Freedom in Peril

ACHARYA KRIPALANI
not in that case indulge in destructive politics designed to deprive the citizens of their national rights and liberties.

In what Mrs. Gandhi has been doing, she seems to have forgotten her family traditions. Her mother Kamala was a saintly soul, loved by all, her grandfather Motilal and her father Jawaharlal fought valiantly for the freedom of the country against foreign imperial rule and suffered much. I had the proud privilege to work with these distinguished patriots. Today I find myself not only hurt but also humiliated. Does it befit or benefit a person to squander away the fair name of one's parents?

Mrs. Gandhi in her frantic efforts to win popularity has promised to the students cheap food and some other facilities, long overdue. Let no young man be tempted by this mean bait. They are the salt of the soil and the hope of the future. Let them remember that "man does not live by bread alone".

She, by her terrorist methods to put down a legitimate nonviolent movement, not yet started, has left no choice to the lovers of the country's freedom except to abandon the open methods to protest and to take to secret methods to ventilate their thoughts and feelings. This is the greatest injury she has done to those who want to keep our liberty alive by peaceful means. Our ancients considered freedom, "Moksha" as the highest goal of human aspiration and effort. We would be unworthy of our great forebearers if we allowed the liberty we worked for and attained to slip from our hands. Let us therefore in this hour of our great peril, pray to God to give us 'Liberty or death'.

As the press is gagged and this message to my countrymen cannot be published by any newspaper, it is being directly posted to them.

(1-7-75)

CORRESPONDENCE WITH THE PRIME MINISTER

Acharya J. B. Kripalani's persistent efforts over a period of fifteen months to persuade Prime Minister Indira Gandhi to lift the emergency, release the opposition leaders and open a dialogue with them for the restoration of normal conditions are revealed by the following correspondences.

Hardly a fortnight after the emergency was declared, the doyen among the freedom-fighters addressed a letter to the Editors of several leading newspapers through which he appealed to the Government to provide proper medical treatment to the detenus and facilities for public interviews. In his letter of July 8, 1975, he said:

"In what I am writing for your esteemed paper, I do not want to discuss the merits of the Emergency declared on 26th of last month. (June 75) What I write may be helpful to the Government.

There are persistent rumours that Morarji Desai and Jaya Prakash are fasting unto death. There is also a rumour that the latter is no more among the living. I feel that the Government in their own interests should say something giving the facts. It would be better if the condition of their health is given under the signature of some eminent doctor or doctors.

It will be remembered that even the foreign imperial Government had announced the fast of Gandhiji during the 'Quit India' movement when the last global war was going on, and the situation was critical. Dr. Gilder was transferred from Yeravada Jail to Aga Khan's Palace. Dr. Bidhan Chandra Roy went from Calcutta and was in constant attendance upon Gandhiji. When his condition became critical, regulated crowd of visitors was allowed to see him.

I hope that the national Government of India in this matter will do no less than the foreign Governo-
ment. I am sure, this 'letter of mine' does not require any reference to the censors ".

On the same day, he wrote to the Prime Minister, enclosing a copy of his letter to the Press. He wrote:

"If you feel that anything is to be done, in the interests of the Government, apart from the interests of the people, you will please do the needful in the matter".

In a brief reply on July 14, 1975, the Prime Minister said:

"You must have seen in the newspapers that no one has been or is on fast. Shri Jayaprakash Narayan and Shri Morarji Desai are well ".

A couple of months later, on September 9, he wrote again to her, seeking an opportunity to discuss the prevailing situation with her. He said:

"Many non-political friends have asked me, as the oldest living politician of the pre-Independence era, to approach you about the present political situation in the country. It would be worthwhile to meet you if you think it is time to have a fresh look at the political situation. It is now more than two months and a half that the proclamation of emergency was made.

If, however, you think the time is not yet ripe for any profitable re-assessment of the situation, I would not like needlessly to take your precious time ".

Unfortunately, this letter remained un-replied.

Once again, he wrote a long letter on December 3, 1976 drawing the Prime Minister's attention to the deterioration in the health of important opposition leaders and pleading for their release. He wrote:

"You will recall my writing to you about the rumours afloat concerning the health of Jayaprakash and Morarjibhai.

