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# **ASSAULT ON DEMOCRATIC RIGHTS IN CONTEMPORARY INDIA**

- 1. What is Behind the Assault on Democratic Rights ?**
  - 2. Public Protest and Parliamentary Democracy**
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## C. G. Shah (1896-1969)

C. G. Shah, in whose memory, C. G. Shah Memorial Trust has been created, was one of the most profound, persuasive and erudite Marxists in India. He was a pioneer in spreading Marxist ideas in India and influenced a large number of intellectuals, authors, journalists, lawyers, teachers, professors and political workers for many generations. The depth of his understanding of Marxist thought and his noble simplicity and dedicated life evoked respect from the critics of Marxism.

C. G. Shah was born in 1896 in a middle class educated family in Ahmedabad. He had a brilliant academic career. During his school and college days, he mastered the thoughts of eminent democratic thinkers. He also deeply assimilated the rich philosophical and artistic creations of modern Europe. Mastery over Sanskrit language enabled him to study the rich philosophical and literary works of India. After completing a bright academic career, he chose a life of dedicated service to the people, shunning all alluring higher positions in Indian Civil and Educational Services, offered to him because of his academic brilliance. Coming in clash with his family, on two issues viz. job and marriage, he left Ahmedabad and settled in Bombay, as a part-time teacher and subsequently earned his livelihood as freelance Journalist.

C. G. Shah was among the first in India to react to the 'October Revolution sympathetically. With his rich cultural equipment, he took to Marxism quickly. He was among the first few intellectuals in India, along with S. A. Dange, S. V. Ghate, Muzaffer Ahmed and few others who became Marxists. From that time, he made mastery of Marxism and dedication to the Socialist movement, his life objective.

C. G. Shah, along with Dange and others, became one of the founders and an eminent pioneer and a leader of Communist Movement in India. During the period of 1920's and 1930's as Philip Spratt, the famous British Communist sent to India points out "Shah was considered rightly the most learned Marxist in Bombay".

C. G. Shah was actively associated with the founding of many progressive, rationalist and anti-imperialist movements and organizations which arose in the twenties. He was one of the founders of the first Birth Control League in India established in Bombay, the Bombay unit of the Independence of India League, of which Jawaharlal Nehru was the President, also of the Bombay Youth League being one of the secretaries along with the late Yusuf Meherally. He also actively functioned in creating cadres for Marxist movement in India. A large number of Left intellectuals and dedicated workers gravitated to Marxism under the impact of C. G. Shah's written and persuasive oral propaganda. His main activity



was to propagate the principles of Marxism, interpret Indian phenomenon from Marxist point of view and thereby help in evolving appropriate programmes of movements in India. He profusely contributed to Leftist papers and magazines during his long period. As a freelance Marxist writer, he contributed articles in various Indian journals and foreign magazines. C. G. Shah's study circles became famous. A number of youths who subsequently joined and some of whom even became active leaders of various Leftist parties in the country, attended his study circles.

C. G. Shah's political life can be divided into two distinct phases. The first phase lasted upto nearly 1937, when he was still recognised as one of the undisputed intellectual influences by all groups of Marxists. From 1937, particularly, after the full significance of Front Popular line was becoming clear and also the inner bureaucratic structure of the C.P.I. was ossifying into a hard, monolithic, edifice, Shah became critical of Stalinism and the Bureaucratic stifling of Party organization. From 1937 onwards and more particularly after the C.P.I. supported British War Efforts in India when Soviet Union was attacked by German Nazi forces, Shah's critique of Stalinism, alienated him from the official C.P.I.

From 1941 onwards, C. G. Shah was isolated from the mainstream of Stalinist Communist Movement. However, his unflinching faith in Marxism, his systematic critique of stalinism, and his growing recognition of the profound truths inherent in and contributions of Trotsky, made him pioneer again of this critical Marxist Leninist Trotskyist current in the country. Though isolated from the main stream of organised Stalinist movement, he slowly emerged as a focal point and inspiration to a small and growing body of dedicated anti-Stalinist revolutionaries who were emerging in India. Particularly after the confusion and disillusionment created among the Marxists by Khrushchev's exposure of Stalin Era, Shah's intellectual influence grew and attracted a number of non-Stalinist and disillusioned Stalinist groups which were emerging in India.

Though isolated in his later life, he devoted his entire life to a cause and spread of ideas which he considered correct. He became one of the most systematic expounder of Trotskyist ideas, presented in the context of Indian developments.

C. G. Shah died in 1969 at the ripe age of 74, in haste leaving a deep imprint of his ideas. His ideas are increasingly being recognized as authentic for evolving correct strategy and tactic for developing socialist revolution in India. C. G. Shah had many political opponents but no personal enemy.

C. G. Shah Memorial Trust is formed to continue to spread the ideas of authentic Marxism, for which he lived and died.

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# **Assault on Democratic Rights in Contemporary India**

Editor  
*Dr. A. R. DESAI*

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**Bombay 1985**



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## Introduction

The present pamphlet is an enlarged edition of the earlier one published in this series. It received warm response and its first edition became out of print.

It contains two articles prepared for different occasions :

(i) The paper entitled "What is Behind the Assault on Democratic Rights" was written as an address at Conference of the Committee for Protection of Democratic Rights held in Bombay (CPDR) in October 1980.

(ii) The paper entitled "Public Protest and Parliamentary Democracy" was written for a book entitled "Studies in Indian Democracy", ed. by Prof. S. P. Iyer and Prof. R. Shrinivasan, published in 1965.

### (2)

The imposition of emergency in 1975 placed all the citizens of Indian Union under the most heinous totalitarian subjection by the Indira regime. It shattered the myth that Indian State was the youngest and most populous democracy in the world. It brought into acute focus the vulnerability of the democratic rights of the Indian people after Independence. It also revealed the inherent anti-democratic essence of the Indian constitution and wide variety of anti-democratic acts perpetrated and abetted by the post Independent State. Prof. Upendra Baxi in his less-read, but profoundly thoughtful and useful work "The Crisis of the Indian Legal System" has highlighted very pithily, how "the Indian Legal system (GLS) has managed the Co-existence of Preventive Detention System (PDS) over a long period of time with the fundamental right to personal liberty. In fact, the preventive detention legislation has been increasingly used not just to deny fundamental rights to political opposition but also as a parallel legal system in and of the criminal justice system (COS). To the extent that the

COS is supported by the PDS, it proclaims its own bankruptcy". (p. 30)

### (3)

The first paper attempts to raise some major issues confronting all these who are bravely fighting to defend the democratic rights of the people. It attempts to draw attention to the real forces which lead to increasing assault on Specific Categories of democratic rights by the Rulers.

The second paper is presented here to indicate that an awareness of the "Democratic" State, suppressing concrete democratic Rights was worrying the sensitive thinkers, from the late fifties. Prof. Rajni Kothari's position in early sixties is reviewed in the paper. After the trauma of emergency experience, he has evolved alongwith a number of sensitive liberal democrats into one of the foremost champions of Civil rights movement in the country. Though deeply moved by the lawlessness and increasing, brutal offensive by the Government of India, against the elementary civil and democratic rights of the ordinary people, Prof. Kothari's present thinking still moves within the radical democratic current prevalent in the Liberal Bourgeois philosophical and socio-economic assumptions underlying the conception of rights.

### (4)

The points raised in the paper, reviewing the debate about the place of Public Protest in the Parliamentary Democracy, are still very relevant in the present context. The paper is therefore, reproduced here to stimulate further discussion about the phenomenon of public protest which has become a problem of life and death for vast majority of citizens in the country.

