

35th J.P.Memorial lecture
A STATE OF EMERGENCY

Gopalkrishna Gandhi

Thank you very much for your generous introduction, Suresh. I do indeed recall the incident that you described but only do sincerely hope when I spoke to you at 11:30 at night, I did not say I had managed to persuade the President. He did not need any persuasion. The decision was his. I was only a file carrier. I assure you that. K.R. Narayanan was an extraordinary human being and he brought to the office of the President of India an independent concept of the Presidentship of India which was not an assertive President but a President that was aware of both its powers and the need to keep those powers in line with the spirit of the constitution which is a democratic constitution vesting authority in the elected representatives of the people. He did not cavil at the prospect of taking a principled stand if he was sure of his ground, as he was in the Govindaswamy commutation.

We heard a very moving song to commemorate Shaheed Bhagat Singh. This happens to be the anniversary of Bhagat Singh's execution. So I would like to take this opportunity to say right at the start, and propelled also by your reference to the Govindaswamy commutation that India must move determinedly forward to the abolition of the capital punishment and I say this although we have all resonated in the song for Shaheed Bhagat Singh and his is a name that strikes a chord across the country. Let me also say that in this world itself there will be several people who would like to think about it before saying capital punishment should go but a great number of people in India may want capital punishment to remain on the statute books and that is where Jayaprakash Narayan comes in.

He did not hesitate to go against what could be called the popular wind, prevailing current. He did not hesitate to espouse unpopular causes, if he was convinced in his mind that was the right thing to do. He became by popular consent Loknayak but he did not seek that designation, he didn't even particularly revel in that designation. It came to him almost by chance. He was a friend of democrats in distress. He was a refuge to dissenters in Delhi. He was a counselor to dacoits who were willing to reform; he was a sunny host to secessionists and recalcitrant: Also to a large number of very eccentric people. He was a *humdum* of India's neighbors in their arguments or disputes with India. He was an empathizer of Tibet vis-à-vis China; Hungary vis-à-vis Soviet Russia; East Pakistan vis-à-vis Islamabad; Democrats in Nepal vis-à-vis monarchy and oligarchy in their country and on the side of everyone who was in a situation of injustice in India. And this is because he was a man of conscience, which is equal to being a loner.

Jayaprakash Narayan commanded a mass following and Prof. Sinha who is the chairman today knows how mass that mass was. But that happened on two or three occasions such as the Quit India Movement, and then later in a movement that he himself organized – the Navnirman

Movement, 74-75. But on many occasions when he was a loner and people almost shrank from his company. One such moment was in '62 shortly after the war that had ended with China and St. Stephen's college to which Prof. Ramachandra Guha who is sitting here belongs to and perhaps others here too had the privilege to go to invited Jayaprakash Narayan. Not many colleges invited Jayaprakash Narayan but Stephen's being Stephen's invited him to speak on Nationalism. Jayaprakash Narayan comes to the hall in Stephen's; it's a full hall like this and he starts by saying (Nationalism in India before Independence and after is the subject): "Let me tell you friends... (and this is the man who had been espousing the cause of Tibet) "... let me tell you friends, even the Chinese after all, as Asians, are our brothers and sisters". You could hear the shadow of a pin drop not just a pin. That was Jayaprakash Narayan.

I would like to recall the occasion, not that this is the occasion to recite his life but just as an entry point to the subject of today's discussion. When he came back in 1929 from the US, having spent seven years there, he was extremely young, barely 27-28. He comes in 1929 which is a very historical year because Jawaharlal Nehru who is 40 has been elected President of Congress. And Jayaprakash Narayan comes with his wife Prabhavathi, who is like an adopted daughter of Gandhi, into the Gandhi household. He's like a son-in-law who has not yet met his adoptive father-in-law and mother-in-law; he comes to Wardha with his wife who belongs to Wardha, who is a daughter of Wardha and he's waiting since the Congress Working Committee is in session and then it closes and the 40 year old Working President elect comes out, sees this young man just returned from America, very much a Marxist, read all volumes of Das Capital, even Rosa Luxemburg and says to him "Mein, Jawaharlal Nehru". Jayaprakash returns the handshake and says: "Mein Jayaprakash".

