

## **Chapter 20 - Casting Pearls Before Swine**

Two hands are required for clapping. The actual nitty-gritty of administration and policy implementation in a modern democratic state has to be carried out by the bureaucracy and so its orientation has to be similar to that of the elected rulers if their agenda is to be fulfilled. The British administrators of the Indian Civil Service (ICS) were initially apprehensive of the "fire-eating agitators" who came to power after the provincial elections in 1936. Their fears were soon allayed, however, as they found that the elected Congress leaders acted as "responsible ministers" eager to continue with the same administrative policies that were being practised by the British (Hunt, 1980). So much so that they sanctioned the repression of popular peasant and worker's movements with an iron hand. These movements naturally went on the upswing after the elections with the oppressed people feeling that since their own representatives were in power they could press successfully for a better dispensation. But these expectations were belied as Socialist and Communist leaders were prosecuted by the criminal investigation department of the police and the masses themselves were subjected to repression in no uncertain terms. The Congress Ministries acted openly in the interests of the upper class landlords and industrialists and showed an increasing hostility to mass struggles (Dutt, 1947). Sardar Patel went to the extent of warning without mincing words that the Congress did not want a Lenin in India and that those who preached class hatred were enemies of the country! (Pandey, 2005) Thus instead of the dog wagging the tail it was the tail that wagged the dog and the Congress adapted itself to the colonial anti-people mode of administration.

Nehru in typical fashion waxed eloquent within the Congress against this use of the colonial bureaucracy for the repression of the masses but did not make any public attempt to fight it on the specious plea that he could not agitate against his own government (Chandra et al, 1999). Nehru was a keen student of history. In fact he spent his last stint of about three years in jail after the announcement of the Quit India Movement in 1942 reading up and writing on World and Indian history (Nehru, 1985). He had also travelled extensively in both the Soviet Union and the western developed countries. So he knew very well that centralised industrial development, whether in the western capitalist economies or in Soviet Russia, had been achieved through barbaric repression of the labouring masses. He realised that similar policies would have to be adopted in India and since this repression could be carried out only with the help of a bureaucracy trained in such methods he supported the Rightist move for the retention of the authoritarian "steel frame" of the civil service after independence. This despite having earlier publicly expressed the opinion that the bureaucracy had failed to pass the test of bringing about the well being of the Indian masses during colonial rule and that "the spirit of authoritarianism is the rally of imperialism and it cannot coexist with freedom" (Nehru, 1990).

As early as the year 1944 a group of leading industrialists got together under the leadership of G. D. Birla and drafted a plan for the economic development of India after independence, which has come to be known as the Bombay Plan. These industrialists looking ahead to the situation that would prevail after independence paradoxically spoke of both strengthening their ties with imperialist capital for the supply of much needed capital and technology and at the same time of protecting the Indian market from direct predatory penetration by the latter (Thakurdas et al, 1944). The Bombay Plan also envisaged the rapid development of basic infrastructure through heavy state spending garnered from exploitation of the labour of the masses and the vast natural resources. Given the low level of capital formation and savings in the Indian economy it advocated massive creation of money through



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deficit financing. Foreseeing that such policies would not go down well with the majority of the labouring poor of India this plan specifically mentions that the state must intervene to maintain law and order and restrict individual freedoms so as to stifle dissent from the masses against it. Two Mumbai economists criticised this approach as being a wholly capitalist one involving collaboration between dominant imperial and subservient Indian capital to the exclusion of the interests of the masses. Nehru, who was in prison at this time, welcomed the Bombay Plan wholeheartedly and resented the economists' criticism of it (Ghosh, 2002). Little wonder then that the Bombay Plan formed the core of the development planning process and the black repressive laws of the British and their bureaucratic machine were retained after independence to implement this so called "trickle down" approach to development. Unto the rich first and forget about the last became the byword as Gandhi's ideas of sarvodaya were given a quick burial to make way for Nehru's modern temple building spree.

This was nothing but the institution of an internal colonialism to replace that of the British in which the Rightist politicians, landlords, princes, industrialists and the bureaucrats were to benefit at the expense of the masses. Such is the brotherliness between these exploitative groups that over time there has been an increasing flow of landlords, princes, industrialists and bureaucrats into electoral politics with film stars and hardened criminals being the latest entrants in the punch and judy show of Indian electoral politics. A legal framework had to be put in place to make this possible. Thus the same Indian Civil Service bureaucrats who had prior to independence been part of the repressive colonial state apparatus did the actual work of drafting the Constitution of India. Consequently the Indian Constitution that was finally adopted in 1951 had as many as 250 out of a total of 395 articles copied almost verbatim from the colonial Government of India Act of 1935. The basic thrust was that of a strong centralised state apparatus that could subdue organised protest by the ordinary citizens quite easily. For this purpose all the draconian colonial laws like the IPC, CrPC, Police Act, Preventive Detention Laws, Indian Forest Act and the Land Acquisition Act were allowed to continue. The bureaucrats who drafted the Constitution were also clever enough to retain the provisions protecting them from prosecution by the citizens. The citizens of the country were given some fundamental rights, which were not there during British rule relating to various basic freedoms and social and economic justice. However, since violations of these by the state and the bureaucrats could only be remedied by expensive litigation in the High and Supreme Courts, this effectively put paid to the hopes of the poor for social and economic justice. As mentioned earlier Panchayati Raj or village self rule was relegated to being just a directive principle of state policy with no binding on the government to implement it.