The present revised edition is published again in the series for another important reason. It indicates the types of source material from which we can secure a true-rounded picture of the massive, aggravating offensive on the Democratic Rights by the government which proclaim itself as Parliamentary Democratic Government. It also indicates the need to look to the source material which provides a glimpse of the growing struggles of the people to combat this Assault.



This source material is found in the form of pamphlets, Reports of the Fact Finding Committees appointed by various organisations which have emerged to defend Civil Liberties and Democratic Rights, also in some journals started by such organisations and papers and articles prepared for certain conferences and for some sensitive journals. This source material is still not adequately documented to provide a full length picture of the weird, varied and fast expanding brutal assault on democratic rights of the people in the country. Documentation of such material is also needed to get a picture of less known, brave and intensely heroic rapidly spreading grass root level struggles by various sections of oppressed and exploited citizens of Indian Union to defy and counteract the offensive by the Authorities.

### (5)

The pamphlet, read in the context of other publications in the series will reveal how a deeper analysis of causes behind Democratic (?) State, suppressing Democratic Rights of the people is essential to advice the struggle for Democratic Rights on correct and effective lines.

I hope the pamphlet will stimulate deeper discussion on this vital theme.

*A. R. Desai*

## What is Behind the Assault on Democratic Rights\*

This conference is being held at a very crucial moment in the history of Indian society. It is being held at a time when our rulers have clearly revealed their inability to solve the economic, social, educational and other problems of our people and brazenly exposed their pro-capitalist, pro-exploiter bias by providing a rich mix of incentives, assistance and facilities to the capitalists, traders and rich farmers and by frequently condoning the nefarious deeds of those classes. The rulers are now shedding their mask of welfarism, their pretensions concerning developing the country on the basis of 'growth with justice', as upholders of a strategy of redistributing incomes in favour of the poor. The conference is being held when the government, at the end of a series of five year plans, have now openly come out in their true colours as champions of development through reliance on exploiting proprietary classes as growth agents. The government is now aggressively ordering toiling wage and salary earning classes and other poor citizens to bear all the consequences of this strategy of development, the strategy of helping the profit-chasing proprietary classes to carry on production smoothly and without interruption and to exploit more intensively the toiling people. The government has not only encouraged these classes to launch direct and cruel aggression against the toiling strata but has also been intensifying its own brutal attack on the democratic rights of the ordinary people through diverse and draconic measures — all in the name of maintaining 'law and order'.

The conference, it should also be remembered, is being held at a time when a systematic endeavour is being made to

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\* Address at the Conference of Council for Protection of Democratic Rights (CPDR)

transform the current democratic form of government, through both crude and subtle devices, into a monstrous authoritarian form.

The various organizations deeply concerned about the fate of democracy and about the democratic rights and civil liberties of the citizens have, through their fact-finding missions and other studies, provided a panoramic picture of the nature and extent of and the manner in which the offensive against democratic rights has been carried out since Independence.<sup>1</sup> The pamphlet, *India 1947-79 : Six Parliaments and Democratic Rights*, published by the People's Union of Civil Liberties and Democratic Rights, Delhi 1976 provides pithy but relevant details of the growing assault on democratic rights, as reflected in caste and communal violence, of police firings, imposition of extraordinary acts, laws and regulations, infliction of torture, delays in justice, the plight of prisoners in jails and the attack against freedom of expression.<sup>2</sup>

The concluding words of the booklet poignantly sum up the situation and deserve careful attention :

"Today a situation has come to pass where maddening communal violence, arbitrary action of executive authorities, large-scale killing of people in police firings, the mysterious disappearance of militant youth, and the continued imprisonment of large number of undertrials no longer affect the conscience of the public. A whole generation in Independent India is growing up where sensibilities to life and death are being deliberately destroyed. All these are ominous indications of the dangers lying ahead the country.....can we remain helpless spectators to the rapid disappearance of all democratic rights and end up by being passive victims of ruthless tyranny."<sup>3</sup>

### **The Dual Meaning of 'Democracy'**

Among sensitive sections of citizens concerned about democratic rights and civil liberties, great confusion prevails about the concept 'democracy.' As rightly pointed out by an eminent thinker, 'democracy', as the word is used at the present time, has either one of two entirely different meanings. 'In the first place, it is used to refer to a *particular* form of Government, the capitalist parliamentary regime'.<sup>4</sup> In second place, the word 'democracy' used refers to certain concrete democratic rights.



These rights differ widely in historical origin, social function.<sup>5</sup>

These rights can be divided broadly into three groups :

(i) The first group consists of those special "rights" which embody and enforce bourgeois property relations. These include the right to hold property in the basic means of production; the right to employ wage labour; the right to monopolise for the sake of private profit; the right of individuals and private corporations to control the instruments of propaganda...the right to suppress the products of science and invention in the interest of profit and many similar democratic rights. The bourgeois democratic state, however, has as its primary function the defence and maintenance of just these democratic rights "6

(ii) There is a second group of democratic rights. Though likewise having its historical origin in the struggle for power of the bourgeoisie, it has a different status. These include many of the so called civil liberties, the rights of free speech, free assembly, habeas corpus petition, public secular education etc. In bourgeois society, these rights are manipulated by the ruling class to its own ends, for example, we discover that the campaign of newspaper owners against unionization of their employees proceeds under the slogan of free speech, or that the right of habeas corpus is used by skilled lawyers to evade investigation and criminal punishment. Nevertheless the attitude of the proletariat (as well as other exploited and oppressed strata—ARD) towards this second group of rights is not one of simple and direct opposition...for two reasons. First, in spite of their perversion by the bourgeoisie, these rights can be used by the proletariat (and the other exploited and oppressed strata—ARD) also in defence of its own class interests, and in preparation for its own struggle for power. Free speech, though its chief function in capitalist society is to permit a virtual monopoly of propaganda by the owners of capital, can nevertheless, be part of the defence of a revolutionary and labour press. The defence of the proletarian mass meeting can proceed at least partly under the form of defence of a free assembly. The right of habeas corpus can be useful as a legalistic weapon in the aid of class struggle prisoners. Secondly, the attitude of the proletariat toward this group of rights is different because part of the historical aim of the proletariat is, by changing the social content of these rights and eliminating their class bias, to deepen and extend them as part of the structure of the true and

genuine democracy of a classless society.

(iii) There exists under capitalist democracy, to one or the other extent, a third group of rights, which are not properly speaking "democratic rights" at all but proletarian (as well as for toiling and oppressed peoples—A.R.D.) rights. These are such rights as the right to picket, and to strike and to organize. The historical origin of these rights is in all cases to be found in the independent struggles of the proletariat against the bourgeoisie and bourgeois state...(and) are of...incalculable importance to the proletariat.<sup>8</sup>

### **The Dilemma of a Democratic State Curbing Democratic Rights**

I emphasize the need to clearly distinguish two conceptions of democracy, viz 'democracy' as meaning the bourgeois democratic state and 'democracy' as meaning certain concrete rights. I also draw attention to the need to distinguish the real social and class significance of three categories of concrete rights. Some rights subserve the capitalist and proprietary classes, while others are vitally linked with the needs of the proletariat and other exploited strata.

I also emphasise the need to avoid a misconception which is very prevalent, viz, that defence of concrete rights is necessarily and organically bound up with the defence of the bourgeois democratic state. As has been rightly pointed out, the truth is that the defence of concrete rights is not merely not bound up with the defence of bourgeois democracy, but can be accomplished only against every form of capitalist state, whether bourgeois-democratic or other.

