

Politicians Above the Law

Every now and then, we hear someone declare proudly, if a bit self-righteously, that India is the biggest democracy. We love to point out that the framers of our Constitution so that our best ideas and principles from world constitution so that our best ideas and principle from world constitution so that our own document could be one of the best. Practically all kinds of dangers to the nascent democratic republic were taken into account while framing the articles and clauses. Unfortunately, perhaps, an assumption was made that those who would come perhaps, an assumption was made that those who would come to work it in the future would be of a caliber equal to, if not higher than, those who worked and fought for the country's independence and wrote that constitution. In this dream they have been proved somewhat off the mark. Over the years we have been proved somewhat off the mark. Over the years we cannot say that the skills of our politicians have not grown. But they developed in ways not quite anticipated by the early leaders of India.

The Preamble to our Constitution talks of liberty, equality, fraternity, and justice to all, indeed the quintessential elements of a democratic polity. It is understood that in a country as vast and as varied as India, steeped in the feudal tradition as well as sapped of inner vitality through alien British rule for long, the essence and practice of such democratic values would take time to strike roots and grow strong. But what we see today is the rampant spread of all these values in a restricted and narrow form. Liberty is enjoyed to its fullest extent by the strong and influential sections of society; indeed, these people (politicians, restriction, and that means even going against law. And law, after all, is a restraining force. To this small section of the society, rule of law and equality before the law – two bulwarks of democracy – do not have much meaning, unless in the context of their own selves. And, for themselves they are able to reinvent the laws and create a set more equal than others.

The other day, a newspaper reported the 'surrender' of an MLA from Uttar Pradesh at court; he had been wanted for flouting the law in a communally sensitive area where others had been restricted from moving about. The episode was made out as if he as some kind of martyr- he came surrounded by his 'bodyguards'- and there was something of a ceremonious aura given to the coverage. The viewers/readers may be forgiven if they were confused as to whether this man was a common law-breaker or something of a martyr to a great cause. Another day, another newspaper published a list of candidates in the recent Bihar Assembly elections who have criminal antecedents. Did the exposure force these men to withdraw? Anything but. So we have the piquant situation of such

people – and there are many such who have actually entered various houses of the legislature at state or national level- making laws for the rest of us.

Not only that. Many of our new politicians are laws unto themselves. They are entrenched in the view that legality draws from what they do or say, and not the other way round – they must do or say what is legal. Take the lowly traffic lights. The police patrol van and the politico's white ambassador are two such vehicles that scream across and against the stop signal (red light). The private buses and trucks are a close second, but then who is to stop them? In such a situation, the rickshaw wallah and the auto driver cannot be taken to task for not by the point duty man –perhaps to show the rest of us that there is a law somewhere about all this. However, you can pay your way out of the situation. Indeed, it is what the policemen also want. In the circumstances, the driver who meticulously follows road rules and 'manners' is laughed at as a joker, or kidded in a fit of road rage.

How many of our legislators are aware of the basic tenets of constitutional law? Are they even aware of the laws of the land? Is it ignorance that leads them to promise wildly improbable things to their potential voters, or is it through cold calculation? If one promises to give his state a Muslim chief minister, there is a 'national' party that draws up its candidate list according politics, and abolished the listing of castes in our census count. At least in the census, the data would be of use to social scientists and socio-economic development planners. But then, who wants real or all round development? Education has become the monopoly of select groups. It is better for some politicians that way, for ignorance is not only bliss, but a potentially useful condition for winging and staying in power if the common people don't know about their rights, they might call the politician to account. The politician, the law enforcement agencies, and the bureaucrats have formed a close nexus and work to subvert the system and save one another's skin in times of trouble.

Many politicians have developed the skill of using the state's laws and policies to benefit a few of their close associates or those who are of use to the politicians in some way. This is especially true of our regional 'leaders'. Voting is way. This is especially true of our regional 'leaders'. Voting is often along caste and communal lines- and this is the reason for the caste-based candidate list, justifies our oldest political party with a legendary lineage! But these conditions have been created by the unconstitutional politics of the leaders in power. Created by the unconstitutional politics of the leaders in power. Over time, people have come to accept 'criminals' as their leaders, for theses leader ensure a semblance o law and order in their constituencies at least, though they also ensure that they themselves are protected form the law of the land. More and more people are willing to vote for these leaders as they feel their day-to- day problems are better

solved by them then would be likely if they went to the 'appropriate' authorities established and appointed by law. That is a sad situation. But that is the ground reality. To the common person, as a Tamil proverb has it , it matters little if Rama ruled or Ravenna, so long as their lives are secure and they get their daily bread. But what if even that is no longer ensured, and only so many Ravines survive in joy?