against authoritarianism, his ideas have a vital bearing on prospectus of democracy in India and hence deserve deeper analysis and dispassionate criticism. Present uncritical adulation would do him as much injustice as the past sweeping condemnation used to do.

Prospects of Democracy

The overthrow of an authoritarian regime within so short a span of time, and dismantling of its structure so effectively and thoroughly, have undoubtedly inspired democrats within as well as beyond India. In view of the experiences which they have gone through and the lessons they could not have failed to learn therefrom, politicians, parties, intellectuals, bureaucrats and people of the country are unlikely to be as pliant and servile to a would-be aspirant to dictatorship as they were last time.

However, while the great March revolution answered many vital political questions decisively, it has left quite a few unanswered and posed some fresh ones also.

How can, for instance, we discuss the prospects of democracy in a country where there is not even a broad

consensus on what is its essence? What is more important: popular participation or freedom?¹⁰⁵ Is a multi-party system an essential prerequisite of democracy or only a transitional necessary evil? Would major parties of the country survive their internal convulsions? Would viable alternatives—or coalitions of them—remain available to the people, from which they could freely choose their rulers periodically?

JP does not strike a very optimistic note when he says: "Disintegration of Janata Party or fall of its government at the centre will lead to dictatorship."¹⁰⁶ For as long as the fate of democracy is linked with that of a party or a leader, it cannot be considered secure. But how enduring is the federation of Proudhon-Kropotkin (Utopian-anarchist) line of Sarvodaya,¹⁰⁷ social democracy and militant nationalism? Why is the base of Janata Party essentially confined to Hindi-speaking Hindus? What conventions and institutions are proposed to reconcile and accommodate diverse identities of people based on, say, caste, religion, language, region, class and ideology instead of wishful and utopian ideas about eliminating them.

Acharya Kripalani is equally concerned over the future of democracy in India. "If people do not submit themselves to voluntary discipline," he warns, "they cannot escape the consequent imposition of totalitarian discipline."¹⁰⁸ How can what Professor Gunnar Myrdal called a soft democracy or functional anarchy be made a disciplined, dynamic and efficient system capable of delivering the goods common man has come to expect of it? How can the system be made to function even by and for the human beings as they are—and are likely to remain—and not as they should be?

The following remarks about the prospects of democracy in India by the present writer in 1959 may not be entirely irrelevant.

"The addition of new adherents to the cause of secularism and democracy—as the extreme right and left were forced to move towards the centre—has rather diluted their original content. For the influence of the new converts

who could not outgrow or reject their past thought and behaviour patterns, is tending to modify these concepts. The debate about the futility of parliamentary democracy within the democratic camp has added to the confusion.... The crisis of democracy is mainly due to a crisis of confidence in the democratic ranks. The Indian democrat is now not very sure of his own mind.”¹⁰⁹

The triumph of democracy over authoritarianism in 1977 seemed to have converted the whole nation to it in principle. But to the extent the concept of democracy is diluted and loses its precision in the process, its gain is offset to that extent. The triumph has also almost ensured it against threats from avowed outside enemies. Confusion within what claims to be the democratic camp about what really constitutes democracy and what are its constitutional, institutional and economic concomitants may pose a greater threat to it. Moreover, elements entrenched within the system, in its economy, politics and administration, interested in and capable of manipulating it to their group or personal ends, can still thwart the process of stabilization of democracy in India.

Finally, democracy “is seriously threatened from within by perfectionists.”¹¹⁰ Totalitarianism, after all “was evolved into a pattern of coercion and centralization not because it rejected the values of eighteenth century liberal individualism but because it had originally a too perfectionist attitude towards them.”¹¹¹

After reviewing the post-emergency Indian scene Dr Arun Shorie comes to a rather alarming conclusion. He believes that “the current phase of freedom is an interregnum between 19 months of terror and what could be a much longer period of much greater difficulties and a period that could last longer.”¹¹²

A fuller discussion on prospects of democracy in India would be beyond the scope of the present study. But perhaps having been forewarned, Indian democrats could forearm themselves. If the intelligentsia could turn its back on “the

shabby trivialization of the causes, the incidence and the consequences of the Emergency, in the form of most books available so far on the period"¹¹ and undertakes a more rigorous scrutiny of them—with sharper analytical tools—it might enable the democratic forces to take the situation by its forelocks.