Let us understand why this is so. As observed earlier, the only group of concrete rights which are essential to capitalist rule is the first one, as they sum up the basic property relations of capitalism. The second group (the civil liberties) are useful in its struggle to accomplish the complete defeat of the feudal or colonial masters and as long as they continue to be a pleasant social luxury, i.e. as long as capitalism is vigorous, expanding, or has sufficient resources to buy off the discontent of the non-owning classes. The third group is never acceptable to the bourgeoisie and has been wrung from it by the class and mass stru-

ggles of the proletariat and toiling and oppressed sections of the people, and are tolerated by the bourgeoisie and its state as long as capitalism is sufficiently healthy to permit such a concession, only so long as the exercise of the 'proletarian rights' do not threaten the actual existence of the capitalist order.<sup>9</sup>

However, as capitalism enters its phase of decline, the bourgeoisie and its state are forced to restrict the exercise of the second and the third group of rights as they are now too dangerous to bourgeois rule. Mass unrest against the growing inability of the bourgeoisie and bourgeois state to make even small concessions, if organised and permitted under proletarian leadership and expressed through the exercise of these concrete rights, threatens the overthrow of capitalism itself. The bourgeois-democratic state, faced with such a situation launches an offensive and starts restricting the second and third group of concrete rights. The executive arm increasingly takes over control, increasingly resorting to government by decree. Compulsory arbitration is enforced for industrial disputes, rigorous censorship and restrictions on free assembly are introduced to suffocate organised protest. A genuine champion of democracy is placed in a dilemma, in a paradoxical situation. *In the declining phase of capitalism, the defence of even the bourgeois democratic state itself, means actually defence of the second and third category of concrete democratic rights, their protection against abrogation.* Defence of concrete democratic rights can be carried on only by class and mass actions of the proletariat and the toiling and oppressed strata and such struggle finds itself in ever greater conflict with the bourgeois democratic state, which itself is the agency that undermines democratic rights. In the name of democracy, the bourgeois-democratic state curtails and crushes the concrete democratic rights of the people. If the struggles of the people deepen, the bourgeois democratic state sheds its democratic mask and increasingly becomes an authoritarian bourgeois state, taking on one of varied forms.<sup>10</sup>

### **Prerequisites for a Strategy for Defence of Democratic Rights**

I place this basic dilemma before this conference for a number of reasons.

The ruling class of India, and its party, is committed to the



capitalist path of development of an ex-colonial backward country in the declining phase of world capitalism.

It has framed a constitution which, though bourgeois-democratic in form, has cleverly included many undemocratic features; provisions that can, within the framework of the constitution, curb or repress democratic rights of the people.

The state has clearly revealed its bourgeois character by ensuring in the Constitution, the first group of rights which are needed by the bourgeoisie as fundamental, while the second group of rights are hedged in with numerous provisions which can be used to nullify the rights of poor and common citizens.

The constitution has also not assured the most vital right, the right to work, to the toiling people who can secure purchasing power, so essential in a market economy, only by selling their labour or skills. Denial of this right actually reduces all those who have to live by selling their labour power to the status of commodities, to be buffeted about by market operations, i.e. the requirements of the owners of the means of production. Further the constitution has not firmly ensured the democratic rights described as the third group of rights-proletariat rights-and thereby transforms them into arbitrary concessions conceded at the sweet will of the employers and their state, to be extended or withdrawn according to the exigencies of the situation. The constitution and the law of the land have astutely incorporated, from the outset, many sections and provisions which are violative of bourgeois democratic norms even as normally understood.

The mixed economy indicative planning adopted in India—an ex-colonial, newly liberated country—is increasingly revealing its true capitalist class-character, and is facing crucial economic debacle in the form of inflation, stagnation and its need to intensify the drive for surplus value and capital accumulation through aggressive intervention by the state to ‘discipline’ and repress the working class and toiling masses in the interest of capital.

It should be clearly realised that the growing offensive against the second and third categories of democratic rights are rooted in the deteriorating capitalist socio-economic framework leading to open attacks on the conditions of life and labour of people.

A proper strategy for the struggle to defend the democratic rights of the working class and other sections of the toiling people, has to be evolved in the context of acknowledging these real causes of the intensified offensive launched by the bourgeois-democratic state. It is also necessary to properly comprehend the inner forces impelling the bourgeois-democratic government to transform itself into a bourgeois-authoritarian government. This understanding alone will ensure organization of an effective struggle for the defence and protection of the democratic rights of the people.

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# Public Protest and Parliamentary Democracy

## (I)

The present paper attempts to contribute to the discussion which is launched in India by some serious scholars and politicians on the place of "Public Protest" or "Direct Action" within the framework of Parliamentary Government.

This discussion has acquired a sense of acute practical urgency because the Party which sponsored and conducted Direct Action against British Rule in the form of hunger strikes, black flag demonstrations, courting imprisonment, satyagrahas, defying laws, hartals (stopping of public business) while even indirectly condoning what was considered as violent riots according to the then considered laws, is itself facing similar forms of protests after coming to power since Independence. As Bayley points out: "The fact is that the gaining of Independence has marked very little change in use of the more direct and agitational modes of public suasion. The Congress Government has been treated to an almost constant tattoo of demands supported by the same techniques popularized during the independence struggle." <sup>1</sup>

The movements of public protests not merely continue even after the establishment of a Parliamentary democracy in India, but as some observers like Bayley, Kothari, Harrison, Weiner and others have indicated, these movements have been increasing in number and have been gathering momentum, threatening even the existence of the parliamentary Government which has emerged in India after the British withdrawal.

## (II)

The spectre of growing protest movements of the awakened demos threatening the dam of parliamentary form of government in India and the Government while claiming itself to be democratic, adopting repressive measures which encroach on the democratic rights of the people to preserve law and order and



national integration have raised some of the most fundamental theoretical and practical issues pertaining to the "basis on which the parliamentary form of government rests".<sup>2</sup> These movements raised similar questions about the place and justification of public protests under such a regime,

These developments have also raised a host of other fundamental philosophical issues.

Does the parliamentary democratic form of government really represent the will of the people?

Are the industrial devices evolved within the parliamentary form of government adequate enough to allow full participation to people in the political processes?

Do they provide appropriate constitutional channels to redress the grievances, wrongs and harms done to the people or sections of people?

If the parliamentary form of government is genuinely democratic, why do public protests take place under this form of Government?

Are Public Protests or Direct Actions compatible with parliamentary form of government? And further, out of the varieties of public protests, how many forms of Direct Action should democratic government permit in consonance with its democratic pretensions?

Do democratic political assumptions justify coercion and violence on the part of the citizens, if the Government though elected by them, encroaches upon some of the fundamental human rights or exercises its authority in such manner and creates such conditions through legislation, that it prevents the enjoyment of some of the fundamental rights to a large section of the people?

As some of the thinkers have pointed out, can parliamentary form of government be an adequate institutional device to realize the "spirit of democracy"? Bayley, in the context of the Indian situation, has squarely posed the issue.