Now, that two initials shared by the two JNs gave us a tremendous polarization. Jawaharlal Nehru, democrat of democrats went with him on the train immediately after that to Delhi and then on to Lahore where he was officially to become anointed as Congress President, starts his saga. Of course Jayaprakash Narayan, democrat of democrats as well, but I would like here to draw a distinction which is a distinction that google will illustrate very easily. One click and you will know the difference. Democracy is democracy and a republic is democracy plus something. Of course in a country like Sri Lanka, the republic of Sri Lanka, we can have a Mahinda Rajapakse but still, at its best, a republic is democracy plus and where is that plus? Now India is great at using its Sanskrit heritage, rarely its Persian heritage – becoming more and more rare now – to vivify its own self-image and so we have the great motto, India's motto. We have the emblem, the three lions with the fourth lion hidden behind and what that fourth lion is, is a different matter we should speculate on that – three lions in front and fourth lion behind – and then the motto "Satyameva Jayate". Satyameva Jayate is a great concept but the second line in it is a clincher which has been edited. I'm not saying this was edited purposely. You can't have too long a motto, you must have a compact motto. Satyameva Jayate fits it so also the title used by Rajagopalachari for the collections of his writings. But what is the clincher that has been edited? *Naanritham* – not untruth; truth alone wins, not untruth; he likes to ram it in. He rams it in saying

truth alone triumphs *not untruth*. Likewise we have the often quoted Bahujana Sukhaya, Bahujana Hitaaya – happiness of the many. There is an element of the majority in that. Many is majority. Democracy is about majority so as long as the many are happy, the many are taken care of, all is tickety boo. But no, the Upanishad says something else. Now, they were not thinking of Republic of India, 1948, Hindutva and all that. The intelligence which crafted the Upanishads had the intelligence about this huge chunk of Indianites as multifarious people. Bahujana Sukhaya, Bahujana Hitaaya, or it maybe Bahujana Hitaaya, Bahujana Sukhaya... *Sarvalokashrayaaya*. It maybe the good of the many, the happiness of the many but India is the sanctuary for every single person who is on that territory. *Sarvalokashrayaaya*. Jayaprakash Narayan – everybody else believed in Bahujana Sukhaya, Bahujana Hitaaya – but he championed the elided, elliptical follow-up of that concept which is *Sarvalokaashrayaaya*.

Letter and spirit. In these editings every quotation is a form of editing. When we quote somebody we may be absolutely right; not a syllable missing, quote unquote but we have edited. So there is something on the letter, there is something on the spirit. The letter and spirit of the constitution have to be borne in mind when we see the text of the constitution. It has been felt by some, I've felt that too, that the constitution of India was written or crafted or conceived by the honest for the good, by the idealistic for the fair-minded. It was a document of great innocence set afloat on a river of evolving experience. The provision in it for the declaration of the emergency is an example of that trusting innocence of the constitution. When it originally said that an emergency can be promulgated in India for the nation as a whole, article 352, for reasons which included what was called national unrest and things like that. They did not ever imagine that it could be misused by the holders of the highest offices of the land. What is a disturbance? It's a (Section) 144 matter but an emergency suspends all civil liberties, every conceivable right including the right to life and that could happen by the perverse interpretation of that provision is something which the founding authors of the constitution would not have ever imagined. But it is exactly what happened and we must today by commemorating the return of the rights which had been suspended during the emergency remember Jayaprakash Narayan and also Justice H.R. Khanna who gave the minority judgement in the *Habeas Corpus* case. Minority judgment – one against four – when four said *Habeas Corpus* is not functioning when the emergency is on. No court can be asked for a person to be produced if that person has been detained under the rights or the privileges or the powers given by the emergency to those who can arrest people. Justice Khanna demurred. He said what is at stake is the rule of law. Justice Khanna was superseded. The Chief Justice's post was vacant. Justice Khanna was superseded and one of the other judges who did not dissent but had put his stamp on the case became the Chief Justice – Justice M.H. Beg. Now I don't know too much about the good man but all I do know is that once he became Chief Justice, the fact was not forgotten in that matter Justice Beg said that there are arrests, there are detenus and I am told (and this was during the emergency, he was talking about the time of the emergency, people held meetings during the emergency) “due care of them is taken in the jail, they are properly fed and looked after almost with maternal care”. He became the Chief Justice, there is no surprise. So today when we are assured that a maternal, paternal, grandparental –

every kind of care is available to all of us we should remember Justice H.R. Khanna and Justice M.H. Beg.