In your reply of the 14th July, you wrote: 'You must have seen in the newspapers that no one has been or is on fast. Sri Jayaprakash Narayan and Sri Morarji Desai are well '. But, I wonder if you were then posted with full information about Jayaprakash's health. His brother, who had seen him, told me that his health was none too good and that solitary confinement was adversely affecting it. Subsequent reports also were far from reassuring. Ultimately, he had to be released on a month's parole. From all accounts, by then both his kidneys had suffered grave damage. The latest reports, as you must have learnt, only confirm the fears expressed earlier.

I met Shri Atal Behari Vajpayee at the All India Medical Institute a couple of days back. After his arrest, he has undergone an appendicitis operation and a major one for slipped disc. One does not know how long it will take him to get well again.

I understand that Shri Nabakrishna Choudhary, former Chief Minister of Orissa and a highly respected person, suffered a stroke in detention and is now lying paralysed, after being released on parole.

One can understand the arrest and detention without trial of politicians for various offences committed or to be committed. But such detention should not impair their health seriously. Even the foreign imperial Government thrice released Gandhijji on grounds of health, once even when their empire was in peril. Can our democratic Government
not do the same? Most of the leaders, if not all, 
are past middle age. Their continued detention 
may permanently impair their health.

May I suggest, in the name of humanity, that the 
authorities should release all the leaders and, if it 
is thought necessary, open a dialogue with them 
for restoring normalcy! This is more neces-
sary since the authorities claim that there is peace 
in the country and things are going on smoothly".

To this, the Prime Minister sent the following detailed 
reply on December 6:

- I have your letter dated 3rd December, 1975, 
regarding Shri Jayaprakash Narayan, Shri 
Morarji Desai and some others.

Shri Jayaprakash Narayan who was detained on 26th 
June, 1975, was immediately moved to the 
Government Rest House in Sona, Haryana, on the 
borders of Delhi. On 26th June, he was brought 
to the All India Institute of Medical Sciences, 
Delhi, for treatment of 'Ischaemic heart disease '.
He was discharged from the Institute on 1st 
July and moved to the Post Graduate Institute of 
of Medical Education, Chandigarh, as that was a 
quieter place. There he asked for a cottage. That 
arrangement was made. Whenever necessary, 
he was taken to the institute and given necessary 
medical attention for his old complaints. As you 
know, in April-May, 1974, he had undergone 
treatment at the Christian Medical College Hospital 
at Vellore when they had noticed prostatic hyper-
trophy, diabetic heart disease and prolonged 
urinary infection.

After he was released on parole on the 12th 
November, 1975, Shri Jayaprakash Narayan 
underwent treatment for a brief period at the 
AI India Institute of Medical Sciences, Delhi. Of 

his own choice, he is now receiving treatment at 
the Jaslok Hospital, Bombay. His detention 
order was revoked on the 4th December, 1975. 
While he was under custody in Chandigarh, his 
personal servant, close relations and his lawyers 
had facilities to meet him periodically. He was 
provided the normal facilities of newspapers and 
similar other material. It is not correct to say that 
he was kept under solitary confinement there.

Shri Morarji Desai is in normal health and is being 
looked after.

Shri A. B. Vajpayee had an operation for appendicitis 
in the Government Hospital in Bangalore in July, 
1975. When later, at his own request, he was 
moved to the All India Institute of Medical 
Sciences, Delhi, his old complaint of pain in the 
back was investigated and a surgical operation 
performed on the 16th November, 1975. At 
present, he is on parole and is progressing well 
after the operation. I am told that there is no 
cause for concern. On both occasions, he has 
been permitted to have attendants of his choice to 
look after him.

We are in touch with the Government of Orissa 
regarding Shri Nabakrishna Choudhary's case. 
He was recently released from detention and 
preliminary reports indicate that there is no cause 
for anxiety regarding his health. However, we 
are obtaining further details.

As I have said earlier, we are aware of the need for 
special medical facilities for the health of detenus 
who are of advanced age, and necessary arrange-
ments are made for this purpose where called 
for.