The "Brown Sahibs" have ruled the roost ever since and have been trampling the rights of the vast majority of the masses at will so as to push forward an agenda of centralised industrial development. There have been blatant violations of the rule of law that is supposed to form the basis of a liberal democratic system of governance. This means that there should be just laws and that there should be established procedure for citizens to be given adequate opportunity to present their own case when affected or implicated by some law or other (Dhyani, 1997). First of all most of the laws themselves are a continuation of colonial statutes and violate the fundamental rights guaranteed by the Constitution and secondly rarely does the state give the majority of its poor citizens the opportunity to be heard before applying these black laws on them. Throughout the decade of the nineteen fifties thousands of people, both the masses and the activists owing allegiance either to the Communist or Socialist parties or who were a part of spontaneous mass movements, were jailed, tortured in police



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custody and often killed to stem the tide of protests that erupted seeking to bring about a more just social order (Das, 2001). Nehru while giving the people the stick did not forget to give them a stern school master like homily that Gandhian satyagraha had become obsolete with the gaining of independence and should be forsaken for different methods of working (Nehru, 2001).

Government and administration have been grossly illegal and inappropriate all these years because there have been few calls to answer for this illegality and inappropriateness. Not surprisingly, given such arbitrary powers and protection from public scrutiny the civil service has been a cesspool of corruption and inefficiency right from the time of independence and not from after the passage of the Nehru era as has been argued by one of the more upright IAS officers of that time (Appu, 2005). Over the years the repressive powers of the state have been augmented further with the enactment of newer laws and it has become increasingly more difficult to organise the oppressed (Ghosh, 2001). Such is the tenacity of this repressive nexus between the government and the bureaucracy that the Socialists and Communists who had earlier been at the receiving end of its disfavours have also become "responsible" like the Congress had become earlier and begun using it to suppress popular dissent against corrupt governance in the states in which they have come to power in the last decade and a half. The tail continues to wag the dog.

The utter failure of the Indian state in bettering the lot of the millions of its poor citizens due to this unholy nexus between ruling politicians, industrialists, feudal lords and the bureaucracy and its devious attempts to camouflage this became apparent towards the end of the Nehru era itself when the maverick Socialist party leader Dr Ram Manohar Lohia moved the famous first no-confidence motion against the Congress government in 1963. He alleged that whereas Rs 25,000 was being spent daily on Nehru the poor person was earning barely 3 annas or about 20 paise a day. The government response was that according to the estimates of the Planning Commission the average daily earning of a person were 15 annas or 95 paise and not 3 annas. In one of the most moving and well-researched of rebuttals in the history of Indian parliamentary debates Dr Lohia showed how the Planning Commission had arrived at its estimate by averaging the earnings of the richest people in the country with that of the poorest while his own estimate was based on a sample of only the poorest people of the country who constituted seventy per cent of its population. Member after member from the opposition who had been listed to speak on the motion gave up their time to allow Dr Lohia to put forth his case, which ruthlessly unmasked the reality of mis-governance and mal-development that Nehru's penchant for temple building had led to (Ramakrishnan, 2005). The "three anna - fifteen anna debate" as it came to be called shook the complacency of the Nehruvian establishment for the first time in parliament and was to be a precursor of the eventual decline of the Congress party later.

A fair idea of the hierarchical attitude of the ICS officers who were to set the trend for civil administration in independent India can be had from the reminiscences of one of the foremost Indian ones among them, "A Collector could shake hands with a Deputy Collector or Superintendent of Police even though he belonged to the Provincial Service. He could be offered a seat. He could even be called by his first name without prefixing, 'Rao Sahib' or 'Khan Sahib'. But to a Tehsildar or Inspector of Police no such courtesies could be extended except on the first arrival or departure from the station. It was by such taboos that the British officer maintained his prestige. The Indian officer of the ICS also conformed to this tradition" (Menon, 1965, pp 77). Given this milieu it is not surprising that one of the early IAS officers of the country who used to spin khadi yarn on the charkha as a student enamoured with



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Gandhism had to precipitately give it up after becoming a civil servant in 1950 because " for a young IAS officer to be seen spinning would have been taken as self-serving hypocrisy, like the young taking up causes like secularism and gender justice" (Vithal, 2004). Gandhi of course had, mercifully for him, gone to heaven by that time.