Can the parliamentary form of democratic government be preserved without suppressing the democratic rights of the

people? Can the parliamentary form of government "create the social, psychological and economic requisites of democracy without resorting to means which are themselves patent departures from the canons of Democratic theory?"<sup>3</sup>

### (III)

The place of Public Protests in a parliamentary democracy in the Indian context has been pithily discussed by Y. B. Chavan in a lecture delivered under the auspices of the Harold Laski Institute, Ahmedabadi,<sup>4</sup> by David Bayley in his article "The Pedagogy of Democracy, Coercive Public Protest in India" in the *American Political Science Review* (Sept. 1962) and by Rajni Kothari in the article "Direct Action—A Pattern of Political Behaviour" published in *Quest*, Jan.-March 1960. The same theme is indirectly taken up by numerous writers like Harrison, Weiner and others who have been examining the developments that have been taking place in India, after the establishment of parliamentary democratic form of government headed by the Congress Party.

We will evaluate the views regarding Public Protests and parliamentary government as they have emerged in these discussions.

Chavan distinguishes Public Protests into two categories: "Peaceful demonstrations or any peaceful movement for ventilating certain grievances" and Direct Action which is organized defiance of law on a large or mass scale. According to him, a large-scale demonstration of a point of view, demonstration of grievances and expression of feelings in a peaceful way is permissible in parliamentary democracy, but Direct Action, i.e., "organized defiance of law on a mass scale has no place in parliamentary democracy because it means the end of it."<sup>5</sup>

According to Chavan there are four types of Direct Actions taking place in India: (1) Wherein a group of persons takes law into their hands and administers direct punishment to the supposed wrong-doer without going through the due processes of law; (2) wherein a particular group of people (particular religious, economic or caste group) feels wronged and takes vengeance against the other group by methods not permitted by law; (3) when a group of persons feeling aggrieved on occasions by the policy of the government or party in power launches

organized defiance of law as a technique of solving the problems; (4) actions launched by groups which are impatient to realize those "natural agro-cultural urges which make (them) aspire for better form of economic society for better social ideologies and political ideologies (they) are impatient to have it earlier in their own way in accordance with their timetable." <sup>6</sup>

Organized defiance of law of the above mentioned categories according to Chavan is not permissible in parliamentary democracy.

Chavan permits Direct Action in three exceptional circumstances in parliamentary democracy: (1) Organized defiance of Law by individuals who like Mahatma Gandhi though having fundamental respect for law, "by reason of conscience are faced with situations where Satyagraha is necessary" and like Mahatma Gandhi "are fit to undertake such individual action." <sup>7</sup> (2) "...even in the functioning of a democratic government, there is one very important exception in resort to direct action. Any government that is itself out to destroy the values of parliamentary democracy needs to be replaced by direct action even under the parliamentary democracy. Government is the custodian of parliamentary democracy, but if the people have got the feeling that the power of Government is being utilized and manipulated, that the basic values of parliamentary democracy are being destroyed, then I think the people have a right to resort to direct action." <sup>8</sup> Further, "In such a situation there is no contradiction in the working of the democracy which is the rule of law, and use of direct action which means defiance of law. This is an exceptional case." (3) Direct Action carried out by men with moral stature and who though few, are individuals representing a large section of humanity in a particular situation where humanity's future hangs in danger, for example, the use of Nuclear Power. <sup>10</sup>

While pointing out how Direct Action, except in the three exceptional circumstances, is incompatible with parliamentary democracy, Chavan emphasizes the need for a "basic understanding" of the principles underlying parliamentary democracy. According to Chavan, "Democracy, essentially parliamentary democracy, is a rule of law." Further "Parliamentary Democracy is also a type of democracy in which there are periodical elec-

tions based on adult franchise...Secondly, there are fundamental liberties of freedom of expression and freedom of association; and, thirdly, and the most vital thing, an independent judiciary to enforce these fundamental rights."<sup>11</sup> "In this type a Government is not irremovable. In fact, after a specific period, a Government itself offers to be replaced. It itself makes an offer that the Legislature would be open for anybody who gets the support of the people and enter it as an individual or as a member of some party. Those who form majority in the Legislature form Government. Such an offer of the Government is ..to the whole population, i.e. Adult Franchise The method of election is the method of persuasion, conversion, change of mind, change of opinion, and the voting is secret voting, i.e., voting, by ballot."<sup>12</sup> These are very important features of parliamentary democracy.

It should be noted that Chavan discusses the main tenets of parliamentary democracy at a 19th-century Liberal democratic level of logic. He does not take into consideration even the observation of eminent students of parliamentary democracy from Mosca to Mills, from Bryce, Finer, Laski to a large number of social democrats. He neither discusses the Philosophical basis, institutional weaknesses, nor the limitations seen in the actual experiences of the functioning of Parliamentary forms of governments during the 19th and 20th centuries. He does not even refer to the crucial fact, observed by almost all sensitive observers of parliamentary form of governments, namely the growing concentration of power in the hands of a few, and the reduction of the mass of people to insignificance and their transformation into voting herds manipulated by powerful groups possessing economic power and monopolizing instruments of mass communication. He also eschews reference to another fundamental fact, namely, that parliamentary democratic governments are themselves becoming fetters stifling the realization of concrete democratic rights. He does not discuss why parliamentary democratic governments, in the name of democracy rule of law, and the preservation of law and order or bringing about national integration, are inaugurating increasingly authoritarian, undemocratic curbs on even the limited rights given to citizens, within the frame of a capitalist democratic constitution.

Chavan indicates that his approach to parliamentary democracy is to understand it not in abstraction but in the context of Indian circumstances. According to him : "No theory can have

abstract significance. In fact every political and economic theory must be understood in the context of the situation in which it is to be applied.<sup>13</sup> So parliamentary democracy will have to be assessed "in the context of Indian conditions today. However, he has nowhere discussed in the lecture whether the criteria adopted by him for parliamentary democracy are applicable in the Indian Constitution. He does not discuss the crucial feature pointed out by the All India Civil Liberties Council namely that India is "the only democratic country in the world whose fundamental law sanctions detention without trial in times of peace and in a situation which is not in the nature of an emergency."<sup>14</sup> Nor does he examine the potential anti-democratic limitations which have been attached to every clause indicating fundamental rights. Nor has he examined how far fundamental rights remain fundamental if they are subordinated to the law and order requirements of the government? Finally in his formalistic 19th century Liberal approach to parliamentary democracy, Chavan finds justification for only three varieties of Direct Action, two of them are by curious coincidence, those which were undertaken by Congress, the party to which he belongs and the third which is taken by the intellectuals of a certain stature. For Chavan, struggle against unemployment against the economic measures which increasingly lower the conditions of living of the masses, the struggles to eradicate social order which is founded on exploitation of man by man on the basis of ownership means of production by capitalists and which is buttressed, protected and defended by the coercive apparatus of the State should not take the form of Direct Action. The freedom to survive by demanding a right to work, freedom to develop initiative and capacity to think by securing right to education, freedom to contribute productively by having a right to employment and similar other rights and democratic freedoms are not considered fundamental rights by those who share Chavan's view. They do not want to confront the basic fact discernible in all countries, that parliamentary democracy, "as long as there remain on earth private ownership of land and the means of production, the most democratic republic must inevitably remain, a dictatorship of the bourgeoisie, a machine for suppression of the overwhelming majority of working people by a handful of capitalists."<sup>15</sup> Direct Action against the domination of capital and perpetuated by the parliamentary democratic form of government is the crucial action which is abhorred by the groups of liberal thinkers.



Chavan's discussion of Direct Action and the need to suppress it by the democratic government, leaves out of account the analysis of the fundamental causes that lead to Direct Action. It also completely leaves out of account the possibility of transforming the anti-democratic measures adopted by the governments to preserve law and order and suppress public protests. Nor does Chavan examine how far the so-called philosophical, institutional premises underlying the specified form of government have stood the test of experiences and life.