I hope you yourself are well 
".
These few were not thinking in political, economic or social terms. They did not think of reform in these directions. Surely in those days there were tyrannical kings, princes and autocrats, oppressing the people. Surely in those days too there was economic inequality and even slavery. In these ancient days there were many social evils. But they did not undertake the penance to eradicate the evils. They thought that their own efforts at self-realisation will somehow reform the world. Christ was shown by the priests a coin bearing the effigy of the Roman Emperor and asked to whom did the coin belong? He promptly replied, "Give unto Ceasar the things that belong Ceaser and unto God the things that belong to God". Whether the coin was issued by a foreign ruler who was entitled to the money of an enslaved people, did not concern him. His Kingdom was not of this earth, but of Heaven. While if a man like Gandhiji had been asked the same question, he would have said that all wealth belonged to the people and the ruler has only the right to enjoy part of that wealth in accordance with the services he performs. If he failed to perform public service, the money did not rightfully belong to him. Today too there are many saints and sages, male and female, who are concerned mainly with their own salvation and do not care for the masses of the poor and the needy in India. They do not care for the lawless laws passed. They do not care to enquire why political leaders respected by millions are in jail. They are not concerned with birth control or the dowry system etc.

The present day anushasan that is being praised so much is not self-imposed. It is imposed by a superior political authority. It is not voluntarily undertaken. If this is so the greatest anushasan will be found in Indian jails or in the jails of any other country. It is also not imposed for the salvation of the individual. It is imposed for the purpose of improving the social structure of the country and for its political and economic advancement. It is for the advancement of the nations. For this it is necessary that there should be discipline. As a matter of fact no worthwhile work can be done without discipline. Even a band of robbers and thugs knew the value of discipline not to talk of honest citizens,

But the point is that we need not quote or misquote scriptures to point out the need of discipline. It can be justified on political, economic and social grounds and for material well being and advancement of the nation. It is dangerous to confuse issues. It is by confusing issues that all tyrants of the world have justified their acts of tyranny and cruelty. Christian Kings in Europe were fighting with each other in the name of Christ, the prince of peace, while all the time they were thinking of increasing their power and territory. So did muslim Kings conquer kingdoms in the name of the only true Faith. The Hindu and the Budhist have never confused religion with political ambitions of kings and princes. When Gandhiji said he wanted to spiritualise politics, he did not say he was religionising politics. He did not talk of any particular religion. Moreover, for him spirituality only meant moral conduct, prescribed by all great religions of the world. To confuse spiritual discipline, self-imposed for personal salvation with mundane discipline, imposed from without for political, economic and social purposes is as is said in Hindi, 'Arth Ka Anuth Kama hai'.

PHILOSOPHY BEHIND SATYAGRAHA

Recently, there has been a great deal of controversy about Satyagraha, the direct non-violent method of resistance to redress political wrongs, injustice and tyranny. The authorities hold that this method, which was used by us before Independence against foreign rule, has no place now in a democracy as it amounts to the destruction of the Government and the State. A section of the Sarvodaya leaders and workers and the public, however, believe that this method is not destructive of the State as is misrepresented by the authorities. It can be practised even against a democratic Government, if it violates its spirit. They feel that every issue or problem in the country does not come before the electorate at election time. Problems arise even during the life time of a legislature. They further
point out that Gandhiji has said that Satyagraha can be practised in the family, the village, the province or the State. He offered Satyagraha against the members of his Ashram, when they went wrong.

How has this difference of opinion arisen? I feel that when self-interest is not involved, it is due to the semantic difficulty, created by the use of different words for the same phenomenon or the like of it. This non-violent action against political authority has been called by various names, like civil-disobedience, civil-resistance, passive resistance non-cooperation, the breaking of the laws Satyagraha, etc. Gandhiji always preferred the word "Satyagraha" which has the root meaning, Sat—Truth, and Agraha—to hold fast. Gandhiji used this term as it applied to the removal of political, economic, social and moral wrongs. He was a practical reformer. As soon as the solution of a problem came in his mind, he put it into practice. He rarely discussed the theory behind the solution he had found and suggested. Sometimes the theory behind the solution was briefly brought out only by way of solving a particular difficulty. For instance, he did not, an economist would, work out the theory behind decentralised industry, represented by the spinning wheel, khadi and other village industries. He was in such a hurry to work out a reform that he had little time to theorise. He did not, as modern thinkers and reformers do, work out theory and the philosophy behind the ideas and solution he kept before the nation for its acceptance to achieve its freedom and for the reconstruction of the country. He was, for instance, as good a socialist as any, but he did not work out, as the Western Socialists did, the theory underlying his brand of socialism! If therefore we have to search for a theoretical or philosophical explanation of non-violent action, Satyagraha against tyranny and injustice, we shall have to search it elsewhere.

