

# SACH

South Asian Composite Heritage

ISSUE NO. 60 ■ OCTOBER -DECEMBER 2020

---

## Peace and Democracy in South Asia

Peace and Democracy are universal values that have its influence on each and every person in world. Whole world relates to these values and if one is lacking, the other is endangered. Both values in their own right way and order, helps in securing the development of the nation. What we know is that peace and democracy doesn't come easily. In a conflict society such values can be achieved by working hard often painstakingly on laws and institution. Where strong institutions and systems make a strong nation and laws helps in making good citizens.

But what if democracy itself comes under threat and institutions, which are suppose to maintain peace, helps in breaking the same? What if integrated government, strong judiciary and inclusive constitution, fails to provide justice to the citizens? Such questions forces us think, that how well our society and government is moving ahead on the path of justice and democracy.

The recent global socio-political and economic events, gives us the situational analysis of different South Asian countries, it shows, how democratic values are in threat and peace of the nation is in danger due to conflicts in country. It also shows how people still believe in democratic value and fighting for their rights and justice on constitutional lines. Farmers protest against farm law in India is one of the examples which on one hand show the systemic and institutional failure, due to which state has lost its trust without any democratic rules. But at the same time the peaceful protest gives a hope to politics and mass mobilization for new era. The debate over statement of "too much democracy" shows that idea of democracy goes beyond state and most important feature of this are liberty fraternity and Justice. The resistance of Adivasi people against land grab shows the unity of community against capitalist government and era. Political and democratic turmoil in Sri Lanka and Nepal shows that how despite of democratic reforms situation in country is not stable because of the absence of citizen's participation and vote. The lack of freedom of speech and assembly, impunity against crime, institutional failures and breaking of law and orders in country makes us to believe that there is an urgent need of reforms in institutions.

The analysis shows, despite blurred democratic values in countries, people are still making efforts to foster the inclusivity in society. They still have firm belief in constitution and judiciary. They are fighting and protesting against wrong and this keeps hope alive.

# My Dear Friend

By **SHUKR USGAOKAR**, INDIA

They promised that freedom would be every Indian's right  
But against their misrule, if my voice I raise  
The police come knocking on my door at night  
"My dear friend, you can sing but only paeans in our praise".

They promised to dole out, one scheme after the other  
Come elections and it's raining largesse  
But the file remains stuck in an office corner  
"My dear friend, we're trying but the whole system is in a mess".

They promised us jobs and decent salaries  
But with a labyrinthine system, incentive is killed  
There are few investors and fewer industries  
"My dear friend, show me even one regime which promised and fulfilled".

They promised to give us the best infrastructure  
But it is as always in a pitiful state  
Roads full of potholes, for weeks no water  
"My dear friend, good things come to those who wait".  
They promised to maintain law and order  
Rid the country of all things dreadful  
But the police protect only those in power  
"My dear friend, at least you are safe, so be thankful".

They promised to bring back from abroad  
Black money as well as fugitive crooks  
But like all other promises it was a fraud  
"My dear friend, things are not as easy as they look".

Promises of leaders work as opiates  
Subduing the resentment simmering inside  
As public memory fades, hoping it will abate  
While taking the country for a ride.

But no more shall we bow down and suffer  
The country and its citizens deserve better  
Up in arms, now we shall rise  
Our forefathers' dreams, we shall realise.

Years ago an entire generation  
Laid down their lives for the cause of our nation  
My dear friends, it is up to us now, the time has come  
For India to awaken, once again, to light and freedom.

*Courtesy : [livewire.thewire.in](http://livewire.thewire.in)*

# Indians Debate too Much Democracy. But There's Not a Whimper for 'Too Little Republic'

By NITIN PAI, INDIA

**THE** debate that Niti Aayog CEO Amitabh Kant unwittingly triggered over the extent of democracy in India was passionate, lively and largely beside the point. What is of utmost and urgent importance at this time is the plummeting level of rule-of-law and rule-by-law in the country. We have 'too little republic' amid growing, even competing majoritarianisms among the population and populisms among its leaders. In fact, I would venture that while a large number of adults in India understand and accept democracy as an important political value, the number of people who know what a republic is and ought to be is much smaller. We celebrate Republic Day with a big military parade in New Delhi and patriotic songs in schools and neighbourhoods, with little realisation of why exactly it is different from, say, Independence Day.

