

Jail for a Poster

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The recent bill aptly titled 'Delhi Prevention of Property Defacement Act 2007' introduced in the Delhi assembly makes depressing reading. According to its provisions a mere act of putting posters on the walls or writing anything with chalk, paint or any other material can make you liable for a punishment of one year in jail. Additionally you can be asked to pay a fine of Rs 50,000.

The proposed act is said to be an improvement in the earlier act in operation in the state which was considered lenient. With this act the state seems to have Any such act would be considered cognisable offence means you can be arrested without even getting into the formality of preparing a warrant.

As it is widely known the Delhi government had adopted 'West Bengal Prevention of Defacement of Property Act 1976' supposedly to penalise those people who are found to be engaged in 'defacing public property'. And it duly arrested around 2802 people during a short span of two years (2001-2003). 1925 people were also punished for doing wall writing, putting posters, stickers and banners.

Looking at the stringent provisions in the proposed act and the way in which a mere act of putting posters would be bracketed as 'cognisable offence' one can easily see a spurt in the number of people getting arrested or facing punishment.

Interestingly the period during which this draft bill was put before the house for discussion, one came across another decision of the government which talked of the government's move to allow putting ads behind auto-rickshaws. The goverment expects that it could see a quantum jump in its revenue. A few months back the local Municipal Corporation has also decided to allow putting of ads in the radio taxis which could similarly increase its coffees by a few crore Rupees.

Any layperson could comprehend the rationale behind the contrary approach adopted by the people in power. While on the one hand it seeks to penalise those people under the spacious plea of 'defacement of public property' ,it has no qualms of any sort about propaganda, if you are in a position to pay for it. It is clear that only moneybags or big corporate houses would be able to avail this opportunity of putting across their message by paying for it and a large majority of the working population of the city who has to struggle hard to make both ends meet would be denied any such opportunity. In the changed ambience, where one is finding 'criminalization' of the right of freedom of expression granted by the constitution, it would be increasingly difficult to express one's disenchantment with the state of affairs. One cannot expect ordinary people who are living on the margins of society and who are at the receiving end of the goverment policies and social institutions would ever find themselves in a position to express their stand vis-a-vis the custodians of democracy.

One still remembers few years back thousands of people working in different factories in Delhi were asked to either shift to new places of work or get ready to leave the job altogether, as the powers that be had decided to close the factories supposedly to 'control pollution'. One also saw the well planned drive by the city authorities to demolish slums and 'decongest the cities'. A senior judge of the

courts had no qualms in comparing slum dwellers with pick- pockets denying them any alternate accomodation claiming that it would be 'rewarding the pickpockets'.

Imagine a similar situation where the people on the margins of society want to express their discontent about the state of affairs. How do they do it: if they are denied even the opportunity of putting posters. Do they have any way out before them than getting ready to get arrested and pay a hefty fine for daring to put a handmade poster.

Anybody can see that the situation which seems to be emerging cannot be said to be a sign of healthy democracy which is considered to be a 'rule of the people, by the people and for the people'. How can it be called a 'real democracy' if its citizens are even denied the opportunity to exercise their political rights. Everybody knows that the concept of citizenship has evolved down the ages and being a citizen of any country imbues one with political rights. And if the idea of political rights is being limited to fight to vote occasionally, then one is making a travesty of the definition.

The key thing to be noted in this debate is that under the present phase of neoliberalism -where market forces have been given a free play and the state seems to be withdrawing from key sectors of running the government- the very move to 'criminalize right to freedom of expression' is a sign of the hollowing out of the idea of citizenship.

One is aware that the legally enforceable duties of citizenship vary depending on one's country, and may include such items as paying taxes (although tourists and illegal aliens also pay some taxes such as sales taxes,etc), serving in the country's armed forces when called upon (in the US even illegal immigrants must serve in case of a draft), obeying the criminal laws enacted by one's government, even while abroad. As per its purely ethical and moral duties are concerned they tend to include demonstrating commitment and loyalty to the democratic political community and state, constructively criticising the conditions of political and civic life, participating to improve the quality of political and civic life , respecting the rights of others, defending one's own rights and the rights of others against those who would abuse them, exercising one's rights .

It is evident that by putting someone in jail for putting posters would not only deny the citizen the right to freedom of expression, it would deny her/him the 'ethical and moral duties' of a citizen.

Questioning the manner in which 'public is being differentiated into a hierarchy of individuals' under a neoliberal regime and also substituting 'citizen with consumer' leading Political Scientist Colin Leys raises few valid questions in his forthcoming book 'Total Capitalism'. (Three Essays Collective 2008) 'But can we have democracy without society - without a modicum of equality of status and condition, secured by universal public services, and a significant degree of social solidarity based on this? It seems unlikely'.

To save itself from the charges of 'throttling the right to freedom of expression' the Delhi government plans to develop around 150 notice boards (5 ft long and 15 ft broad) spread over Delhi whose population is moving rapidly to 1.25 crore mark. Anyone can comprehend that it is a mere formality.

To conclude, all these moves are part of a wider gameplan of 'beautification of the city' to prepare itself for the Commonwealth Games to be held in 2010. There could be no doubt that they may help 'beautify' the city outwardly by removing 'unwanted/ illegal structures'. But it would also help reveal the larger anomalies inherent in the society and the party. □□□