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# OPINION

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## THE NATIONAL SECURITY ORDINANCE

WHENEVER authority takes special powers, the question that should arise is 'Has it made full and efficient use of the powers it already has?' If it has, and the powers have proved ineffective, there may be justification for asking for additional powers. If it has not, or if it has and its implementation has been indifferent, it may be concluded that it is snatching at further power not because of the exigencies of any situation, but in order to increase its own strength; acting not in the public interest, but in its own. When it is further noted that many of the features of an abnormal situation are the work of authority itself and could have been remedied by it, but have not been, that conclusion becomes irresistible. The situation is created or exacerbated to give authority an excuse; authority takes advantage of the excuse it has created and so the National Security Ordinance authorising government to detain anyone for a period up to a year in the first instance.

Consider Assam for instance. It is inconceivable that after all the lengthy discussions that have taken place with the parties, the matter should still have been pending unless Mrs. Gandhi had desired it to be so. The Assam plea is simple enough: No Indian citizen is involved; foreigners who arrived after 1971 to be deported; foreigners who arrived between 1951 and 1971 to have their names taken off the electoral rolls, but be allowed to continue where they were. Now, perhaps there could be some argument about '57; it might be said, no make it '61, but beyond that what is there to involve so much waste of time and money and precious oil? (Presumably the pipe-line is still closed and the country is losing over a hundred crores a month, according to some estimates). Had there been the will to settle, the problem would have become non-existent at least a month ago. But why is there not the will to settle? Because Mrs. Gandhi wants it to continue as a powerful factor in the uneasy situation she needs to build up her case for the special powers that will make her dictator, automatically place her on the top pinnacle of arbitrary power.

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So too the price position. To the extent, the rise in prices is due to the rise in foreign oil prices, it cannot be helped. But beyond that, there can be little doubt that it could be checked if the will was there. Why is the will not there? Because the removal of this grievance would weaken the total nexus of unesiness that, through the weariness and worry of the people, would smoothen Mrs. Gandhi path to the gadi of sole and absolute power. How often in recent days has not one heard, 'poor Indira, what can she do? These scoundrels are too much for her. Give her power, all the power she wants. I tell you there's nothing for it but the Emergency.' Why should Mrs. Gandhi by dealing with prices, weaken this growing feeling? The people suffer but she becomes stronger, her desired goal comes closer, and if she thinks of the people at all, it is to say, 'oh they are always grieving over something or other; let it be about something real this time.'

As to this Security Ordinance, many people, including some lawyers, congratulate themselves on the fact that it is more liberal than were MISA and the Defence of India Rules. They say there is more information given to the detenu and at an earlier stage, more possibility of recourse to the courts, no excision of undamental rights. All in all to hear them talk, it would be a privilege to be detained under this very lenient law. In reality, of course, detention remains a very grievous burden, a source of much suffering to the person concerned and his family and friends. It is a most serious breach of a man's personal dignity and liberty. Apply it to yourself. There is no better rule in judging of matters of human suffering. How would you personally feel if it happend to you, let that be the test. And do not think seated in your well-cushioned board rooms that it cannot happen to you. It well might for arbitrary power has its own wayward behaviour. The wind bloweth where it listeth, and is Indira any less than the wind? Arbitrary power also has a habit of enforcing exactions and paying off grudges.

But, argue some, why don't you believe what all the advocates and apologists on the government side say, that the Ordinance is intended to deal with real miscreants, smugglers, black-marketeers and other doubtful characters and will not touch any ordinary lawful citizen? I don't, because I know that it is not in the nature of arbitrary power to behave with judgment and humanity, the dynamics of power itself leads to extremes. And so in the Soviet Union, which our President visits to be treated so clearly as the head of a client state, a perfectly legal critical article becomes maligning the Soviet state and earns the unfortunate writer at least two years in jail. We were just reaching in 1977 the stage of passing from some moderation and civilised behaviour to unchecked, unadulterated arbitrariness, when Indira made the dreadful (from her point of view) mistake of holding elections. Had she not, the next year or two would have shown clearly what a dicta-

torship means in essence. And now, due to the unparalleled foolishness and lack of understanding of her opponents, many of whom would not even admit they were her opponents, she is back again at where she left off. She has been back for about eight months and her conduct does not show that she has recognised the error of even some of her worst ways. What I like is the whole law, still seems her favourite maxim and she is working hard to bring it to pass in practise. And yet the extensive wishful thinking that refuses to see what stares it so clearly in the face !

Moreover, this writer would answer I disbelieve on the ground of experience too.

The toad beneath the harrow knows  
Exactly where each tooth-pick goes.

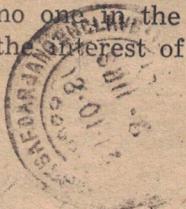
The butterfly upon the road  
Counsels contentment to the toad.

The tale of my tribulations during the Emergency is lengthy, though I kept within the ambit of the general Guidelines issued. What was needed however was not that, what was needed was the ceasing of all critical comment on government policy and acts. When it was well-known that over a hundred thousand had been jailed, and Indira, that inveterate liar, said a few thousand was the figure, leave it alone. And so forth and soon. So I was badgered right and left. My press left me after sixteen years, being threatened with forfeiture, nor would I blame it. When I went to smaller presses, the compose was broken up by men in plain-clothes. I was called upon to deposit twenty-five thousand rupees with the Commissioner of Police. (Fortunately, my able counsel obtained a postponement from the vacation judge.) I was accused of inciting communal feelings ! At one stage, the post-office refused to carry Opinion unless the Censor had approved it. The Censor would not let me carry the speeches of opposition members in Parliament during the debates on the Emergency although they had been published as a priced document under the authority of the presiding officers of the legislature. However I published them. I had to cyclo-style my weekly issues. I, at 75, was put up in court and fined twice for errors in the publication details and late delivery of copies to the Bombay official to whom they are generally sent. By an order under the law, on grounds of total absurdity, the publication of my paper was prohibited and its making by any press or other means, strictly forbidden. And you want me to believe that repressive laws will not be used regressively now, by the same people ! It was not that the instruments were bad in themselves. The one I had most to do with, was a good man with a sense of humour, familiar with literature. He acted often more in

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sorrow than in anger. What could he do? Orders were orders. And where did orders come from? Ultimately from Indira.

The fact that there is no censorship now is beside the point. It can come back in an instant, and be working from day after tomorrow. If essential, the efficient ordinance factory at Rashtrapati Bhavan will work overtime in any case, censorship does not stand by itself. It is an indication of the move to authoritarianism, and a final notice to truth to quit. Avaunt thee truth, with cymbal and with drum we welcome in the lie, say Indira and company. Not that thou art something strange to us, oh, no, no, thou art a familiar, useful friend. But now we proclaim the sway throughout the land and wish thee good health and long reign. So we shall have censorship and say we have not, and no one in the land may say, but this is not so. What writing against the interest of the country! Away with him, away, away.



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