The power and tyranny of wealth, the politics of power did not afflict the Indira Gandhi government alone but it must be said that the irony of ironies is that it was the Congress that gifted to us the suspension of the freedoms which the fighters of freedom and the struggle for independence brought to us and for reasons which are pitifully specious. But the republic staggered as the democratic rights wavered. The Lok Sabha and the Vidhana Sabhas all of them went along but for a few people who knew that what was happening was grossly wrong. The dissent which is the oxygen of the democracy and the life blood of a republic was being throttled. Dissenters can be many – there can be professional dissenters, dissenters who make a livelihood of dissent, dissenters who are boring and tedious beyond belief but there are also honest dissenters. There is room for dissent in a democracy and that is where difference between a democracy and republic becomes very important. Every democracy has an opposition. If there is no opposition there will be no democracy which is why Shri Arvind Kejriwal is well advised to be his own leader of the house, his own opposition – 67 out of 70 is no democracy if you're not going to be your own leader of the opposition, make your assembly as self-critical if there is no opposition. That is why Arvind Kejriwal is now being asked to be his own leader of the opposition. So there is always an opposition in a democracy and an opponent is part of the democratic edifice but a dissenter is different. A dissenter is part of a republican fabric. There can be dissent in a democracy but if the republic requires and has space for dissent, whereas a democracy has space for opposition. An opposition party today can be a ruling party tomorrow but a dissenter is a dissenter in an opposition governed democracy or an opposition allowing democracy and also in a republic. But a dissenter is vital in a dictatorship like India was from 75-77, that Soviet Union was, that China was and in many units continues to be and a dissenter is vital in all situations of a republic as well for there are issues which are not popular issues like issues such as capital punishment which have to be espoused by dissenters and when dissent is smothered much more than opposition is smothered. The very fundamental liberty of thought and belief is smothered.

Letter and Spirit. There is no emergency in force in India today. There is no promulgation of the emergency either in the states or in part of the states or in the country. Nor do I believe there can be a proclamation of an emergency, thanks to Jayaprakash Narayan. We should also acknowledge the fact that conventional opposition leaders and opposition parties can suddenly discover a dissenter in themselves and become more than conventional opposition. Several so to say conventional oppositional leaders and opposition activists when they were picked up during the emergency and jailed became dissenters. They became someone bigger than themselves. They discovered a fibre in jail, they became something else and we have to today acknowledge the fact that in this very city Mr Lal Krishna Advani was jailed during the emergency, and let us also admit that facts are facts. Mr Anant Kumar was also a prisoner during the emergency in this city. And the Jan Sangh, what became the Janata party, now the BJP has not quite forgotten the

kind of Midas touch that JP's movement gave to them. It brought them out of the kind of Hindutva ghetto to the forefront of the democratic dissent movement which is why I believe that it was Prime Minister Atal Behari Vajpayee's government that conferred posthumously the Bharat Ratna to Jayaprakash Narayan. Now Jayaprakash Narayan did not need the Bharat Ratna; the Bharat Ratna needed Jayaprakash Narayan but whatever be the case no Congress government in India would have given the Bharat Ratna to Jayaprakash Narayan. Atal Behari Vajpayee did, facts are facts.