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41. Pledge to eschew power politics and devote the remaining life to Sarvodaya Movement.
42. *Statesman*, 24 January 1975.
43. *Radical Humanist*, No. 46, January 1974.
44. Sachchidananda Sinha, *Emergency in Perspective*, p. 40.
45. *Is JP the Answer?* p. 125.
46. *Hindustan Times*, 25 August 1974.
47. *Prison Diary*, p. 56
48. On 6 September 1975, JP noted in his *Prison Diary* as follows :
 "There is no doubt that if the movement had not got mixed up with Opposition parties, its character, its experimental utility, its educative value, its ability to enable the people to see their problems with their own eyes (not the eyes of the parties) and to think of their responsibility to do whatever lay in their power in solving their problems, to change themselves and change their material and social environment, and if they must offer peaceful resistance or non-cooperation in this process,

to do so singly, in groups or in 'mass' (ie through a mass movement) would not have been compromised.'

49. *Is JP the Answer ?* p. 103.
50. *Ibid.* p. 110.
51. Quoted by Balraj Puri in article "Political system and JP," *Cross Section*, May-June 1974. p. 25.
52. *Statesman*, 18 September 1974.
53. *Statesman*, 3 September 1974.
54. *Statesman*, 18 September 1974.
55. *Statesman*, 3 September 1974.
56. *Cross Section*, May-June 1974, p. 27.
57. *Two Faces of Indira Gandhi*, p. 2.
58. Quoted in *The Judgement*, p. 32.
59. Sir Ivor Jennings in *Cabinet Government*.
60. Interview with *Daily Telegraph* London, 27 September 1977.
61. DR and Kamla Mankekar, *Decline and Fall of Indira Gandhi*, p. 33.
62. *Emergency in Perspective*, p. 67.
63. CGK Reddy, *Baroda Dynamite Case*, p. 16
64. *Statesman*, 17 September 1977.
65. See page 45.
66. SP Singh, "The Cowards of Hindi", in *Sunday*, 26 June 1977.
67. JP, *Prison Diary*, p. 1.
68. *Ibid*, p. 3.
69. Op. cit.
70. Quoted in *Emergency in Perspective*, p. 3
71. See page, 45.
72. *Statesman*, 26 May 1977.
73. Ashish Nandy, *Statesman*, 16 October 1977.
74. Interview to *Trans-India*, New York on 2 June 1976, released by Press Information Bureau on 1 July 1976.
75. *Ibid.*
76. *Saint Versus Sultana*, Title of a chapter in *Revolution Through Ballot*, by Anirudha Gupta.
77. *Statesman*, 4 October 1972.

78. Quoted in *Decline and Fall of Indira Gandhi*, p. 75
79. *The Judgement*, p. 23.
80. Kuldip Nayar, *India After Nehru*, p. 94
81. *Statesman*, 4 November 1977.
82. *Statesman*, 11 November 1977.
83. Quoted by Ashish Nandy in the "Psychology of Loyalty," *Seminar*, February 1977.
84. *Prison Diary*, p. 9.
85. See page. 13.
86. Op. cit.
87. *The Judgement*, p. 92
88. *Statesman*, 6 November 1977.
89. CGK Reddy, *Baroda Dynamite Conspiracy*, 1975-76.
90. *Emergency in Perspective*, p. 95
91. Ibid, p. 103
92. *Prison Diary*, p. 3-4.
93. *Two Faces of Indira Gandhi*, p. 58
94. Ibid, p. 183
95. *The Judgement*, p. 24
96. Reproduced in *Two Faces of Indira Gandhi*, p. 193 to 208.
97. *Revolution Through Ballot*.
98. Hiren Mukerjee, *Portrait of Parliament*.
99. Ibid.
100. *Statesman*, 4 November 1977.
101. *Statesman*, 26 October 1977.
102. *Janata*, 13 November 1977.
103. Lecture on "Some reflections on the origins and nature of totalitarianism," at a conference, University of Portland, Oregon, 5 May 1972.
104. *Statesman*, 17 October 1977.
105. That the two concepts are not identical is also indicated by Giovanni Sartori. He says : "Participation in the exercise of power does not necessarily imply individual liberty." *Democratic Theory*, p. 257
106. *Statesman*, 21 September 1977.