There is one example of resistance to lawful authority which appears to me quite appropriate for the discussion of this problem as it is directly concerned with the citizen, the state and the laws. It can fully explain the philosophy underlying Satyagraha. This is the example of the Greek philosopher, Socrates. He was the citizen of the so-called democracy of Athens. Power at his time was concentrated in the Council of Thirty. Yet no citizen could be condemned without a public trial. Socrates was tried for what was considered a criminal offence. The trials in ancient Greek cities were held in the public forums, before all the citizens. The charge against Socrates was that he, by his teaching and by its method, through questions and answers, was corrupting the morals of the youth of Athens. He was found guilty and condemned to death drinking a cup of poison.

It is not my purpose here to describe the proceedings of the Court. I shall also not relate here the spirited, interesting instructive defence that he put forward in justification of his activities before his judges. I shall confine myself here with relating what happened in jail while he was awaiting the carrying out of the death sentence.

During the interval, the friends of Socrates made a plan for him to escape from prison and go and live in some other Greek city or in another country. They met him and told him that the
arrangements they had made were perfect and there would be no miscarriage. Socrates declined to take advantage of the arrangements made to save his life. What he told his friends while declining their well-meant offer is of the utmost importance to understand the subject we are discussing here.

Socrates told his friends: Look at it in this way. Suppose that while we were preparing to run away from here the laws and Constitution of Athens were to come and confront us and ask this question, 'Now, Socrates, what are you proposing to do? Can you deny that by this act which you are contemplating, you intend, so far as you have the power, to destroy us, the Laws and the whole State as well? Do you imagine that a city can continue to exist and not be turned upside down, if the legal judgements which are pronounced in it have no force but are nullified and destroyed by private persons?' Shall we say, 'Yes, I do not intend to destroy the laws, because the State wronged me by passing a faulty judgement at my trial?' Then what supposing the Laws say "Was there provision for this in the agreement between you and us, Socrates? or did you undertake to abide by whatever judgements the State pronounced?" If we expressed surprise at such language, the Laws will say, 'Socrates, but answer our questions: Come now, what charge do you bring against us and the State, that you are trying to destroy us? Did we not give you life? Was it not through us that your father married your mother and begot you? Tell us, have you any complaint against those of our Laws that deal with marriage?' "No, none", I should say, 'Well, have you any against the laws which deal with children's upbringing and education, such as you had yourself? Are you not grateful to those of, laws which were instituted for this end, for requiring your father to give you a cultural and physical education?' 'Yes', I should say. 'Very good. Then since you have been born and brought up and educated, can you deny that you were not our child and servant, both you and your ancestors? And if this is so, are you so wise as to have forgotten that compared with your mother and father and all the rest of your ancestors, your country is something far more precious, more venerable, more sacred and held in greater honour, both among Gods and among all reasonable men? Do you not realise that you are even more bound to respect and placate the anger of your country than your father's anger, that if you cannot persuade your country, you must do whatever it orders and patiently submit to any punishment that it imposes, whether it be flogging or imprisonment? And if it leads you out to war, to be wounded or killed, you must comply, and it is right that you should do so; you must not give way or retreat or abandon your position. Both in war and in law courts and everywhere else you must do whatever your city and your country commands or else persuade it in accordance with universal justice; but violence is a sin even against your parents, and it is a far greater sin against your country". What shall we say to this...

The Laws would say .."Incidentally you will confirm the opinion of the jurors who tried you that they gave a correct verdict; a destroyer of laws might very well be supposed to have a destructive influence upon young and foolish human beings...