Jayaprakash Narayan today, you cannot predict what he would've said: Because if you could, then he would not be Jayaprakash Narayan. But one thing we can be sure, he would not have said with '77 the need for dissent is finished. We have revived our freedoms, the matter is over. "Ab kissay ko tum aage badao" – he would not have said that. There is no emergency enforced today but let us examine for a few moments the ingredients of authoritarianism which is what the emergency was, an unashamed exercise in authoritarianism and self-assertion. The ingredients are the pursuit of the agenda of personal cultism – the cult of a great national helmsman, in that case helmswoman. "India is Indira, Indira is India, Durga Maha Tai" – all that was the gift of the emergency. That cult, that pursuit is an element of this. Whether it is Pol Pot, or Idi Amin or Papa Doc Duvalier, Hitler or Stalin; whether it is the pre-war or post-war, pre-war dictatorships of the Soviet Union, China or Post war China, Asia, Africa – these are the hallmarks. Dissent evaporates, fear replaces dissent. Fear extinguishes dissent. Fear and conformism became the order of the day. We should be fair, let us not to ourselves or to others exaggerate anything. Short time that I was working in Kolkata, a delegation came to me and said with great fury (at) the then CPM Government: "Rajpal Mohashai hundreds of women have been raped by the CPI-M". I said: "Please do not say that to me, I know that is wrong. If you have evidence of one rape, incontestable evidence of one rape let me have it and I will ask for details, but don't make brash comments. It defeats your case, it finishes your own credibility so it is not fair".

We have not heard anything said which tantamounts to the image of Papa Doc Duvalier, no. But does that mean there is no fear? No, there is. In Tamil there is a beautiful word and there must be an equivalent in Kannada. The word is called *azhavu*; that is proportion. There is *azhavu* in dance, that is balance in dance; there is *azhavu* in speech, *azhavu* is this indescribable thing at work; so there has to be *azhavu* is what we say. Let us not cross that *azhavu* in our thoughts or speech.

Is there a draconian emergency on today? So there is no fear today? There is! But that present level of fear itself is unacceptable. In a country which has been through the fires of Emergency, we do not have a state of emergency today but we have in the air the whiffs of the emergency sentiment. We have strains of the emergency doctrine and palpable pulsations of emergency fear. I believe this is reversible for the reason that JP still means something to the BJP. But even more for the reason that our country is alert and awake in a manner it has not ever been. Let us not dispute or deny or denigrate the fact that this government has got 30-31% of the votes cast. It has got it. Under the first past the post system it is perfectly entitled to being in power but let us not

forget that 69-70% of the people have voted differently. They may have not voted the same differently but they have voted differently. Is it strength or a weakness? Hard to say because the supremo phenomena is not confined to the BJP alone but the Congress does not have a supremo like the BJP does but the Cong has not been hospitable to dissent either. They have been hospitable to sycophancy.

I have a lot of respect for the Congress President. She has been hurled into a position of responsibility that is not of her making but her party has not given her any strength. It only wants to derive strength from her which is the strength which she has derived from the man who in 1929 became at the age of 40 the Congress President and later the Prime Minister of India. That aura, the Congress party with all its differentiated membership wants to in a way exploit. They give her nothing, they derive, want everything from her. They have, as a result, made her a kind of a supremo.

Regional parties are also supremo parties. Let us not brand a few national parties as being anti-dissent. There is fear in the states because of the supremo leadership of the different state parties. Not every regional party is like that, but many, I do not have to name them. From Maharashtra to West Bengal to Tamil Nadu, supremo parties are standard and there is a lack of dissent within those parties and because of this, there is a culture of undernourishment of the culture of dissent in those states. Since emergency can be promulgated in the states, some of the states, in all the states similarly the spirit of the emergency is an un-promulgated fact in several states in our country.

So what happens? Those parties which have the same attitude to dissent in their state cannot look the centre in its eyes and say: "Do this, don't do this". Dissent enfeebles the dictator; the absence of dissent enfeebles the common man and woman. How many states today can ask the Centre: "Why have you not appointed the Chief Information Officer? It is nine months and we do not have a Chief Information Officer. Is this why the RTI was enacted?" They can't, because what is the condition of Information Officers in their own states? It is unthinkable that a country of our size should have something as remarkable as the RTI Act. It is an Act which is misused by people who just incriminate, humiliate and annoy petty officials. Waste of time. But by and large it is an extraordinary instrument. Along the length and breadth of India where English is not spoken, RTI, those three letters are known. But no one knows the Chief Information Officer (CIC). On this day let us demand of the centre that the office of the CIC be filled not just expeditiously but persuading the country that that office is not a cynosure, it's not a rubber stamp, but it is part of the conscience factor of the constitution of India. How many states, how many parties, how many opposition parties, parties in opposition to the BJP can with self-respect ask for Lokpal? What is the position of the Lokayuktas in those states? But Lokpal is something that we have to ask for stridently.

