

Republic Sans Republicans

India is a sovereign, socialist, secular, democratic republic. So says the preamble of its constitution—the largest ever written exercise in legal history. The biggest showcase of democracy in the world as it is often called in the media is literally a showcase. Citizens are being bombed with the idea of ‘surfeit of democracy’ all the time but they are being denied even the elementary fundamental rights in practice. As for the “Right to Property” otherwise most sacrosanct in the eyes of the left and the right as well doesn’t exist at all.

The constitution begins with “we, the people of India giving ourselves this constitution” which is a lie, a big lie, the biggest of lies. The members of the constituent Assembly on 26 November 1949 adopted, enacted and gave to themselves the Constitution. By the first amendment act, 1951, that is, within two years of ‘the adoption, enactment and giving to themselves’ they took away from the people of India whatever remained even as pretension, as hoax and as an illusion within the constitution. This constitution, gives fundamental rights to the citizens proclaiming in article 13 that all laws in force in India immediately before the commencement of the constitution shall be void. Yet the constitution empowers the State to recall and resurrect a 19th Century British Act to oust, evict and displace anybody within the territory of India. The Left Front Government is doing exactly that. At Singur the CPM-led Left Front Government of West Bengal first came across resistance on the ground, not resistance in law court. Prior to Singur, the “owners” of land at Rajarhat in north 24 Parganas were ousted and evicted, but they went to law court. The court knows that the insertion of article 31A which empowers the State to extinguish any rights in any estate by any individual makes the State’s claim paramount over the citizen’s claim. The poor people of Rajarhat could not regain their land. The law court failed them. The people of Singur, on the other hand, directly opposed the State, bypassing the law court and launched active non-violent on-the-ground resistance blocking the inroad of the State into the people’s livelihood and millennia-old social cultural structure. The State in the form of the Left Front Government of West Bengal forced the people to surrender. Tapasi Malik, an 18-year-old daughter of a landless agricultural worker was burnt to death and since the murderers of Tapasi were protecting the state’s interests, the Left Front Government’s interests, their crimes were not crimes in the eye of the constitution. The murderers melted in anonymity allowed by the State. In this episode the frontal hostility between the State opposed to the people, the battle between the state and the citizen, between state power vis-a-vis people and people’s livelihood and culture is brought under sharp relief. In this struggle between the State and the people there are two parties. Those who support the state, the supremacy of the state support the Left Front Government. Those who support the people, the supremacy of people in a democracy, support the people’s cause. The state says that its jurisdiction is the whole territory, say West Bengal and the affected people are the evicted people of Singur only and the State is in a position to deal

with them if left alone. They can be silenced. The killing of one Tapasi is enough to frighten and gag the people of Singur. If not, a few more lives may be taken. And that will not be crime in the eye of the constitution. They say law takes its own course but in case of Tapasi's murder nothing happens.

India is a republic without Republicans. And constitutional experts never really talk about constitutional hazards that the people face on their day to day activities. The state is unitary and authoritarian and the state functionaries can just say 'fundamental rights don't really matter.'

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