Another early doyen of the IAS who later rose to adorn the top bureaucratic post of the country, that of Cabinet Secretary, has in his memoirs paid homage to the British Viceroy Cornwallis as being the epitome of a good administrator for having instituted the first systematic land settlement system in India (Subramanian, 2004). This land settlement system was in fact the retrogressive Permanent Settlement under which the responsibility for the payment of land taxes was farmed out to the Zamindars who were given free rein to resort to rack-renting. Indeed the term District Collector for the head of the district administration underlines the importance that the British gave to the efficient collection of land revenue, which constituted a major chunk of the income of the colonial state. This broke the back of the Indian peasantry and deprived Indian agriculture of surpluses for its development, a body blow from which it has never recovered as we shall see later. The peasants rose time and again in glorious revolt against the British to protest against this unjust system of extortion. The first posting as Collector of this IAS officer was in Ghazipur district in eastern Uttar Pradesh in 1965, which had witnessed such a massive peasant uprising against the British in 1942 as has been mentioned earlier. The skewed land distribution and the hobbled agriculture of this district is so disastrous for the poor peasants that even today a large section of them have to migrate to the cities of Mumbai, Delhi and Kolkata in search of livelihoods. Given his reverence for Cornwallis this IAS officer could hardly have been expected to set about suo moto setting things right for the peasants as he could have done under the various land reform and control of usury laws that had been enacted by that time. He instead preferred to busy himself with setting up 'nets' in the garden of his official residence for providing coaching and practice to a cricket team that he built up there. He proudly declares that it had begun winning matches with other districts before he left for greener pastures. He no doubt must have greatly appreciated the Hindi film "Lagaan" released in the year 2001, which is centred around the absurd theme of how peasants in an Indian village get the payment of their land rent in a time of drought remitted by winning a cricket match against the British!

Our lawyer in Alirajpur in the mid nineteen eighties was the seniormost in that town. Not surprisingly, given the tremendous aura that surrounded an IAS officer, despite being a lawyer who should have known better, he used to tell us that the SDM was a very powerful person and we should not behave in a disrespectful manner with him. As we thought nothing of going to jail and had done so quite frequently since our college days, we did not see why we should respect the SDM. But the power that this arbitrary right to jail somebody can give became clear to me one day after an incident. A freshly inducted IAS officer had been posted as SDM and he wanted a cable TV connection immediately in his bungalow. There was only one cable TV provider then in Alirajpur and he said that he had run out of cable and that it would take him a day or two to get a fresh supply from Indore. The SDM would have none of it and had him arrested under section 151 of CrPC, which provides for preventive detention of people who may cause breach of peace. The SDM must have felt that his being deprived of television viewing in a God forsaken place like Alirajpur was a breach of his peace of mind. The poor cable TV provider stayed in jail till his staff went to Indore got the cable, came back and established the connection. This fellow happened to be a friend of mine and I told him that we should go to the Collector and complain at this high handedness but he clasped his hands with fear written large on his face saying that he had had enough and I should keep my advice to myself!



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This section along with some other such sections in the CrPC, all provided to ensure public order and prevent breach of peace by criminal elements, are in fact handy tools with which the administration can easily snuff out any democratic mass protest whatsoever. Theoretically there is a division between the police who actually arrest people under these sections and the executive magistrates before whom they are produced before being sent to jail. However, in the case of controlling democratic mass protests the magistrates themselves take the decision that the leaders are to be arrested and then the police carry out these orders and bring the arrested persons before the very same magistrates who have ordered their arrest. The person arraigned has to bail himself out and after that regularly attend the court. Finally the arraigned person is made to sign a bond that in future he will keep the peace. Once a person signs this bond he automatically acknowledges that he has broken the peace in the case in question and so admits to his guilt and is considered to have been convicted. Once a person is convicted in this kangaroo court manner a few times she becomes a hardened criminal in the eyes of the administration who can then start a process under another draconian law, once again enacted for the control of criminal activity, for her externment from the district in which she lives and all the adjoining districts. Often people in mass movements have other similar false criminal cases too against them and so it is easy for the administration to pass an order of externment against an activist of the mass movements.

I have lost count of the number of times I have been jailed under section 151 of CrPC. But I have never ever signed on the dotted line saying that I am going to keep the peace in the future. The first time I was so arrested the people outside filed a Habeas Corpus petition in the High Court. I was released unconditionally after a few days and later the High Court ruled that proper procedure had not been followed during my arrest thus violating the basic principles of natural justice and passed strictures against the police for having written up a false chargesheet and against the executive magistrate for not having applied his mind to the falseness of the chargesheet and discharged us. That was the first time anyone in Jabua had moved the High Court against the arbitrary and illegal use of preventive detention by the administration and it created a minor flutter within the administration. On later occasions sometimes I have gone on hunger strike and on some others the administration knowing that I would not sign on any paper has released me on its own. On one occasion the Superintendent of Police of Dewas had me arrested from a bus in which I was travelling just to show me who was boss. He then sent wireless messages all around over the five districts of western Madhya Pradesh to see if there were any arrest warrants pending against me. There were none and so eventually after having kept me in custody for eight hours he ordered his henchmen to prepare a false chargesheet against me under section 151 of CrPC. I had in the meantime been continually pestering these lower level policemen to make out an arrest memorandum stating the reasons for my arrest as per the rulings of the Supreme Court (AIR, 1997 SC 610). So when they finally asked me to sign on the arrest memo under section 151 CrPC after eight hours I refused to do so. This created a problem for the police and eventually the SDM before whom I was produced declared that the chargesheet against me was false and so discharged me unconditionally!