Bayley takes up the problems of first type and Rajni Kothari examines the second aspect of the problems left undiscussed by Chavan.

#### (IV)

Bayley attempts to examine the problem of relation of Direct Action and parliamentary form of government from a totally different angle. He wants to consider whether the parliamentary form of government in the process of suppressing Direct Action as well as in the anxiety to preserve law and order, or speed up economic advance in the country, will itself not violate some of the basic canons of Democracy and thereby endanger the very democratic foundations of its existence. Unlike Chavan, he presumes that in the context of Indian historical development, "Coercive Public Protests" have become characteristic of the political life in India. He has further pointed out by evidence of a carefully collected data that after Independence, coercive public protests have increased in number and intensity. He is therefore more anxious to find out not merely the limits which should be put on Direct Action, but also a certain amount of permissibility to such actions by the democratic government if it wants to strengthen the "democratic government democratically." According to Bayley, a democratic government has to submit to severe limitations in adopting measures to restrain control the "coercive public protests."

Bayley, believes that the Government of India is aware of the need to curb the coercive public protests in India, but "less attention... has been given to the other... problem namely, to an examination of the possible consequences of successfully restraining coercive public protest,"<sup>16</sup> on the democratic government itself.

Bayley tries to examine the repercussions of suppression of

a "widespread" social response like coercive public protests, or the democratic form of government itself.

Bayley differs from Chavan in his conception of Direct Action. He coins a new phrase, "Coercive Public Protest" to describe movements by people against constituted authority. "Coercive Public Protest" according to him possesses the following three attributes. (1) "It is aggregative; (2) It is public, as opposed to conspiratorial or clandestine; and (3) It imposes a constraint upon government by its presence and action."<sup>17</sup> "Coercive Public Protests" as defined by Bayley is almost identical with Direct Action type three of Chavan plus some of the peaceful agitations.

According to Bayley, "Coercive Public Protests" are distinctly different from "Public excitations and clashes which spring from social cleavages and which are not directed at affecting the decisions of formally constituted governmental authority."<sup>18</sup> He thinks they have assumed six primary forms in modern India: (1) Processions and public meetings; (2) Hartals (work stoppage not aimed at employers), boycotts and strikes; (3) Fast; (4) Obstruction; (5) Courting of arrest; (6) Riots. Further, Bayley divides these coercive movements into legal protests and illegal protests and further subdivides the illegal protests into the violent and the nonviolent categories.

Bayley feels that all these varieties of "public protests" do not fall outside the preserve of democratic tolerance.

Bayley assumes that "the Indian Government is faced with pervasive and continued threat to the maintenance of law and order and ...law and order are jeopardized to an extent known extremely infrequently in the United States or United Kingdom..."<sup>19</sup> He also takes into account the possible argument which may be put forth by the Government to control "Coercive Public Protests" viz., that such protests impose... an economic burden upon the nation; will prevent the Government from performing its most fundamental duties, viz., the preservation of minimal conditions of law and order, will destroy the basis of majority rule; not merely introduce 'a supplementary means of persuasion of government, but a fundamental threat to the rule of law'; will encourage replacing orderly, constitutional responses demanded in a democratic state; become an even greater rival to the process of peaceful change through democratic government.

and destroy the assumption of natural harmony, and social accommodation based on compromise by all groups and "generate a 'belief' that certain deeply felt needs, desires or interests are beyond compromise and that extreme solutions are appropriate to satisfy them."

According to Bayley, all these well-known arguments attain great efficacy in a backward country like India, where the democratic spirit does not prevail in the society. However, according to him, the Indian Government while being aware of these consequences of permitting Direct Action, does not take into account the effect of measures adopted by the government to suppress "Coercive Public Protest", on its own self. Bayley points out a number of dangers which may arise if the government adapts a stringent policy of suppression at all forms of public protests including illegal or even violent forms. He points out the following disadvantages of a policy of limiting coercive public protests.

- (1) The stoppering of a socially useful or functional response;
- (2) the weakening of the consensus between rulers and ruled;
- (3) the intensification of the Gandhian Martyrdom Syndrome;
- (4) the creation of situations tactically advantageous for the non-democratic political opposition;
- (5) the alienation of people from the police and court system;
- (6) danger of suppression of all unwanted opinion by the government in the process of disciplining the popular opinion as expressed through "Coercive Public Protest";
- (7) the danger of the task of regulating coercive public protest degenerating in to authoritarian suppression of all protest.

This danger is more real because of the fact that in India an elite group composed of officials and policy-makers is already "separated from the masses by a chasm of education, training and experience, and are likely to easily extend a policy of tutelage in the rules of democratic interaction. Thus This elite group would tend to practise authoritarian suppression of opposition viewpoint, thus transforming democratic pedagogy into a crutch to Elitism." Further it may replace criterion, efficiency as goal instead of developing a political goal viz., a peculiar kind of social interaction known as democracy. Particularly on the background of India's need for a rapid economic development, where the government might strain for increment of per capita income, or rate of industrialization, Bayley feels that the elite may easily substitute "a materialistic development criterion for a political one viz, peculiar kind of social interaction which alone can create the social requisites of democracy" and by introduc

ing the policy of social regulation to speed up economic development may introduce bureaucratic impulse supplanting pedagogic one; (8) In the absence of institutional countervailing forces operating in Indian society, "the after-effect of controlling tightly the various forms of political protests so popular in contemporary India" may be that the agents of governmental authority may acquire a habit of using more and more of power for solving problems and thus slowly slide down to an authoritarian regime.

Bayley thus points out how the process of curbing public protests in the Indian setting has grave consequences for the very democratic parliamentary form itself. He further pleads for a pragmatic, cautious approach towards coercive public protests. According to him coercive public protests have a certain functional utility even in a parliamentary form of government. Now so in countries like India.

Unfortunately, Bayley's discussion though thought-provoking suffers from extreme superficiality. He discusses the problem from a *purely formal and pragmatic angle*. He defines "forms of Coercive Public Protests" but never analyses the social-economic and cultural conditions which generate them. Nowhere raises the crucial issues elaborately discussed by many thoughtful observers of the functioning of parliamentary government. He does not even pose the problem of alienation of individuals which has taken place in capitalist profit-oriented competitive industrial societies, nor does he examine why people develop "fear of freedom" or want to "escape from freedom". The findings of thinkers like Tonnies, Weber, Reisman, Tawney, Laski, Erich Fromm, Michels and a host of sociologists, psychologists, political thinkers and others that the phrase "freedom of individual" has become a cliché in the new mass-societies emerging in the capitalist world with its large-sized bureaucratic organizations wherein the individual is transformed into a commodity, into a robot manipulated by the powerful monopolies controlling economic resources and state power. The manipulation of gigantic mass communication media by these forces for conditioning his views, prepare him to work as a guinea pig to be exploited in the drive for profits of the monopolies or to be slaughtered in the gigantic wars, launched by them in their quest for markets. For Bayley, this reduction of the individual in capitalist societies does not even deserve mention. He remains con-

vious to the last fifty years of political experience, wherein a number of countries, claiming to be free democracies have by "democratic" methods destroyed even parliamentary form of government and that historically in the name of "Democracy" the very champions of democratic form of Government are busy buttressing, fabricating and even strengthening totalitarian, monarchic, dictatorial, military absolutists form of governments to save the "*free world*."