107. Asoka Mehta writes in *Reflections on Socialist Era* :
“Gandhi shared the Proudhon-Korpotkin traditions
and Nehru opted for the social democratic path.”
108. *Statesman*, 17 September 1977.
109. *Caravan*, New Delhi, April 1959,
110. *Giovanni Sartori*, op. cit. p. 51
111. Talmon, *The Origins of Totalitarian Democracy*, p. 249.
112. *Akashvani*, (All India Radio Journal) 30 October-
5 November 1977, p. 6
113. David Selbourne, author of *An Eye to India*, statement
in New Delhi, *Statesman*, 12 December 1977.

APPENDICES

Appendix I

IN DEFENCE OF EMERGENCY

(The following is the official summary of the White Paper entitled "Why Emergency?" which was laid in both Houses of Parliament on July 21, 1975, by the Ministry of Home Affairs of the Government of India).

"An attempt has been made in these pages to review the scope and nature of the challenge that had been thrown up and to describe the conditions that impelled the Government of India to invoke Article 352 of the Constitution of India to withstand the calculated onslaught on the country's political institution and economic progress"—Preface to the White Paper.

The declaration of Emergency has been hailed universally within the country and by all the well-wishers of democracy abroad. The drift towards instability and indiscipline has been halted effectively and the designs of the organized anti-democratic minority frustrated. There is order throughout the country. In fact, the people have acquired a new social purpose.

Some political parties with fascist leanings had combined with a set of frustrated politicians to challenge the very basis of democratic functioning and to destroy the country's self-confidence. They campaigned in the name of democracy to

paralyse the national economy, to subvert democratic institutions and create anarchy and chaos in order to overthrow the duly elected government. During the last two years, the Prime Minister and other leaders of the country had warned the nation time and again against the consequences of the activities of miscreants and of misdirected politicians. It was only when such activities of the well-organized fascist groups had crossed all permissible limits that the Government was constrained to declare Emergency. This decision, as the Prime Minister explained in Rajya Sabha, was not one that could be taken lightly or easily, and the damage that might have resulted was such that hard decisions had to be taken.

Background

To trace the background, one has to go back to the 1967 elections, when political power came to be distributed among a large number of heterogeneous parties and groups and this led to instability, necessitating mid-term polls in several States. The Indian National Congress itself faced a split. The Congress Parliamentary Party ceased to have an absolute majority, although the Government withstood every challenge. In the circumstances, the Prime Minister, Shrimati Indira Gandhi, decided to seek a fresh mandate from the people a year ahead of the end of the normal five-year term. A Grand Alliance of opposition parties fought on the slogan "Remove Indira". But the election of 1971 resulted in a massive victory of the Congress at the polls. This upset the opposition plans. In desperation they began to think that their political objectives could not be attained through the ballot box. They turned their thoughts to extra-constitutional means in which some of them specialized.

They started with a search for a consensus. This did not come off and Shri Jayaprakash Narayan confessed that he had "wasted two years trying to bring about a politics of consensus. It came to nothing." Others in the Grand Alliance were searching for an opportunity to strike. At that very time, the food situation in Gujarat deteriorated and prices of foodgrains and other commodities shot up. The

Land Ceiling Bill, a much-needed measure of rural reform, and the levy on foodgrains, designed to curb the steep rise in food prices, annoyed the vested interests. The anti-people opposition joined hands with these elements. A calculated and organized agitation was soon got up. Separately, the students of the State were getting agitated over their rising food bill. The opposition, particularly the Jan Sangh and the Congress (O), drew up a scheme of exploiting this student restiveness for their political ends. The year 1974 began with the launching of an agitational offensive in Gujarat. Shri Jayaprakash Narayan too lent a helping hand as he now felt that "this was the way out." The programme of agitation included loot, arson, violence, vandalism, strikes and bandhs. Student violence in Modassa took a communal turn and members of rival communities started looting each other's property. Apart from loss of property many lives were lost. 'Nav Nirman Sangharsh Samitis' were formed to subvert civic peace and the functioning of democracy. The parties that took a leading part were the Bharatiya Jan Sangh, the Congress (O), the Communist Party of India (Marxist) and the Socialist Party. The State Ministry headed by Shri Chimanbhai Patel resigned.