The same kind of toughness cannot be expected from adivasis. So these people invariably sign a bond stating that they will keep the peace in future and so convict themselves. One such adivasi activist, a veteran of many battles, including the one against the hostel warden in Katkut mentioned earlier, is Chhotelal Bamnia of Katkut village. The Superintendent of Police of Khargone district put in a proposal to the District Collector listing all the cases pending against him and demanding that Chhotelal be externed from the district. On receiving the notice the ASS engaged a lawyer to fight the case and made a detailed



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presentation listing the fact that all these cases were of old vintage and ones in which Chhotelal was falsely implicated along with other members of the ASS for taking part in some demonstration or other. He had not been convicted in any of them and so he was not guilty until proved to be so. The District Collector then summoned Chhotelal and told him in no uncertain terms that he had better give up his association with the ASS otherwise she would pass an externment order against him. Chhotelal not to be cowed told her that the Bhil homeland was very large extending over the four states of Maharashtra, Gujarat and Rajasthan in addition to Madhya Pradesh. The District Collector could only extern him from his own district and the adjoining districts not from his homeland. He challenged the District Collector to banish him from his homeland and came away with a flourish.

Just after this he took part in the preparations for the Mayday rally in Barwah and then played a prominent part in it. At the end of the rally the SDM in Barwah sheepishly handed him the order saying that he had been externed. The procedure under the law is that the person so externed has to appeal to the Home Secretary against the order within thirty days. So we prepared an application against the order and then the time came to go to Bhopal to meet the Home Secretary and give it to him. On the appointed day our lawyer suddenly fell ill and so I had to go along with Chhotelal to Bhopal. This was after the massive repression carried out in Mehendikhera to snuff out the Adivasi Morcha Sangathan and I had become labelled as a dangerous subversive. I thought that if I were to reveal my identity to the Home Secretary then whatever little chance Chhotelal had of getting relief would be scotched. So I asked Pushpendra who had by this time become the editor of an evening daily in Bhopal to set up an appointment and I would tag along as his assistant. Pushpendra called the Home Secretary for an appointment and explained to him that an adivasi had been needlessly externed by the District Collector. The Secretary asked him to come over at once and he would look into the matter.

The three of us went off to the Secretariat. We were cordially ushered in and asked to sit down. After some preliminary exchange of pleasantries Pushpendra handed the Home Secretary the application on behalf of Chhotelal. He started perusing it and then suddenly jumped with a start and exclaimed at Pushpendra that he did not know with whom he had got enmeshed. He said that Chhotelal was a member of the Adivasi Shakti Sangathan and this was a dangerous organisation that was out to destabilise the state and if Pushpendra did not watch his step he might get into serious trouble. Then he said that Chhotelal and other adivasis like him were simple people and the real culprit was Rahul Banerjee who was instigating them from behind the scenes. Then he came into his forte and told Pushpendra that I was a very cunning fellow who was secretly preparing the base for the spread of Naxalism in western Madhya Pradesh and using the simple adivasis as a front. He told Pushpendra that despite the crushing action taken by the state in Mehendikhera they had not been able to wipe out the seeds of extremism from the region precisely because of my versatile presence.

The Home Secretary, warming up to his theme asked Pushpendra to do a story on the way in which I was vitiating the atmosphere in the region by using the press and the international human rights agencies to counter the efforts of the state to root out extremism. Pushpendra then asked him for some details about me and my activities for the proposed story. The Secretary immediately sent for a file and when it was brought began reading out from it. Pushpendra told me to take down whatever was being said! I felt flattered while I wrote down all the exaggerated insurgent activity that had been falsely imputed to me. Among other things it was also written that Subhadra and I were not married and that we were only living together. What a sin. Subhadra had not changed her surname after marriage



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leading to the police making this deduction. Are the feminists listening in! Indeed Subhadra's retaining her maiden surname has led to many bizarre encounters with the bureaucracy. On one occasion when I had gone to register our names in the electoral rolls after shifting to Indore the SDM refused to put down Subhadra's surname as Khaperde. When I told him that Subhadra is an independent person and free to use whatever surname she liked he told me that I had got a golden opportunity to put such an uppity wife in her place and should jump at it and put her surname down in the electoral rolls as Banerjee! We had to go to the Collector after that to get Subhadra's surname properly registered in the electoral rolls. Even then the published electoral rolls show only Subhadra's father's first name and not her surname!