'As it is, you will leave this place (by death) when you do, as a victim of a wrong done not by us, the Laws but by your fellowmen'. That, my dear friend, I do assure you, is what I seem to hear them saying, just as a mystic seems to hear the strains of music; and the sound of their arguments rings so loudly in my head that I cannot hear the other side, I warn you that as my opinion stands at present, it will be useless to urge a different view...

The readers will excuse the length of the quotation. That was the way of Socrates! But it brings out clearly the philosophy underlying Satyagraha. It is that the Satyagrahi is not the destroyer either of the State or of the laws. Socrates had a very exalted conception of the State and the Laws, and what they do or ought to do for the citizens. He makes no distinction between the State and the Laws. They are the two sides of the same coin. One cannot think of the State without its laws. One cannot think of the laws without the State. Here what is to be observed is that while Socrates disobeyed the order of the judges who were administering the laws for the time being,
he did not identify them with the Laws and the State. He would not break the order that condemned him to death. That he held would be doing an injury to the Laws and the State.

It is necessary for us to understand that a person who refuses to obey the order of the court to desist from doing what he considered his right and duty, of guiding the youth of Athens, he would not violate the verdict of the court, though by so doing he would have saved his life! Socrates has given us an illuminating discourse on the utility, the necessity and the authority, both of the State and the Laws. The question is how are the two seemingly contradictory positions to be reconciled? Evidently, Socrates saw no contradiction in this.

What is law? Roughly speaking, it is a commandment to do or to refrain from doing certain act. But can any authority, however powerful, oblige a free individual to do or not do something against his will? And because the human will be held to be free, a person is considered responsible for his positive and negative actions. If he were not considered free and master of himself, he could not be held responsible. Only in freedom can there be responsibility. If there is no freedom, the question of responsibility does not arise. The child and the mad man are not held responsible in law. They are not masters of themselves or their actions. To take a simple example, the law may order me to bend my arm. But if I don't want to bend my arm, and am determined not to bend it, no power on earth, however strong, can make me to bend my arm. I may consent to bend it to avoid the pain if a powerful person tries to bend it. But the decision is mine. If it were not mine, the order on me will have no meaning. A tyrant may break my arm but he cannot bend it, unless I decide to do so. The decision will be mine as free agent. It is therefore said that man is the master of his own destiny. The State cannot go on breaking arms and necks! Realising the limitation to its power it gives the citizens the choice of either not to break the law, that is to obey its commandment, or in the alternative to undergo the punishment provided for the disobedience of the laws. If a person accepts any of the two alternatives, provided by the law, he is not violating the law but fulfilling its obligations in the alternative provided by the law itself. Supposing I have to repay a debt; my creditor tells me to pay it either in cash or in kind. I do not have the cash or am unwilling to part with it and pay him in land or any other equivalent commodity, I am fulfilling my obligation. I am discharging my debt and there should be no quarrel with me on that account. In contrast to this, a debtor may refuse to pay the debt in cash or kind. It is only then that it can be said that he is a defaulter and has broken the agreement. A person accepting willingly the alternative of punishment or any equivalent thereof, provided by the law, is in reality not disobeying the law but is fulfilling its requirement in the alternative, provided by the law itself. His disobedience is only in the language used. If any criminal is given the opportunity safely to escape from prison as Socrates was given, he would eagerly avail himself of it. He would not have engaged himself in a long discourse on the sanctity of the State and the Laws and the obligation laid on him to obey them as a citizen. This means he refuses to accept any one of the alternatives. There is yet another aspect of Satyagraha which is implied in Socrates' analysis but which is not clearly stated. This is clearly brought out in the two statements made by Gandhiji, one in the courts at Champaran and the other in Sabarmati. This is the seeming contradiction between the individual citizen and the State as represented by the authorities in power for the time being, whether democratic or dictatorial. It is the conflict, as Gandhiji put it, between the awakened conscience of a free citizen and the state authorities. The satyagrahi resolves this contradiction by willingly undergoing the penalty awarded by the court. The authorities cannot permit the violation of their orders, otherwise there will be confusion as Socrates points out. On the other hand if the citizen suppresses his awakened conscience, he ceases to be a free man. The Satyagrahi by willingly accepting the punishment, awarded to him by the authorities, does no injury to the State and the laws and also proclaim himself to be a free man. After all, the progress of man in the world has been made possible by individuals who were or considered themselves to be free and were willing to bear the hard and the harsh consequences of exercising their freedom. The history of human progress is the print of the martyrdom of man.
Gandhiji in his trial at Chemparan (Bihar) told the Court trying him, "As a law abiding citizen, my first instinct would be to obey the order served on me. But I could not do so without doing violence to my sense of duty to those for whom I have come. I feel that I could just now serve them only by remaining in their midst (i.e. in disobeying the order)... It is my firm belief that in the complex constitution under which we are living, the only safe and honourable course for a self-respecting man is, in the circumstances, such as face me, to do what I have decided to do, that is, to submit without protest to the penalty of disobedience.

