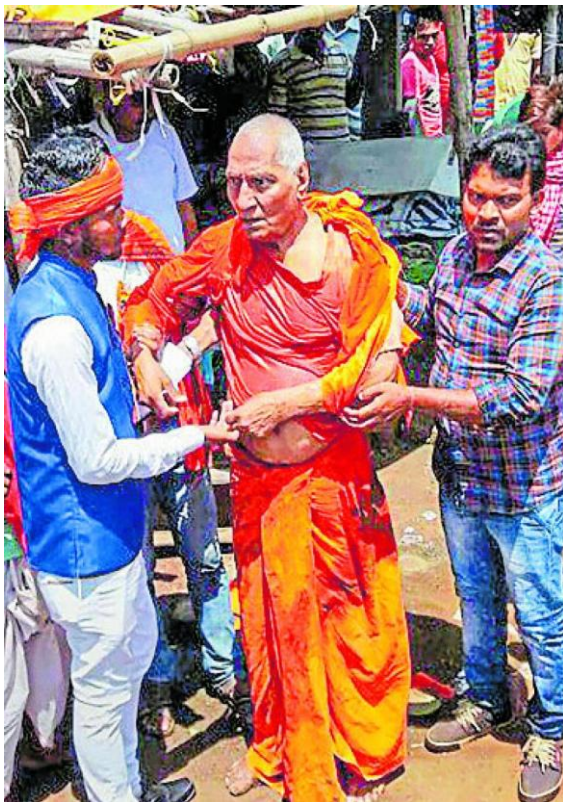


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Did SC get the message?

Nobody should be lynched, it's govt's duty to uphold rule of law, SC said. Then, Swami Agnivesh was attacked. What will the court do now?



*Valson Thampu*

The assault on Agnivesh is symbolic. It had to happen. It is a message to the soul of India and a drum-beat of the 'New India' in the offing. Chhattisgarh Chief Minister Raman Singh's reiteration in Raipur on Friday last that pathargadi, a widening tribal self-rule movement that began in neighbouring Jharkhand, was against the spirit of the Constitution was a clear warning to those sympathetic to the cause to keep off.

Nobody should be lynched, says the Supreme Court of India, adding that the government — both at the Centre and in the states — has a duty to protect life and to uphold the rule of law. Within hours, this 78-year-old Swami, with a matchless track-record of struggling for social justice, is terrorised and nearly done to death. Mercifully, the boulder aimed at his head missed its mark; else, he too would have been on the ever-lengthening list of the lynched and counted among the anti-national and the anarchic.

Swami Agnivesh knew that standing for social justice has become, in recent years, an undeclared crime. Justice stands on equality; and equality, as Ambedkar said, is a religious and political scandal in India. The stability of India — slanted heavily in favour of the pro-elite status quo — is predicated on keeping the have-nots in their places, at a safe distance from the exclusive precincts of the rule of law.

If the adivasis assert their constitutional rights, they become anti-national elements. They cross, in the colourful idiom of Raman Singh, 'the red line'. They risk being labelled Maoists and Naxals. Those who are in solidarity with the aspirations of the disenfranchised become enemies of the State.

Agnivesh knew all of this. But he felt that 'the red line' was an insult to the basic architecture of the Constitution as sketched in its Preamble. The day before he left for Jharkhand, he spoke to me over phone and told me two things. First, advancing age was making it impossible for him to go on the way he has for the last half century and more; second, he felt irresistibly compelled, despite his physical limitations, to stand with the adivasis in their legitimate struggle to realise the rights enshrined for them in the Constitution.

He also told me that the pathargadi movement of the tribals in this region was being already discredited as turbulence fomented by Christian missionaries — a convenient propaganda ploy. This inexorable propaganda mill was grinding away mercilessly. Truth groans, like a fragile butterfly caught between the teeth of such monstrous propaganda.

The significance of this episode should not be assessed in terms of its physical dimension. It is more symbolic than physical. And it is clearly meant to be a message for the country as a whole. In this event, as Agnivesh will tell you, it is not a fragile old man, nearly 80, who is attacked. It is the right to dissent itself that is pounced upon, pushed to the ground and its head sought to be crushed with a stone that bristles with primeval violence. Sure, you have freedom of opinion; provided you do not go beyond mouthing safe sentiments and established lines. You are free to be pro-establishment.

Protest against Sterlite that pollutes you to death, and you will be mowed down. We haven't grown out yet of the haunting visual of an automatic rifle, mounted atop a moving vehicle, firing away merrily at the unarmed civilians of Tuticorin a few months ago. Thirteen civilians perished in an instant. Their crime? Well, they said they wanted to breathe safe air. The problem was that this demand was inconvenient to a corporate giant: a member of the privileged club that is, apparently, kicking India forward into prosperity, and mountainous non-performing assets. India is being made richer by making Indians poorer. That's called development, if you please.

New kind of patriotism

Once again, the familiar pattern presents itself in this instance, too. Despite the menace in the air, the law enforcing agencies were conspicuously absent. The venerable Swami was abandoned to the wolves. One thing, we all know: there can

be no organised orchestration of violence without patronage and assured immunity from consequences.

The pretense, nonetheless, of an inquiry will follow. The culprits will be, parallelly, garlanded by some minister or the other. They will be incorporated into the elite club of zealous patriots. The message will go far and wide that the new norm is firmly in place. Patriotism has a new definition, a new idiom, a new text and a heady context. Woe unto the Agniveshes of the India that has been.

The likes of Swami Agnivesh are now a near-extinct category. He is rare because he combines conviction with courage. With most of us, it is a state of chronic, simmering unease. We are not made of the Agnivesh stuff. We confine our moral indignation, our anxieties for the beleaguered bottom-line of parliamentary democracy, to private conversations behind shut doors. We are sensitive enough to feel the decay; but also, senile enough to safeguard our backsides. We are consummate arm-chair concerns-spinners.

We must, all the same, feel for the Supreme Court of India. It is now presented with an acid test. The event in Pakur seems tailor-made to send a message to the apex court. Its order stands mocked. What will the court do now? Will it wait till the next date of hearing? Or, will it take suo motu cognisance of this blatant challenge to the rule of law and ensure that justice is done?

More than in the turbulence that erupted concerning the internal cohesion and wholeness of the Supreme Court, this turn of event will put this crucial democratic institution to the ultimate test. With this near-lynching in Pakur the Supreme Court has reached the crossroads. For the sake of Indian democracy, let's hope that the apex court handles this issue with authority and clarity. As a rule, what looks like a crisis is also an opportunity. Whether or not the opportunity is seen and seized, and not the crisis per se, proves the mettle of a person or institution.

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