Bayley's discussion would have acquired the necessary significant depth if he had squarely evaluated the experiences of the parliamentary form of government in various parts of the world. He does not examine the deeper social forces which are transforming parliamentary democratic form into a shell inadequate to preserve and protect concrete democratic rights. He should have probed into the most crucial issue, viz., parliamentary democratic governments themselves becoming instruments to inaugurate authoritarian regimes. Bayley just hints at this trend, but does not discuss what deeper socio-economic forces have been responsible for transforming parliamentary form of democracy, into an authoritarian and undemocratic one. Instead, he puts forward some very amazing arguments for such developments.

He has the temerity to say in the context of Indian situation, that accelerating the pace of economic development, speeding up the economic processes to increase national income or efforts to create conditions whereby the problem of sheer physical survival for millions of starved, semi-starved people, is a materialistic goal, which should not be pursued vigorously as it threatens democracy.

The most crucial issues concerning the economic structural framework on which depends even the very survival of mankind and also the sheer existence of millions of poor on earth and which alone provide security of economic life and resources to culture are generally bypassed by liberal scholars and politicians like Bayley and others.

As C. Wright Mills has poignantly pointed out : "To the world's range of enormous problems, liberalism responds with its verbal fetish of 'freedom' plus a shifting series of opportunistic reactions. 'The world is hungry'; the liberal cries : 'Let us



make it free !' The world is tired of war; the liberal cries : 'Let us arm for peace.' The people of the world are without land; the liberal cries : 'Let us beg the landed oligarchs to parcel some of it out !'

In sum : The most grievous charge today against liberalism and its conservative varieties is that they are so utterly provincial, and thus so irrelevant to the major problems that must now be confronted in so many areas of the world." 20

Bayley's analysis of coercive public protests and parliamentary government, while an interesting piece of formal analysis, neither examines the socio-economic causes which generate mounting coercive protests, nor provides any clue to find out whether the parliamentary form of government will be able to eradicate the underlying socio-economic causes generating coercive public protests and threatening the very fabric of the rule of law created under parliamentary democracy.

Bayley can offer only a "verbal fetish of freedom" plus a dose of advice to the leaders of the Government to be pragmatic in their approach, and suggest a policy of an opportunistic handling of the situation. He has nothing to offer to the majority of the population, as to how they should develop movements which would help them to destroy restraints imposed by parliamentary government, on their concrete economic political, social and cultural democratic rights.

Rajni Kothari discusses the problem of Direct Action and parliamentary democracy at a deeper level. He tries to point out how the parliamentary form of democracy has failed to embody the idea of democracy as understood in its essential sense. Thus he distinguishes democracy as understood in a basic and essential sense and the parliamentary form of government as a system of political institution designed by men who seek to realize the idea of democracy. Further, he points out that the chief tenet of democracy in its essential sense is that "*man is the maker of his destiny and the task of the political institutions is to enable him to do so*". According to him, the individual is the starting point of democracy, and the stress is on the freedom and self-development of the individual, not in the sense that there will be anarchy in society or that the society in which the individual will live would be without law. "Democracy is a form of organization where everything will be governed by a

law. It only points that *man* must be the creator of his own law, in association with his fellow-beings. Freedom here is considered not as absence of law but a right to shape law. An entity is free in so far as it creates its own laws. The degree of freedom associated with a social system is measured by the actual scope it offers to individuals towards that self-fulfilment. It is freedom to change one necessity into another. Under such a system all laws and institutions are no more than the creation of men seeking and shaping their destiny. All government is 'self-government' in a democracy."<sup>21</sup>

On the background of his postulates of democracy in its essential sense, he points out that "by and large, Parliamentary government has failed to embody the idea of democracy, and this failure principally stems from the fact that under it there is little scope for popular participation"<sup>22</sup> in political processes, "This lack of participation leads to a sense of insignificance in the people, especially in those sections which are more politically conscious. Faced with a situation in which power is concentrated they groan under a sense of powerlessness;"<sup>23</sup> A feeling which is in sharp contradiction to the "ideology of democracy". According to Kothari "maxims uttered from time to time by the apologists of Parliamentary government are essentially democratic maxims. It is the large gulf that divides this ideology from the actuality that leads to a sense of impotency and frustration in the people."<sup>24</sup>

Kothari tries to examine 'why Parliamentary form of democratic government' fails to become an adequate political and institutional framework for realising the essence of democracy. He points out how the philosophic basis, institutional basis and the underlying logic of the Parliamentary system viz., theory of representation—on which Parliamentary Government rests—suffer from serious limitations. As he puts it: "We have found that the institution of elections is inadequate as a basis of democratic government, that the theory of representation is misleading and fails to base government on will of the people, that the ethical basis of Parliamentary government in hedonism renders it incapable of imbibing true spirit of democracy, and that the assumptions of the natural harmony proves inimical to true participation by people in the political process. What we find in reality is that power tends to get concentrated under parliamentary government. The participation of the people in the process of

government is kept to a minimum, the power of the people's representatives is equally minimised under the impact of political parties and government—to speak in a language stripped of all constitutional verbiage and legal jargon—is a government by an organized minority.”<sup>25</sup>

Parliamentary democracy thus becomes a rule of minority “where individual is just a constitutional fiction. He has, of course, the right of casting his ballot every four or five years. On that right, indeed, hangs the whole system. But apart from that functional link in mechanism, the individual as such has no role to play.”<sup>26</sup> Further: “decisions taken at the seat of the power and enforced by its agents come as a *fait accompli* to the people. Grievances accumulate. A psychological case is slowly built up in the minds of people who are affected by such decisions. The normal channels provided for removing the accumulated grievances prove to be impotent. When serious disagreement is the issue, the stage is set for Direct Action.”<sup>27</sup>

According to Kothari, in the parliamentary set-up, people who are divided into government and the governed, slowly become rigid categories. Government and the governed can pull on together only if the issues which divide them are of secondary importance or the governed “reconcile themselves to the fact that it is not possible to influence the government to any significant manner. Where none of these conditions obtain, divergent interests assume a form of a permanent conflict. The result is a showdown sooner or later.”<sup>28</sup>

Kothari, thus, unlike Chavan comes to the conclusion that Direct Action is inevitable under parliamentary democracy. Kothari thus differs from Chavan when he points out that “it is easy to dismiss direct action as unpermissible under parliamentary democracy; it is difficult to obtain conditions under which the need for direct action is wholly removed. This is not because the people are not mature. Nor would it suffice to say that parliamentary institutions have not taken root in our country. It is really because it follows from the very nature of parliamentary government. It is democracy which gives rise to certain deep-rooted expectations; but the fact that the democracy is parliamentary frustrates these very expectations. Frustration, more than any thing else characterizes the political picture under parliamentary democracy. The conflict between promise and possibility is latent all the time. In times of strain it comes out

in the open. The result is Direct Action."<sup>29</sup>

After establishing the inevitability of Direct Action in parliamentary democracy, he tries to dispose of the formal arguments which are usually put forth to oppose Direct Action, viz., (a) it would result in anarchy and chaos, (b) that it could be justified against foreign government but highly inappropriate under a government which is "our own government", (c) that electorate ought to give a fair chance to the government in power, because the electorate is free to change it in next election, (d) that it would make mockery of the sovereignty of parliament.