Like I said nobody should imagine what JP did. JP was a Loknayak and Lokpal. He was a one man Lokpal and today we don't even have the official Lokpal and in this, the Congress and the

BJP are jointly complicit. We have to thank Anna Hazare and his colleagues including those who are with Arvind Kejriwal and those who are not with Arvind Kejriwal and Arvind Kejriwal himself for having brought the Lokpal idea forward. The Lokpal, the CIC, the CVC, are part of the conscious provisions of the constitution, which has been called in a different context the brooding spirit of the law; the brooding spirit of the constitution.

I shall round off now by saying that the fear that is prevailing in our country is the starkest and most palpable among the minority communities of India. This level of fear among those communities has precedence only in times of riots that have defaced the history of our country. But in times when there are no riots or riots in real time there has never been a time when fear has been so pronounced in the hearts and minds of the minority communities in India. JP would not have been able to stand or stomach the sight of a cow being slaughtered but he would not have allowed cow slaughter to become a political tool in the hands of a majority party which is using the majority community's susceptibility, sentiments and heartstrings to needle the minority community, in this case the Muslim community in particular.

Gandhi himself said about cow slaughter things which I would urge you to explore for yourselves in the *Collected Works of Mahatma Gandhi*. Likewise, and more pertinently, the whole business of conversion. Where is this issue of conversion suddenly coming from? It is true that the PM has said nothing against *Ghar Wapsi* but then the PM has said nothing about so many things and they happy and they being justified. Conversion and reconversion have been part of our country's life for centuries but a political payload that has been put into the matter today is unprecedented without that, this is the first time so sharp a polarization is sought to be introduced in the trust between communities in India. We are in St. Josephs College in Bangalore. I will not reproduce with my hands the gesture which a Christian friend of mine told about which an RSS friend of his said "We will do this to the Muslims of India". I will not reproduce the gesture because it is ugly. But he said about the Christians (and my friend is a Christian), he said "when it comes to you, we will just do this *blows from the mouth*. This is where the republic comes in. They may have a majority community which is Hindu but the minority community has every right to tell the man who said this to go take a walk.

But he is not being told that today. What is happening to churches is defined and defended as something unconnected with religion. It didn't happen in one place. Coincidence is a repetition by one, it can happen in two places – coincidence. But three, four, five... so many?! Only about *personal and property* matters? We are not children! The world honors us for being the home of Mother Teresa but she, a saint, has to be controversial as in India. Christmas should become a good governance day as if we want good governance only on one day. There is fear among Muslims and Christians and there is still a sense of justice having evaded, among them the Sikhs. This non-promulgated fear which is an element of the promulgated state of emergency has to be faced by all those who have respect for the legacy of JP. No human being is perfect. Buddha was not, ask Yashodha; Gandhi was not, ask Kasturba; JP was not, ask Prabhavati. But there are some who approximate the highest in terms of purity of intent and purity of minds. We should

not make a cult of JP but we should learn from the example he has set of uncompromising dissent not just against a supremo but against the supremacist dominant status-quoism and self-promotion and self-seeking of different power groups in our midst at the centre, in the states, in corporates and in our communities.

I shall say the final word now by referring to another unprecedented combination that has occurred. During the emergency, 75-77, there was a kind of an attempt to combine socialist rhetoric with the realpolitik or opportunism. Today there is a great attempt at combining two pulls, two compulsions in the public. One is the inborn set of prejudices that all of us have about other communities, polarization by bringing about things like temples, cow slaughter. But the other great pull, the pull for the good life via the world model of globalization, the corporate-communal binary is like the great combination of two demi-gods wanting to snuff out dissent by a combination of fear and seduction. The latter is even more difficult to resist than the former and in the emergency which JP faced, the problem was fear not seduction except when it came to some small loaves and fishes of office. But today it is much more different and that is why it is much more important to resist. In the northern Hindi-speaking parts of India, JP was hailed as “Andhere mein ek prakash, Jayaprakash, Jayaprakash”. There is not an *andhera* yet but there is a kind of twilight that could slip into *andhera*, but I don’t think the people of India will allow that to happen.

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