"I venture to make this statement not in any way in extenuation of the penalty to be awarded against me, but to show that I have disregarded the order served upon me not for want of respect for lawful authority, but in obedience to the highest Law of our being the voice of conscience." (bold mine)

Again in his trial in Sabarmati jail in 1922, he pleaded guilty and wanted the judge to award him the highest penalty under the law. Gandhiji thus accepted one of the two alternatives that the law provides. He therefore did not disobey the law. Gandhiji's exposition of Satyagraha, though adequate, is not as clear as that of Socrates. Yet, it brings out the fact that real disobedience is in avoiding or escaping from the punishment provided by the law. Would Gandhiji have escaped from jail, if safe means had been provided for him to do so? Definitely not, for that would have amounted to the real defiance of the law. In that case, the alternative provided by the law, would have been violated.

Also, from another point of view, when one obeys a higher law, he fulfils the requirements of the lower law and does not destroy it. It is, therefore, that Christ said that he had "not to break the law (of Moses) but to fulfil it". The law of Moses, 'An eye for an eye and a tooth for a tooth,' was not abrogated but more than fulfilled, in as much as its conception was extended and deepened in the new law of Jesus, 'love thy enemies and do good to them that spitefully use thee'.

Socrates' exposition is quite clear—when one willingly carries out one of the alternatives of the law, he is not destroying the laws or the State, nay, he is obeying them. It is therefore that Gandhiji always held that his Satyagraha for the independence of India was not only meant for the good of the people of India but also for the benefit of the British people, if the foreign authorities would properly understand it. Some Englishmen like Andrews understood it to be so. When Gandhiji offered Satyagraha against the erring members of the Ashram, he was not trying to destroy his institution but to reform it. Again, when he said that Satyagraha could be offered in the family, the village and the country, he did not intend to destroy them. That would be 'absurd'. He wanted to reform them to be able to perform their proper functions.

Gandhiji often said that willing acceptance of the penalty imposed by the law was not breaking the law. He therefore said that he could find no better word than Satyagraha, holding fast to truth, for his activities, seemingly against the law. All other words like "passive resistance", 'non-violent resistance' etc., are negative in their conception, while 'Satyagraha' has a positive content. It reconciles the two seemingly contradictory terms—obedience and non-obedience.

Such Satyagraha can by its very nature and conception be non-violent. If the law, as declared by the court is carried out, the question of violence does not arise. When the order is disobeyed but the punishment imposed is willingly and cheerfully accepted by the Satyagrahis the question of violence does not arise again. This point of non-violence is also emphasised by Socrates when he says that his escape would mean "violence done to the State and the Laws".

Gandhiji called 'satyagraha' a 'Matchless weapon'. Why? Because while violence can be put down by sharper and more destructive weapons of violence used, Satyagraha cannot be put down by greater Satyagraha. If a Satyagrahi disobeys a law, his opponent in order to retaliate or defeat him or put him down, cannot disobey more laws. If a Satyagrahi goes on an indefinite fast, what can the opponent do to counter it? He would feel helpless!
Satyagraha therefore cannot be conceived of as an anti-social activity. It recognises the social utility and necessity of the State and the laws and yet allows the individual to enjoy his liberty as a human being. The Satyagrahi even in chains is a free man. He can call his soul his own. He is not afraid of his opponents. Enemies, he has none. His opponents are afraid of him and not he of them. He can even stand alone, while the violent resistance must have others to join or follow him. Thus, Satyagraha is true both to earth and heaven.