Even after the imposition of the President's Rule, violent incidents continued to secure the dissolution of the democratically elected Assembly. Shri Jayaprakash Narayan threw some of his Sarvodaya followers also into the fray. Elected legislators were gheraoed, intimidated and humiliated to secure their resignation. The opposition parties were instigating and directing the ugly show. Finally, Shri Morarji Desai undertook an indefinite fast to secure the dissolution of the Assembly. The Gujarat agitation claimed as many as 95 dead and 933 injured. The loss to public and private property was worth well over Rs 2.5 crores.

Bihar Agitation

Emboldened by the tolerance shown by the national leadership, the parties decided to repeat the performance in Bihar, Shri Jayaprakash Narayan's home State. Again, the

students were made to launch an agitation and the initiative in articulating the feelings of students was taken by the Akhil Bharatiya Vidyarthi Parishad, the front organization of the Rashtriya Swayamsevak Sangh. Even though the large mass of students were obviously satisfied by the assurances given by the Chief Minister, Shri Abdul Ghafoor, the Jana Sangh, RSS, the Vidyarthi Parishad, Congress (O), the Socialist Party, the Naxalites and Anand Margis decided to go ahead with their plans of agitation. They master-minded the March 18 demonstration, which, they assured, would be peaceful, but there was widespread violence and arson. Within three days, 27 persons lost their lives, many were injured and considerable property was destroyed. As the movement dragged on, the toll rose to 70 dead and 500 injured. There were 544 cases of violence, forcing the police to open fire 54 times. A large number of policemen also sustained injuries.

The programme chalked out by Shri Jayaprakash Narayan at various stages of the movement in Bihar included :

1. Boycott of schools and colleges and examinations for one year.
2. Gherao of MLAs to force them to resign their membership of the Assembly.
3. Social boycott of MLAs.
4. Formation of a parallel assembly.
5. Paralysing of work in Government offices.
6. No-tax campaign.
7. Boycott of courts.
8. Establishments of parallel governments and parallel courts—Janata Sarkars and Janata Adalats.
9. Incitement of armed forces, police and government servants.

All these were attempted but the popular response was lacking. The movement was successful only in getting acts of arson and loot organized.

Anti-Democratic Movements

One of the basic aims of all these movements has been to undermine democratic institutions. As far back as December 9 1973, Shri Jayaprakash Narayan expressed the view that "since Independence, elections have been growing more and more irrelevant to the people and to the democratic process." A month later he told a Varanasi audience that people were "psychologically ready for a change in polity," and they were sick of "party democracy." In various speeches at Patna, Kanpur, Poona and Nagpur, he amplified the thesis. He said that flare-up was a must and that this was "a rebellion, a total rebellion." He instigated the people by saying that he "could not restrain revolutionaries from taking to the gun." He was more specific later when he said that he "would follow the violent method if any opposition party was capable of toppling the Government violently." In October last year he said in Patna that "a violent people's revolution can be successful only if the army and the police rebel, as happened during the Russian Revolution. But this is not the situation here as yet."

However, on several occasions later he incited policemen, the armed forces and Government employees to rebel. These utterances have been dealt with in detail in the Home Ministry's publication entitled "Why Emergency?"

Shri Jayaprakash Narayan and his associates like Shri Patnaik, Shri PS Badal, Shri EMS Namboodiripad and the RSS Chief Shri Balasaheb Deoras, thought that "a continuous economic crisis will help in accelerating the revolutionary process" and considered the "time ripe for creation of a countrywide mass upsurge against Congress rule."

Open Confrontation

Summarizing his approach, Shri Jayaprakash Narayan said in September 1974 that "it is now an open confrontation with the Centre and not merely with the Bihar Government." He improved upon it in December: "The movement is decisive in my life, and the people will have to rise in revolt

against the establishment and nothing less than a total revolution will bring succour to the people.” Through the Bihar agitation, Shri Jayaprakash Narayan further nurtured a deliberate programme to disrupt democratic functioning at all levels and to disown duly constituted instruments of constitutional authority.

In May 1974, a plan was launched to paralyse the railway transport to a dead stop. Its author Shri George Fernandes gloated over the ruinous prospect: “Once the steel mill furnace is switched off, it takes nine months to re-fire. A 15 days’ strike in the Indian Railways will starve the country.” The Bharatiya Railway Mazdoor Sangh of the Jana Sangh and the CPI (Marxist) soon joined the fray.

How deeply patriotic the so-called leaders were became apparent when Shri Fernandes went to the extent of complaining to Chairman Mao Tse-tung against the firm action taken by the Government of India. Substantial amounts of money were secured by Shri Fernandes through a foreign bank from abroad. From the manner in which money has been flowing during all these agitations one can well conclude, that much more would have been received through ‘other’ channels.