After this the Secretary said that he would call up the details of the case from Khargone and gave us a date some fifteen days later for hearing arguments. Chhotelal then asked him to sign on the copy as proof of receipt of the application. Once again the Secretary flared up saying that he could not imagine a simple adivasi not trusting him and plucking up the courage to ask him, the Home Secretary, for a receipt. All this was my work he fumed. We came out of the office and once safely out of hearing burst out in laughter that rang through the corridors of the Secretariat. Pushpendra finally recovered and clapped me on my back and said " Rahul all your years of struggle have not gone in vain." Needless to say that after dillydallying for about two months on various pretexts The Home Secretary finally rejected the appeal. We then went in further appeal to the High Court and after another seven months or so we had the order quashed. The High Court held that the order of externment was illegal and had violated the provisions of the externment law and also the basic principles of natural justice. We then sent a demand of justice notice to the Superintendent of Police and District Collector saying that the High Court order clearly stated that they had illegally harassed Chhotelal and so they should give a written apology and pay compensation. There was obviously no response from the culprits. We have subsequently sent applications to various authorities right upto the President of India demanding permission to prosecute the two in the courts as is mandatory under the law. These applications are still pending as the sanction order for prosecution from the state has not yet materialised. We are biding our time before going to the High Court once again.

One IAS officer who started his career as an enthusiastic Don Quixote tilting at the powerful classes takes the cake as far as bureaucratic highhandedness against political activists goes. As the SDM of Barwani he began a campaign against the non-payment of minimum wages to agricultural labourers. He ordered his subordinates to register cases against landowners who were found not paying the statutory minimum wage to the labourers. These landowners who were politically powerful immediately launched an agitation cutting across party lines. The SDM did not relent but had the leaders jailed under section 151 of CrPC. This inflamed matters further and as things began snowballing into a major confrontation the government ordered the transfer of the SDM and he was packed off to Alirajpur. Here he sniffed out the practice of the police of passing off murders as suicides. He immediately began investigations and soon got to the bottom of the malpractice. Once again he came up against political forces too strong for him. They had a false case registered against him by the police and got a non-bailable arrest warrant issued by a judicial magistrate. He somehow escaped from his bungalow and made it to the High Court in Indore to get a stay order. He desperately appealed to us to do something and we used our contacts in the press and the higher bureaucracy, some of whom used to be quite friendly with us in the late nineteen eighties when the movement against the SSP had not yet taken on major proportions, to help him out of this fracas. He told me then that the police were a gang of criminals who had the sanction of the law.



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A few years later he came back to Jhabua as the District Collector in 1993. This was when things were very hot regarding the NBA campaign to prevent the surveys for the SSP mandated by the World Bank. By this time he had learnt the lesson that laws in India are not to be implemented when they go against the politically powerful and so had instead begun directing his boundless energies against mass organisations of the poor, which were considerably easier meat. Forgetting the cordial relations he had had earlier with us he took it into his head to break the KMCS and the NBA and get the surveys done so that the World Bank's stipulations in this regard could be met. He began tours of the villages on foot saying that he would woo away the people from our folds in a jiffy. The result of all this was the inevitable confrontation at Kakrana where he slapped Khemla as has been mentioned earlier. Khemla and the others were then beaten up by the SDM in Alirajpur another IAS officer and the police at his behest and then they were all paraded in handcuffs in the streets of Alirajpur. He came into his own after the Anjanbara confrontation letting loose his legal gang of criminals on us, beating us up and packing us all into jail. He even engineered a rally against us in Alirajpur with government money. Madhya Pradesh was under President's rule at the time, which is basically rule by the bureaucracy when a state assembly is dissolved and there is no elected government. Since his actions were backed to the hilt by the administration one can safely assume that the whole bureaucracy of the state connived in this illegal repression of our organisation. It was only with the intervention of the Supreme Court where we filed a petition challenging the human rights violations that he had ordered that finally we could get this officer transferred.

One IAS officer has made an anonymous assessment of his colleagues, which speaks volumes for their irrelevance, nay evilness, for a largely rural developing country like India, "A critical lack of concern for the poor is reflected in the way IAS officers grade their jobs.....Posts in the Industrial and Commercial Departments and the corporations occupy a very high rank. These enable the IAS officer an entry into the Government of India, his Mecca, as also afford an opportunity to hobnob with industrialists and businessmen with whom he has class affinity. Next in the list would be posts, which carry a lot of patronage and influence like a district charge, the departments of Home, Establishment, Finance, etc. The lowest rank goes to jobs where excellent performance would directly benefit the poorest, such as Harijan and Social Welfare, Revenue Administration, Land Reforms, Land Settlement, Rural Development, etc". He goes on to say, "An officer in the late 1960s went to a backward district in Central India, but his only recollection of the two year stay was that the district was full of ancient statues and how excitedly he used to look forward to unearthing and obtaining such antiquities. Not only did the illegality of his action not bother him, but he did not notice the poverty of the people, social indebtedness and intense exploitation in the district"(Anon, 1996, pp 6&7).