I have discussed here the theory and the philosophy of Satyagraha. Under what circumstance, satyagraha may be offered is a practical question which every individual, group and party have to decide for themselves considering their non-violence and their capacity to bear privations and the hardships involved. But it must always be remembered that right and moral conduct does not always pay high dividends in material terms!

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A PAINFUL EPISODE

Some Sarvodaya workers approached me to lead the prayers on the 2nd October, Gandhi Jayanthi 1975 Day, at Rajghat. I told them I had no objection provided Satyagraha was not offered in the precincts of Rajghat. They said there was no such intention. I, therefore, consented to lead the prayers. The authorities were approached by Shri Krishna Kant M.P., for permission to hold the prayer meeting, and I was told that the requisite permission was granted. I asked if I, as leading the prayer, could speak on Gandhiji. I was told that I could.

I, therefore, went to attend the meeting at 5 p.m. on the 2nd. After the formal prayer was over, I was asked to speak. As soon as I began my speech, some policemen and policemen armed with lathis appeared on the prayer ground and said that the meeting was illegal and no speaking would be allowed. It was pointed out to them that permission had been obtained from the authorities and they could telephone to them. They said permission or no permission, they had been ordered not to allow any meeting, where a speech was to be delivered. We must, therefore, disperse. After some argument everyone who was approached left the meeting except one person who refused to leave. He was dragged away by the policemen. All left except Sushila Nayyar, my nephew Girdhari and myself. The officers wanted us also to leave. We pointed out to them that there could be no meeting, as they had dispersed the audience. We were sitting three and not even five, and we had the right to sit in a public place of sanctity. But the officers objected even to this. We, therefore, moved and went and sat at the Samadhi, policemen with lathis standing outside the fence. We sat there till near the closing time, when we left. This is the factual account of what happened.

Anybody who has knowledge of Gandhiji's prayer meetings, knows how he conducted them. It did not mean that he led the recital of the mantras or the Geeta. That was done in chorus. After these and Ramdun, Gandhiji gave his Pravachan-discourse. I, as one asked to lead the prayer, was doing the same. If people, assembled peacefully at Gandhiji's Samadhi on his birthday, cannot speak or hear of him and his work, what are they assembled there for? Mere formal prayers are not enough. People should know and understand what Gandhiji stood for. To tell them that, is considered the function of one asked to lead the prayer. On previous occasions too, I have been invited to lead the prayer on Gandhi Jayanthi Day and after the formal prayer, I spoke of Gandhiji, his ideas and work.

I hope your valued paper will have no objection to publishing this missive of mine. I write more in sorrow than in anger or resentment.

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against the assaults of authority. The People’s Union for Civil Liberties and Democratic Rights should fulfil a felt need of the people at this hour.

Civil Liberties Unions were formed in India before independence too. They have been formed after independence also, but having formed them, we go to sleep! Nothing is done to pursue their aims and objects from day to day. I hope that the organisation that will be formed now will have a permanent base and existence. For that there should be a regular office, and funds must be collected for the purpose. A Permanent Secretary and other staff will have to be employed.

Need for Satyagraha

But, it should be remembered that civil rights are upheld by the courts, the judiciary. However, where the independence of the judiciary is destroyed, as it is today in India, any union for protecting the civil rights of the people can provide no remedy for the rights of the people. Of course, it can educate the people. But that is not enough. There must be a remedy to check the excesses of power. For that, if the Civil Liberties Union wants to be effective, it must think of more radical remedies. One can only think of what Gandhiji called the ‘matchless weapon of Satyagraha’. Civil Disobedience or Satyagraha should not be confused with the breaking of laws. It is actually the fulfilment of the laws. The law itself provides the alternative to disobedience to law. When either you willingly obey the law as it is being administered, or suffer the penalty for disobeying it, you are fulfilling the requirements of the law. If one non-violently disobeys an unjust law and willingly suffers the punishment provided by the law itself, he is fulfilling it. You have the conventional way of violence to defend your rights. But the logic of violence is that you have superior instruments of violence. In modern times, even the smallest state has such powerful weapons of violence at its command, that no citizen can hope to win in a struggle at the barricades! In practising non-violence on the other hand, the opponent has no other remedy but violent repression. He has no non-violent remedy against satyagraha. If you break an unjust law, the authorities cannot break more laws! If a Satyagrahi goes on a fast for a few days to protest against an unjust law, the authorities cannot go on fast for more days to defeat him! Also, in non-violent Satyagraha, numbers do not count. So long as there is even one Satyagrahi, willing to stand firm for his liberties, he can defy authority however powerful. This is how even one man can teach the people to be fearless against arbitrary authority.

