

# Awesome Powers

Meetings called, marches are marched, books are written, journals are published . Because rights are guaranteed under the constitution. India being the biggest showcase of democracy in the world, has a unique written constitution riddled with dozens of fundamental rights having a trace of irony that rights cannot be exercised if the ruling authorities so wish. There are many ways to describe India's constitutional democracy. Decorative is one way, deceptive another. Brandishing said rights people often take to streets, only to discover at the end at their own peril that they have virtually no rights at all.

Article 19 of the Constitution of India seems to have guaranteed the fundamental right to freedom under which "all citizens shall have the right to freedom of speech and expression, to assemble peaceably and without arms, to form association or unions", and so on. But these rights are circumscribed, restricted and limited by clauses 2, 3, 4 etc. of the same article which state *inter alia* that the state machinery has also the right to slam snap and even slash these fundamental rights of citizens in the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency of morality or in relation to contempt of court, defamation or incitement to an offence. The state decides that the act of uprooting thousands upon thousands of families from their traditional occupations in lands, forests, rivers, hills etc. and giving away their natural habitat to corporate investors for profit on the pretext of development is decent, be it along the Narmada river bank or in Singur or Haripur or Bolangir or Kalinganagar. And the oustees are poor Indians.

It is a clash of interests between citizens and the state, which is raging now all over India. Whose right, whose sense of decency shall prevail and have supremacy according to the constitution of India? Obviously, since the state's will acts as circumvention and the citizens' will is under siege, the constitution boils down to absolute negation of the seemingly fundamental right of the citizens. The state considers that forcible enclosure of a thousand acre plot of land on an express highway fed by two railway systems and other factors are more, more favourable for a Tata Motor factory than multiple cropping in fragmented plots of land, that is to say the state considers industrial use of land rather than agricultural as development, as progress, as change for better and finds the affected, ousted and displaced citizens unprepared to accept it as development. It is natural. And the state considers these hapless be taught lessons in the age old ways of beating, torture, raping and burning, the sure and certain way to compliance and obedience.

The constitution arms the state "in the interests of public order" to impose prohibitory order under section 144 of the Indian Penal Code (IPC) to deny and prohibit "assembly peaceably and without arms" thus slashing citizens' fundamental right apparently guaranteed under article 19(1)(b) read with clauses 2 and 3 of the same article. When the citizens are uprooted, displaced and ousted by the state from their own soil, their own means of toil, home and hearth that is exactly the time when they badly need this right to "assemble peaceably and without arms" and express their collective grievance against the state before the local unit of the state machinery, that is

, before the Panchayet Office, the BDO, SDO or the District Magistrates office. But under section 144 of IPC such assembly of aggrieved citizens are breach of public order. And under these circumstances the killing of Rajkumar Bhul by the West Bengal Police in Singur, the massacre of 12 tribal people in Kalinganagar by the Orissa Police are indications of supremacy of the State's will against the citizen's will. And the constitution and IPC empower the state with awesome powers take not only the means whereby the people live but also to take away their lives too.

The constitution gives the right to assemble peaceably and without arms to the citizens of India but when the citizens under dire stress caused by the state try to use this right to assemble in order to protest and resist predatory acts of the state, the citizens are denied and stripped off this right. Thus the constitution takes away from citizens more than it gives. And that reduces the state under the constitution to a fascist police state.

India cannot have genuine democracy without finishing the unfinished democratic revolution. Then nobody is talking about revolution, all are busy to agitate over fundamental rights which are simply hollow. ~~██████~~