There are exceptions to the rule as there always are. But it must be remembered that a few swallows do not a summer make and so generally the winter of oppression continues unabated for the country's deprived poor. I have mentioned that some IAS officers did help us in the early stages of our work in Alirajpur. Some of these officer friends later helped Subhadra out in an important personal battle of hers. One of the biggest tragedies of India is the lack of property inheritance rights for women in almost all societies barring some matrilineal ones in the Northeast. This is even more of a problem in rural areas, where land is sometimes the sole economic resource, leading to severe patriarchal oppression of women (Agarwal, 1994). Babasaheb Ambedkar as the first law minister of independent India tried to pilot a law to give equal inheritance rights to women and came up against stiff opposition. After four years of fruitless effort he resigned in disgust in 1951. However, later such laws



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did get enacted in some states. The law in Madhya Pradesh regarding inheritance of agricultural land clearly states that daughters as well as sons will have to be given an equal share of their parent's ancestral plot. However, in practice this is never implemented. Subhadra decided to claim her share when her father passed away in 1993. Her brothers obviously demurred. So she decided to move the administration to get her share.

Luckily the District Collector of Bastar at that time happened to be an IAS officer who had earlier been in Alirajpur. So when we approached him he immediately got things moving and the case was registered by the Tehsildar in Charama. Since the law is cut and dried after a few hearings spread over a year or so the decision went in favour of Subhadra. By that time our IAS friend who was District Collector had been transferred and so it became a problem getting the Tehsildar to implement his order giving Subhadra possession of her share of land in the face of fierce opposition on the ground in the village not only from her brothers but the panchayat as a whole. After all this would be a dangerous precedent for the whole region where never before had women been given a share of their parent's land. We then approached another IAS friend of ours who was then the Secretary to the Chief Minister to intervene. He phoned the new District Collector in Bastar and in next to no time the Tehsildar went to Jepra with a posse of policemen and measured out Subhadra's share of land. The bureaucracy has its uses after all when your side of the toast has to be buttered. A central Act has now been enacted to give women this right all over India. The moot point is how many poor rural women will be able to muster the same kind of contacts within the IAS as Subhadra to be able to get this law implemented.

These officers who had helped us out earlier in our battles against the local state, which were not fundamentally challenging to the system, distanced themselves from us preferring to go with the system rather than against it when we took on the larger state apparatus. In the preparations for and the aftermath of the grossly illegal oppression by the government in Mehendikhera not a single of our IAS friends spoke up for us. The more sensitive souls in the IAS have sooner or later been forced to resign given the basic anti people nature of the system. Dr B D Sharma was the first to do so in Madhya Pradesh. Many years later he was followed by Harsh Mander, who resigned because he felt that members of the All India Services had sullied their name by sitting mute when the massive riots involving murder, loot, arson and rape against the Muslims took place in Gujarat in 2002 (Mander, 2004). He had taken leave from government duty much before that to work in the NGO sector after his early experiences as an administrator had shown him how difficult it was to do something for the poor from within the system (Mander, 2001). The most shining example of an IAS officer who has resigned and then devoted her life to the emancipation of the oppressed is that of my one time colleague and mentor Aruna Roy.

I met her for the first time when I went to Tilonia in 1985. Khemraj took me to meet her. She told me that as an IAS officer she was not able to sit cross-legged on the ground and talk freely with the common people. How could you understand their problems if you did not do that she asked? She had resigned from the IAS in 1974 and joined SWRC to be able to do something with the people. But after a decade of rural development work she too like Khemraj had felt that the rhetoric of participatory development was a hollow one unless the structures of oppression were smashed to enable the people to think and act freely. She had encouraged Khemraj to go to Jhabua and had gone and spent some time helping him with his work there in the early stages. Later she decided to move out of Tilonia and go and work in the Bhim tehsil of Udaipur district in southern Rajasthan in the late nineteen eighties. This was an area from where most of the peasants had to migrate for work, as the produce from



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their fields was not sufficient to sustain them even in years of normal monsoons. Moreover since the year 1986 there had been drought in the area leading to even less agricultural production. This made Aruna and the organisation of the peasants and agricultural workers there, Mazdoor Kisan Shakti Sangathan (MKSS), search around for ways in which to improve employment opportunities in the area itself (Roy, 2001).