The new opposition alliance became more and more ambitious. A new term “non-CPI opposition”, was coined to secure for the agitation a wider all India base. Disgruntled parties and groups and traditional opponents of the Congress came closer. The Jana Sangh, for example, gave a call to its cadres to launch “peoples’ struggles.” The Socialist Party conceived of a “mass upsurge of tremendous dimensions.” In Orissa pro-JP elements, aided and abetted by the Jharkhand Party and Shri Biju Patnaik, warned of “large-scale lawlessness and bloodshed.” The Jana Sangh and the Socialist Party wanted to re-enact Bihar in Madhya Pradesh and their agitational plan included “seizure of public and private foodgrains.” In Punjab those groups joined hands with the Akali Dal to oust the Congress Government from the State. In Rajasthan the Bharatiya Lok Dal and allied

groups tried to launch a Bihar-type agitation. In Haryana the Bharatiya Lok Dal initiated Haryana Jan Sangharsh Samiti at various levels in order to launch an agitation. Shri Biju Patnaik (BLD) said that he considered the present moment opportune and called for "swift action to ensure victory." Shri Jayaprakash Narayan said that "this civil disobedience will be of varied types. A time may come when if these people do not listen, it may be necessary to de-recognize the government...We would not cooperate with them; not a paisa of tax shall be given to them." He called upon the army, the police and government employees not to obey any order which they considered wrong.

Thus these opposition parties had irrevocably embarked upon the path of chaos and anarchy and were soon to set about executing their grand design without regard to the incalculable harm that it would do the country at a vulnerable moment of economic difficulties.

No Government worth the name could stand by and allow the country's security, stability and economy to be imperilled. The nation's interests demanded firm and decisive action to put democracy on the rails again.

Appendix II

CENSORSHIP GUIDELINES

(Issued by Chief Censor on 13 July 1975)

All censoring authorities will bear in mind the following principles/guidelines :—

- (1) All news reports, headlines, editorial comments, leader page articles, letters to the editors, advertisements and cartoons should be carefully scrutinized.
- (2) Nothing should be allowed to be printed which is likely to convey the impression of a protest or disapproval of the Government measures. The practice of leaving the editorial column either blank or filling it with quotations should not be permitted.
- (3) The factual accuracy of all news and reports must be ensured and nothing should be published which is based on hearsay or rumour.
- (4) Reproduction of any objectionable matter already published should not be permitted.
- (5) Official releases including photographs should be so published that the accompanying caption or description does not distort its purpose.

- (6) No unauthorized news or advertisement or illustration should be published in regard to vital means of communication.
- (7) Nothing should be published about arrangements relating to the protection of transport or communications, supply and distribution of essential commodities, industries, etc.
- (8) Nothing should be published which is likely to :—
 - (a) Cause disaffection among the members of the armed forces or public servants;
 - (b) bring into hatred or contempt the Government established by law in the country;
 - (c) promote feeling of enmity and hatred between different classes of citizens in India;
 - (d) cause or produce or instigate or incite, directly or indirectly, the cessation and slowing down of work in any place within the country;
 - (e) undermine the public confidence in the national credit or in any Government loan;
 - (f) encourage or incite any person or class of persons to refuse or defer payment of taxes;
 - (g) instigate the use of criminal force against public servants;
 - (h) directly encourage people to break prohibitory laws;
 - (i) affect India's relations with foreign countries.
- (9) Nothing which is sought to be published should :
 - (a) attempt to subvert the functioning of democratic institutions;
 - (b) attempt to compel members of legislature/Parliament to resign;
 - (c) relate to agitations and violent incidents;
 - (d) attempt to incite armed forces and the police;
 - (e) attempt at promoting disintegration of the

country and incite communal passions endangering national unity;

- (f) attempt at denigrating the institution of President, Prime Minister, Governors and Judges of Supreme Court and High Courts;
 - (g) attempt at endangering law and order; and
 - (h) attempt to threaten internal security and economic stability.
- (10) Quotations, if torn out of context and intended to mislead or convey a distorted or wrong impression, should not be allowed to be published.
- (11) For the coverage of the news, comments or reports relating to the proceedings of State Legislatures, Parliament and Courts of Law the following guidelines should be kept in view :—
- (a) The statements of Ministers may be published either in full or in a condensed form but its contents should not infringe censorship.
 - (b) The speeches of Members of Legislatures/Parliament participating in a debate will not be published in any manner or form but their names and party affiliation may be mentioned.
 - (c) The results of voting on a Bill, Motion, Resolution etc may be factually reported. In the event of voting, the number of votes cast for and against may be mentioned.
 - (d) In case of any doubt, the Chief Censor to the Government of India should be consulted by the quickest possible means and his instructions obtained.