According to Kothari fear of anarchy and chaos in the body politic is itself a symptom of a deep-seated malady prevailing in society, which reveals that some drastic steps are required to settle the issues. The argument of the irrelevance of Direct Action in "Self-government" according to Kothari is founded on a hollow reasoning. Because parliamentary democracy, by permitting only the single act of choosing a representative, and denying every other mode of participating in political action never permits the people to feel even the representative government as "self-government." The argument that the elected government should be given a fair chance by the electorate is also very feeble according to Kothari because "elections in Parliamentary Democracy, are no more than a rubber-stamp on one party's manifesto or another's which may be drawn up deceptively leaving out measures which are likely to be unpalatable to the public".<sup>30</sup>

Rajni Kothari also refutes the fourth argument against Direct Action, viz., that it will make a mockery of sovereignty of parliament by pointing out that the "Parliamentary sovereignty in effect turns out to be the sovereignty of an organized minority, with majority having little participation in the political process,"<sup>31</sup> and he argues that "the curious fact, indeed, is that the only real participation possible for a majority of people under such a form of Government is the participation in Direct Action."<sup>32</sup>

After presenting the case of Direct Action in parliamentary democracy, Kothari defines Direct Action. According to him "Direct Action of any type is ... essentially a technique of political action. Secondly, it is directed against constituted authority. Thirdly, the means it follows are extra-constitutional,

that is they are not provided by the legal and constitutional machinery of the state. Its method is that of bypassing the existing parliamentary forms and evolving new categories of political behaviour. Fourthly, it takes on the character of group action. This may take the form of a spontaneous mass upsurge at the bottom or it may be engineered by a group or groups, however motivated that either are already political or become political. Finally, it is aimed at some political change; a change of particular policy or policies or a change in the constitutional machinery, or a change in the government in power. In all cases, a change is desired."<sup>33</sup> Thus according to Kothari, "Direct Action can be defined as an extra-constitutional political technique that takes the form of a group action, is aimed at some political change, and is directed against the government in power."<sup>34</sup>

Kothari then tries to distinguish between his conception of Direct Action from the concept of Direct Action which according to him is popularized by Orthodox Communist, Syndicalist, and other terrorist movements and theories "wherein it is identified with unbridled and unscrupulous violence". He further indicates that "an action can be direct with or without being violent; it can be aimed against the government with or without inciting the baser instinct of men; it can bypass the existing categories of political action with or without becoming in the process, unprincipled and opportunistic".<sup>35</sup>

Kothari feels that Direct Actions are of two types—"those that enable us to give to the parliamentary form a greater democratic content and those that lead to its deterioration towards authoritarianism."<sup>36</sup> According to him Direct Action which gives greater democratic content are based on careful selection of means, careful democratic content of the action and are judged "not by success alone but by other considerations as well." While the Direct Actions which lead parliamentary form towards authoritarianism, use "any means," are "unmindful of consequences", and consider "success as sole justification."

Kothari evolves this classification of Direct Action into desirable and undesirable forms on the assumption that "the conditions for higher form of democracy exist in a rudimentary form in the system of parliamentary democracy and that these provide us with a beginning and a basis for experimentation. The great



merit of parliamentary democracy is that it allows freedom of expression. That makes a direct action possible."<sup>37</sup> Kothari concludes that a direct action is justified only if it furthers and does not impede the cause of Democracy.

Kothari ably exposes the limitations of parliamentary democracy. He also conveys the truth that a parliamentary democracy is a government of the minority. He also very lucidly points out how power is concentrated in the hands of a small group and that people are reduced to cipher, having only a ritual to vote once in every four or five years. He also indicates how parliamentary democracy as a political institutional form has become objectively a shell, wherein the ability of the vast bulk of people for self-determination has been transformed into its opposite. However, he does not confront the fact that the social structure and the economic order which parliamentary democratic form preserves, projects and coercively consolidates, is a capitalist order, wherein a small minority class owning capital, owning means of production, owning much of the instruments of culture and propaganda, and also commanding resources to buy the electorate, also controls political power. In short like other liberal thinkers he also does not want to confront the basic fact viz. that parliamentary democracy "is basically a Bourgeoisie Democracy," a 'democracy for the rich' wherein the blessings of the basic elementary democratic rights are inaccessible to the majority of the working people."

The fundamental weakness of all those who discuss about the parliamentary democracy from a Liberal approach lies in the fact that they either remain blind to or want "to conceal the truth... that ownership of means of production and political power remain in the hands of the exploiters, and that therefore real freedom and real equality for the exploited, that is, for the vast majority of the population are out of question."<sup>38</sup>

Further, Kothari, while recognizing that parliamentary government has failed, and therefore compels people to take to Direct Action, still glorifies freedom of speech, freedom of assembly and freedom of press, which he feels are its essential features. He does not point out the truth that these freedoms in the context of a capitalist framework are accessible only to a small group of capitalists, landlords, exploiters and profiteers. He does not point out how nine-tenths of the best meeting halls as well

as of stocks of newsprints, press and vehicles of expression are, owned or controlled by the same capitalists. As pointed out by Lenin, "the urban workers and farm hands and day labourers in the villages are *in practice*, debarred from democracy by the sacred right of property, and by the bourgeois state apparatus, that is bourgeois officials, bourgeois judges and so on. The present freedom of assembly and press in Parliamentary capitalist democracy is false and hypocritical, because in fact it is freedom for the rich to buy and bribe the press, freedom for the rich to befuddle the people with the venomous lies of the bourgeois press, freedom for the rich to keep as their property, the mansions of the landlords, the best buildings, etc." 39

Further, Kothari does not examine why the parliamentary democratic constitution in India, has categorically laid down restrictions on fundamental rights, and further has declared certain categories of rights as fundamental. He further remains completely silent over the fact that the Preventive Detention Act, and a number of other undemocratic clauses have armed the government with such powers that it can rule by suppressing all democratic liberties cherished by him. Further, he does not explain why parliamentary democracy has not considered right to work, right to employment, right to education, as fundamental rights, while the right to property in means of production is a fundamental one. Kothari and the group of liberal ideologues do not want to squarely face the crucial issue so vitally affecting the overwhelming sections of the toiling population, and considered as a preliminary precondition for exercising their other rights viz: need of an economic system wherein work, payment and education will be guaranteed to all. They do not want to boldly confront the fact that there is nothing so demoralizing as unemployment, and insecurity about jobs. Further they do not try to give a straight answer to the most challenging question confronting overwhelming sections of mankind, whether the capitalist economic framework which is coercively perpetuated by parliamentary democracy in some countries could not develop productive forces at a rate which would assure an extremely rapid growth of resources thus making economic insecurity and absence of educational opportunities a nightmarish picture of a bygone era.

The fundamental issue of twentieth century is the battle against poverty, against disease, against illiteracy, against the economic misery and ruthless exploitation of the majority of po-

pulation by a handful of capitalist owners in every capitalist country. The history of gigantic struggles of the workers, of the peoples of colonial and semi-colonial countries, against this strangling grip of national and international capital does not acquire any significance for these champions of Democracy, for whom the words "freedom" and "democracy" have become more a profession than a conviction. They do not want to examine the powerful enchaining effect of the yoke of capital on the vast mass of exploited and oppressed sections of mankind, and which prevents them from exercising their reason. They do not want to discuss the concrete economic framework, under which "freedom" could be a genuine human reality. As pointed out by C. Wright Mills, "Liberal ways of looking at these facts too often become mannerism by which Liberals avoid the structural conditions of social life and the need to change them. In fact, liberals have no convincing view of the structure of society as a whole—other than the now vague notion of it as some kind of big balance"<sup>40</sup>

Kothari's entire discussion on parliamentary democracy and Direct Action though stimulating in its abstract formulation is extremely weak in its sociological content. After a brilliant exposure of the limitations of parliamentary democracy as a fetter on conscious, purposive and free participation of people in the political processes, he does not deepen his discussion. He does not explore whether parliamentary democracy can really serve as a useful weapon to deepen democracy. Nor does he pose a problem viz., whether a new historically higher type of democratic government, based on a qualitatively different set of assumptions and institutional framework has become urgent. He suddenly rushes back to the defence of the same parliamentary democracy which he considers to be a shell useless for democracy in essence. He does not even ask the question which Bayley has raised, viz., whether the parliamentary form of government itself will not be intolerant even to those forms of Direct Action prescribed by himself as valid. Nor does he discuss whether in the process of suppressing them democracy itself will be destroyed.