Their investigations revealed that there were rampant irregularities in the implementation of the rural development works being carried out through the panchayats. Thus began a campaign to root out the corruption, which was going on due to the nexus between the local state and the elected panchayat representatives. "Hamara paisa hamara hisaab" or our funds our audit became the slogan of the MKSS. It was clear that funds were being defalcated by various means like fraudulent muster rolls and nonexistent construction that was nevertheless evaluated and certified to be up to the mark. But to get documentary proof it was necessary to scrutinise the records of the work done and payments made. Here the MKSS came up against the obdurate refusal of the bureaucracy to open its records for inspection claiming that they had been certified to be in order by the government auditors. Attempts to get the higher-level bureaucracy and the politicians to intervene too did not bring any tangible results because this demand was a potentially dangerous one that could prove to be the thin end of the wedge for public access to records at higher levels also. The MKSS then had to take recourse to the traditional Gandhian means of satyagraha to try and force the government to make these records available and initially met with the same kind of police repression that is the fate of such agitations. Eventually the Rajasthan Government made some concessions in this regard.

This is when the MKSS hit upon a new strategy in the year 1995 that has brought about a sea change in the field of public action in India subsequently. Faced with the stalemate of the state regularly using repression to crush "jan karyavahi" or militant mass action by mass organisations, the MKSS hit upon the idea of holding a "jan sunwai" or public hearing. This involved mobilising the press and influential people in society including in the government and the bureaucracy to be present in specially organised meetings in villages where the people would congregate and give details of how they had been cheated of their wages or other developmental benefits. The intention was to build up moral pressure on the government and the administration and make them accede to just demands. This soon became a movement that spread its wings across the whole nation. Jan sunwais began to be held in every nook and cranny around all kinds of instances of denial of rights to the deprived sections. The movement took the shape of a National Campaign for the Right to Information. The jan sunwai perfected and formalised the tactic of synthesising both people's mobilisation at the grassroots and the mobilisation of sympathetic people in civil society at large along with the press that the NBA had begun utilising earlier. Not only has this led to the enactment of a Right to Information Act in 2005 but it has also inspired the launching of many other national campaigns like those for adivasi, housing, child, employment and specially abled rights. The jan sunwais have come in particularly handy for directing the spotlight on human rights violations by agencies of the state. Aruna was awarded the prestigious Ramon Magsaysay Award for community leadership in the year 2000 as had been Jayaprakash Narayan and Baba Amte earlier.

Jan Sunwais, however, cannot be a substitute for jan karyavahis or militant mass actions involving vast numbers of the oppressed people for bringing about lasting radical changes in society. They are a means of focussing attention on rights violations but cannot by themselves ensure that these violations will be remedied. In the absence of massive mass



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mobilisation in support of the decisions taken at the jan sunwais this form of political action suffers from the same impotency in the face of state obduracy as other forms of Gandhian struggle. In one well publicised example of jan sunwai conducted by the MKSS in Umarwaas Panchayat of Rajsamand district in Rajasthan in the year 1999 things backfired embarrassingly (Mishra, 2000). The sarpanch of the panchayat who was a dalit had been sponsored by the powerful upper castes in the elections of the year 1995 since the seat had been reserved for scheduled castes. He was a pawn in the hands of these upper caste leaders who had got themselves elected as ward members. They then engaged in various malpractices. When the unaccounted withdrawals in his name grew to huge amounts the sarpanch got worried and contacted the MKSS. This infuriated the upper caste leaders and they connived with the rural development bureaucracy to indict him for having defalcated funds, had him suspended and had a recovery notice for the amounts due slapped on him. The jan sunwai that was organised after this was a high profile one with Arundhati Roy presiding and the Collector and Superintendent of Police of the District attending. The villagers spoke out in favour of the sarpanch despite attempts by the upper castes to intimidate them. Detailed statements were recorded of how the upper castes had defalcated the funds in collusion with the bureaucracy. Surprisingly despite the passage of a resolution at the jan sunwai that a criminal case should be filed against the corrupt ward panches and bureaucrats the police registered a case against the sarpanch for defalcating the funds of the panchayat!

Eventually Aruna had to use her contacts in the high level bureaucracy to salvage something from this effort by getting the FIR against the dalit sarpanch withdrawn but no criminal case could be instituted against the powerful upper caste ward panches who had defalcated the funds. This is why the success of the MKSS has not been replicated so easily elsewhere by other mass organisations and NGOs that have held jan sunwais because they have not been able to garner the same kind of contacts in the bureaucracy and the mainstream political parties as the MKSS. It is indeed unlikely that the ruling elite will go beyond supporting such one off successes as those of the MKSS and welcome any widespread movement for transparency at the grassroots, which will cut into its hegemony of power. After all it is only a short step from demanding transparency to demanding greater allocations of resources for local development or like in the case of the adivasis of the Narmada valley demanding that mega development be scrapped. Unlike Medha who has directly challenged the state to repeal unjust laws and policies and implement fully its just laws, Aruna has remained content with coaxing it to just formulating good laws and implementing them in fits and starts and so has tasted a little more success. When the National Advisory Council was formed under the chairpersonship of the President of the Congress party Sonia Gandhi to act as a super think tank for the Congress led coalition government at the centre in 2004, Aruna was chosen to be a member of this powerful body. She used this opportunity to make two very good interventions resulting in the passage of the Right to Information Act 2005 and the National Rural Employment Guarantee Act 2005.