Method of Enforcement

1. There should be no indication in the published material that it has been censored. No newspaper should ever print such captions as “passed by censors” or “passed for publication.”

2. Press censorship should be impartial. If news is suppressed in the case of one paper, it must be suppressed in the case of all. News censored in one part of an article must not be allowed to pass in the same article whether it appears directly or indirectly by inference or reference. The mere fact that prohibited news has been passed in error and published in one paper does NOT however justify its release to any other paper. Absolute identity of opinion in the case of all Censors is not guaranteed.

3. Matters which *ex facie* cannot be allowed to be published will be communicated to all Censors, newspapers and news agencies from time to time. (Example : if there is an incident or an accident which the Government does not want to be published, there will be advance intimation that this story will not be passed).

4. Censorship cannot be carried out orally or over telephone. The actual text which is desired to be published (whether it be a news story, comment, article, cartoon, photograph, letter to editor and quotation) must be submitted in writing or in proof form in duplicate to the Censor showing the date and the time on which publication is desired.

5. All Foreign Correspondents filing their messages in languages other than English are advised to submit authorized English translation of their messages for clearance by the Censors.

6. The Censor will clearly erase on both copies any words or sentence which are in themselves objectionable. If he approves the articles subject to these erasures, he should make no further additions to or excisions from the context other than what are essential to preserve the sense. If he considers that no amount of deletion will render an article suitable for publication he should stamp it accordingly.

7. The Censor after his examination should stamp both the copies in one of the following ways :—

(i) "PASSED BY CENSOR"

(ii) "NOT PASSED BY CENSOR"

One copy of the article etc will then be returned to the newspaper which forwarded it, the duplicate being retained by the Censor.

8. If a matter is submitted for censoring with a request that it is only for private circulation, the Censor will treat it as one meant for general circulation.

9. Photographs, pictures and cartoons should also be submitted to the Censor in duplicate together with the proposed caption. These will be dealt with by the Censor in the same way as articles.

10. All Censors will ensure that copies passed by them do not contain any reference to the places of detention and the names of political personalities detained. Names of persons detained for social and economic offences should be published but NOT the places of their detention.

11. Censors should promptly clear all news stories which relate to the action taken for ending corrupt practices including the names of the persons concerned.

12. Names of persons against whom any action is taken for non-political offences including those against whom warrants of arrests have been issued and are absconding should be promptly passed by the Censors to enable them to have the widest publicity.

13. It should be impressed on all connected with censorship work that no undue harassment or delay is caused and that as far as possible, the goodwill and cooperation of the members of the press should be earned by ensuring impartiality, courteous behaviour and speed.

(Reproduced from *White Paper* on Misuse of Mass Media During the Emergency—August 1977; Pages 46 to 51).

NOTE: Following further quotations from the *White Paper* also relate to the working of Censorship during the Emergency :

According to the Guidelines issued on 22 August 1975 it was provided that “names of persons whose

houses are visited by Enforcement officials for inquiries only, should not be given publicity.”

(Chapter II para 17)

A large number of instructions were also issued verbally by Censor officers to different newspapers for ‘killing’ certain items.

(Chapter II para 24)

Orally, some newspapers and journals were told that all quotations from Mahatma Gandhi, Jawaharlal Nehru and Rabindranath would not be automatically allowed.

(Chapter II para 25)

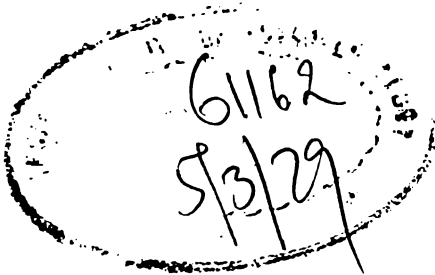
Blank spaces and some advertisements also came in for adverse notice from the Censors.

(Chapter II page 26)

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