In short, Kothari's discussion of parliamentary democracy and Direct Action though thought-provoking carries on the discussion at a formal level, and thus offers no basic clues to the understanding of the problem. In fact in the end Kothari

ends curiously as a defender of the status quo-permitting only those Direct Actions which would according to him only fertilize parliamentary form of government. He is opposed to other Direct Actions. It is a curious coincidence that the only case of Direct Action, Kothari found worth justifiable in India after Independence was the Direct Action against a Communist Government. He does not examine the possibility of the parliamentary democratic government, at the Centre, run by the Congress Party itself becoming an enemy of concrete democratic rights. And in the process of maintaining "law and order," in the process of building up an economy based on the postulates of capitalist mixed economy, becoming itself authoritarian while keeping the shell of parliamentary form of government.

## (VI)

We have critically reviewed the major ideas presented by an eminent politician and academicians regarding the place of public protests in parliamentary democracy. Certain significant points emerge which we can present to extend the discussion further.

1. The concept of Democracy requires to be more clearly formulated. Words like Pure Democracy, Democratic Spirit, Essence of Democracy, Concrete Democratic Rights and Democratic Form of Government are used in such a confused manner that they generate a large number of irrelevant and dangerous controversies. It is necessary at first to clearly define what are Concrete Democratic Rights" which constitute the content of democratic society. Secondly, it should also be clearly grasped that parliamentary democracy — or parliamentary democratic form of government is only one of the political institutional devices which may permit or encourage concrete democratic rights within society, in certain historical conditions

This clear distinction between concrete democratic rights and parliamentary democratic form of government will lead us to more definite conclusions about the problem of public protest and parliamentary democracy.

2. The problem of Concrete Democratic Rights, as well as the problem of classification of these rights in terms of a hierarchical preferential scale for the purpose of placing them in the context of priorities deserves more careful and clear formulations

What rights should be considered fundamental and why? One of the foremost controversies going on in the twentieth century is round the crucial issue of grading rights and assigning priorities among them. The major battle between socialists and liberals or those who stand for private enterprise economy is round this issue. The effort at grading concrete rights into fundamental democratic rights and other derivative rights is clearly revealed in the Constitution of India, where a unique innovation of dividing rights into those which are fundamental and those which are indicated in directive principles is worked out. Further, behind the classification of concrete democratic rights lie entire philosophies, ideologies, historical perspectives, and conceptions of history and of men. The U.N.O. Charter of Human Rights indicate how beyond every formulation of specific right a gigantic historical development is embodied.

This problem has acquired a grim significance for contemporary humanity as a result of number of developments. (1) The existence of a large number of countries, wherein, in the name of democracy, and liberty, the yoke of capital is perpetuated, increasingly crushing even the so-called Civil Liberties which have been supposed to be the corner-stones of these societies. The reign of capital now finds even the existence of elementary civil liberties more and more irksome and dangerous. Parliamentary democratic form which was suitable for a few countries in the rising phase of capitalism is slowly becoming a fetter to the capitalist class. Either the parliamentary form is replaced by open dictatorships or the parliamentary forms of government, under the facade of democracy, slowly introduce measures repressing concrete democratic rights of the people. Monopoly Capitalism finds even formal democracy irksome. People are confronted here with the problem of destruction of the reign of capital. (2) The emergence of a large number of countries wherein the yoke of capital has been destroyed, but wherein monstrous Stalinist totalitarian political superstructures have emerged and bureaucratically stifle the civil liberties of the people. The original idealistic hope that the destruction of the yoke of capital will in the very process of this destruction automatically create a condition wherein the rights for the toiling masses will be deepened and broadened has been considerably shattered in the light of recent experience. The totalitarian political superstructure, has alienated many serious thinkers and have led them to accept Bourgeois democracy with all its limitations. A large number of thinkers

have evolved theories wherein they try to identify social ownership of means of production with totalitarian political structure.

Of course the recent experiments in various centrally planned economies, have generated hopes that abolition of private property in means of production need not necessarily lead to authoritarianism. But the struggles of the people in these countries have also revealed that the end of economic exploitation in certain situations (in the context of backward countries) will not necessarily, automatically result in securing civil liberties for the toilers. A systematic protest movement will have to be launched against Bureaucratic totalitarian governmental organisations. A search for a form of Government which will both eliminate the reign of capital as well as the authoritarian suppression of people by Bureaucracies has started. A movement to end bureaucratic and evolve a genuine democratic form of Government over the framework of the social ownership of the means of production has begun manifesting itself in public protests in those countries\* (3) The division of mankind into national states in the context of its economic, cultural and ideological interdependence, has also created a situation wherein a national state, whether democratic or otherwise, has to restrict the rights and amenities of its own citizens. This is another restriction on the fundamental democratic rights to be exercised on a truly human scale. Every state operating on its narrow national scale has been restricting the rights to suit the national exigency. For the creation of a social order wherein democratic human rights are made available to all, the fetters of national boundaries, with their concomitant armaments, competitive and conflicting policies, and restrictions on the citizens to serve the narrow military and other interests of the state, shall have to be eliminated. For the creation of a society which may provide concrete democratic rights to the citizens, with a view to permitting them a richer participation in social, political, economic and cultural processes, the national fetters shall have to be broken, and a cooperative commonwealth of various communities will have to be created.

## (VII)

The overcoming of these three obstacles, so fundamental for the survival of mankind, as well for the development and en-

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\*for a detailed discussion on this issue refer to the pamphlet published in this series entitled "Communism and Democracy."



richment of the individual, is the task with which the masses are confronted. Till such a stage of social order is achieved, the people will not only carry on public protests, but will also slowly prepare (and justifiably) for the revolutionary overthrow of all forces which obstruct the realization of the goal. As Bayley has pointed out coercion and violence are justifiable by Democratic Theory also as legitimate means "for resisting the encroachments of government upon the preserves of human rights."

The public protest will continue and will go on in an uninterrupted manner, under all the above forms of government which are prevailing today.

The parliamentary form of government, as a political institutional device, has proved to be inadequate to continue or expand concrete democratic rights of the people. This form, either operates as a shell within which the authority of capital perpetuates itself, obstructing or reducing the opportunities for people to consciously participate in the process of society or is increasingly transforming itself into a dictatorship, wherein capital sheds some of its democratic pretensions and rules by open, ruthless dictatorial means. Public protests will continue till people have ended the rule of capital in those countries where it still persists. They will also continue against those bureau-totalitarian political regimes where the rule of capital has ended, but where due to certain peculiar historical circumstances Stalinist bureaucratic, terroristic political regimes have emerged.

The movements and protests of people will continue till adequate political institutional forms for the realization and exercise of concrete democratic rights are found.

A search for such an institutional framework is the historical task of today. Parliamentary forms of government have not merely outlived their utility, but have also become obstacles to deepening and strengthening the economic, social and cultural conditions for democracy.

Public protests are inevitable and will grow more and more under Bourgeois parliamentary governments because they have become fetters on the concrete democratic rights of the vast majority of the population.

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