Advocacy and lobbying, however, have serious limitations. These are political strategies that have been developed in the United States of America where the rules for state funding of political parties make it near impossible for small groups to even participate in elections let alone win them and so the radical political formations there have even more of a "bin pende ka lota" image than the ones in India. Witness the unsuccessful attempts of public rights activist Ralph Nader to get the required percentage of votes for qualifying for state funding despite having fought four presidential elections since the year 1992, two of them as the candidate of the Green Party (Rowen, 2005). The movement against the Vietnam War in the late nineteen sixties was possibly the most prolonged and most widespread concerted



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mass action against the state in the USA (Gettleman, 1985). Since then radical activity has perforce had to follow the same path as that of the powerful groups in using lobbying and advocacy to influence government policy. That is why there was such great euphoria among radical political activists when once again, by Indian standards very rudimentary, direct mass action became visible during the ministerial meeting of the World Trade Organisation in Seattle in 1999 (Cockburn et al, 2001). Indeed just before this environmentalists in America had plumbed the farcical depths of eulogising, as the saviours of mother earth, the likes of the Biotic Baking Brigade, a group of people who believed that they could overturn the rule of Multinational Corporate Capital by throwing pies in the face of people like Renato Ruggiero, the then Director of the WTO! (SAA, 1999) However, civil society in India is much less well developed than it is in the USA and so lobbying and advocacy or a mixture of this with weak grassroots mobilisation as in the conduct of Jan Sunwais has even lesser chance of bringing about the major people oriented changes in development and governance that the environmentalists envisage.

The Right to Information Act was finally passed by parliament in 2005 after some high drama behind the scenes. Aruna used her membership of the National Advisory Council to impress on Sonia Gandhi the President of the Congress party the need to get the draft formulated by the National Campaign on RTI passed instead of the toothless one drafted by the bureaucrats. Both these ladies carried the day in the face of stiff opposition from the bureaucrats and the most radical Act yet in independent India became a reality. But what guarantee is there that it is not going to fare the same fate of non-implementation as the land reform laws and the law that is there for the prevention of atrocities against the Scheduled Castes and Scheduled Tribes to mention a couple. When a workshop was held in Bhopal to sensitise the District Collectors regarding the implementation of the Act they unanimously protested that it would make their work difficult and came up with a plethora of excuses for not implementing it. One Collector going to the extent of saying that it is not a right to information but a right to harassment! (HT, 2005) Not surprisingly the bureaucracy has subsequently been flouting the provisions of the Act which exhort it to suo moto reveal as much information as possible. Applications for information under the Act are either not being accepted or are being sidetracked by the bureaucracy on some pretext or other. The result is that the Information Commissions at the Centre and in the States have become overloaded with appeals, which they cannot dispose of expeditiously because of the lack of staff. The typical bottlenecks have been created that have enervated so many progressive legislations in this country and is the bane of justice delivery.

Once at a workshop held to get more and more people to use the RTI Act I was talking to Arvind Kejriwal the enthusiastic grassroots RTI activist who has been awarded the Magsaysay Award for emergent leadership in 2006 for popularising the RTI and fighting corruption with it. I told him then that the RTI Act as it stood was too radical and the bureaucracy and government would surely try and amend it later and dilute some of its powerful provisions. When he asked me what could be done to prevent this I said that the only way was to build up a big grassroots movement of people in favour of the Act which after all had been passed through efficient lobbying and had little mass support as such. Later things panned out exactly as I had predicted and the government was all set to amend the Act to prevent the revelation of the notings made by the bureaucrats on the files regarding the decisions taken by the Cabinet of Ministers on major economic and political matters (Bhattacharjee, 2006). Media criticism and lobbying has managed to stall this for the time being but this is the thin end of the wedge. The day is not far when the humdinger of a provision making the Public Information Officers responsible for delays or refusals in



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providing information and penalising them for this too will be sought to be removed through an amendment and the Act made toothless like the many others that adorn our statute books.

One of the more people friendly IAS officers from the Madhya Pradesh cadre, who was at that time the Director of the Lal Bahadur Shastri National Academy of Administration in Mussoorie where the IAS are trained, once related an interesting anecdote in a seminar that I was attending there. He said that he had introduced a course in which the IAS probationers had to stage street plays and write, compose and sing songs around some theme of importance for village uplift. He had introduced this to inculcate in the probationers a feel for modes of people friendly communication. He said that he overheard one of the probationers saying with much appreciation from his batch-mates that they had come to learn how to rule over people so why were they being taught how to sing and dance? When the vast majority of the bureaucrats in this country still suffer from such a hangover of colonial power intoxication, then appealing to them to heed the sane logic of transparent people centred governance and environment friendly development is like casting pearls before swine.

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