Fear is the greatest enemy of mankind. Today, the greatest harm that the Prime Minister has done to the country is that she has induced great terror among large sections of the public. But, is it not also true that the security arrangements for government officers and those in power have been redoubled? Then, who today is gripped with greater fear?

The task of those who are forming the People’s Union for Civil Liberties and Democratic Rights will be difficult indeed. They must undertake this task conscious of the risks involved and be willing to act as true Satyagrahis. Only then will the Civil liberties of the People and their Democratic Rights remain safe and secure.

(Speech made at the Convention on Civil Liberties and Democratic Rights in New Delhi, 17th October 1976)
INEVITABLE DELAYS IN DEMOCRACY

One wonders if there was any need to bring in the forty-fourth amendment of the Constitution! The Executive have, in recent times, been able to do all that they wanted to do, without any let or hindrance. Almost always they did not bring their proposed plans for the service of the poor of India before Parliament but gave effect to them through their power of issuing the necessary ordinances. Yet, it is said that the powers of the judiciary stand in the way of the executive's measures designed to give speedy relief to the weakest section of our society! In this connection, two measures are mentioned as affording relief to the poor, the abolition of privy purses and the nationalisation of fourteen major banks of India.

As for the abolition of privy purses, Parliament itself was responsible for whatever delay was caused. The Rajya Sabha rejected the Bill at its first introduction, even through it had been passed by the Lok Sabha. As for bank nationalisation, it was brought about through the promulgation of an ordinance, issued on a Saturday midnight so that the parties adversely affected could not file a writ petition and stay the hands of the government. Of course, the Directors and shareholders of the concerned banks appealed to the Supreme Court of India against the measure of nationalisation, but only for the quantum of compensation that they were to get as owners of private property. But this did not come in the way of the government taking possession of the said banks.

It is also generally alleged by and on behalf of the government that all their schemes to abolish the grinding poverty of the masses have been hampered by some of the provisions of the constitution as they stand today. Let us see how far this is a fact. Take the question of cultivable land. Zamindari was abolished even before independence. But it failed to achieve its objective. This was due to the faulty execution of the measures necessary to carry out the reform by the administration. This was also because the measure adversely affected the interests of many legislators at the Centre's end in the states who owned large tracts of land. After that, all the measures designed for the equitable redistribution of land have been defeated due to the same cause and apathy of the administration or their affiliation with the landholders. For all this delay, no blame can be attached to the judiciary. This is about the question of land redistribution.

No legislation, designed to do justice to or benefit industrial labour or to check their exploitation has been opposed or even delayed by the action of the judiciary. Rather, it is after the declaration of emergency that restrictions are placed in the way of free trade union activity. These have now been incorporated in the constitution by the forty-fourth (forty-second) amendment as pointed out by the C.P.I., which is friendly to the present regime.

If poverty is a comparative term, it has increased because of the policies or the government. An import and export trade is in their hands. No industry can be started without the necessary sanction from them. They regulate the distribution of raw material for industry. They have the scheme of granting industrial licences, permits and quotas. They have their five-year plans through which not only state but also private enterprise is regulated. Through the nationalised banks, they provide all credit facilities for commerce and industry. Though they have all these strings in their hands, it is notorious that a few big houses have enormously increased their holdings and have become monopolistic in character.

Let us now see how far the judiciary is responsible for delaying legislative measures designed by the benign executive for the amelioration of the condition of the poor. Our Prime Minister and her supporters have often talked of law's delay. They have also said that the only system of government suited to India is democracy. They cannot have it both ways, democracy and no delays! Delays can be avoided only in a dictatorship. There, orders are executed as they are issued by the dictator or a dictatorial party.

It is well known that democracy works through checks and balances. These are provided by every democratic arrangement. In it, each major department of the government, the