The idea of a republic goes beyond a State whose head is a president and not a monarch. It is fundamentally a restraint on tyranny — whether by the monarch or the majority. A democracy decides on issues based on popularity, often according to the will of the majority. A republic qualifies majority decisions by forcing them to be consistent with



a set of principles that even majorities cannot violate. The most important of these principles are liberty, equality, fraternity and justice. That is why Indian constitutional jurisprudence upholds — and I use the present tense with a mixture of hope and anxiety — the 'basic structure' of the Constitution. The values enshrined in the preamble, our fundamental rights, the secular nature of the State and the rule of law form this 'basic structure' and are beyond the power of any parliamentary majority to change. A lot of people mistakenly believe they get their rights because India is a democracy. On the contrary, they are assured of their rights because India is a republic.

## DEMOCRACY OVER REPUBLIC

While an odd comment by a prominent civil servant drives us into paroxysms of debate over democracy, there is scarcely a whimper at the constant, popular undermining of the republic. Here's a brief history of the past decade. One government made retrospective laws, violating the most basic premise of the rule of law. A massive public movement rode roughshod over the parliamentary process demanding that parliament enact a law the crowd outside it made. Independent

institutions were steadily undermined by a popular elected government. The Supreme Court, among others, demurred over hearing habeas corpus petitions. Protesters seeking entitlements vandalise highway and railway property. Increasingly emboldened religious processions get a free pass from the authorities. Law enforcement authorities take openly partisan actions. In the corporate world, shares change hands based on political power. All around 'there is too little republic' and we are not even aware of the dangers of this deficiency.

Just because we are unaware of the diminishing strength of the Indian republic does not mean we do not suffer its consequences. People might not acknowledge the declining rule of law, but they will act in ways that reveal their lack of trust in the Indian State and its institutions. The farmers' agitation is a symptom of their distrust in the intentions, laws and processes of the Indian State. They are prepared to live with a known devil rather than put faith in the promise of an unknown god. Similarly, the Goods and Services Tax (GST) regime is in a mess because governments, businesses and individuals do not trust each other and insist on guarantees that add up to a massively complex system. It's why people celebrate extra-judicial killings — they don't trust law enforcement and the judicial system. Workers at a smartphone factory in Karnataka resort to vandalism when the employer doesn't pay their dues

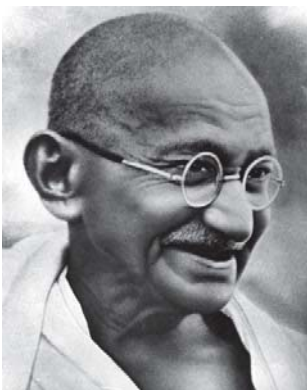
because they do not believe they will get redressal through the system. Those who can afford it have made private arrangements for everything, from schools and healthcare to electricity, water and security.

### REFORM, A HARD BARGAIN

So it's not really about democracy. Reform is hard in India because too much social distrust arising from too little republicanism has rendered our political system dysfunctional. Majoritarianism — including, but not only of the Hindu nationalist variety — exacerbates the distrust and hence the dysfunction. With the Bharatiya Janata Party (BJP) scorching what was left of the middle ground, political parties and ordinary people are left with the binary choice of supporting or opposing whatever is proposed by the Narendra Modi government. As the government is discovering in the case of the agricultural reforms, this can also result in political allies parting ways. If the outcome of it all is the rejection and reversing of the necessary reforms, it is not because there was too much or too little democracy, but because too few took the constitutional path in right earnest.

As I wrote last week, "In a country where there are thousands of interest groups, with lakhs of grievances, the dissolution of constitutional constraints is a recipe for turmoil." We need more republic, and for reasons far beyond successful economic reforms.

Courtesy : The Print



## MAHATMA GANDHI

02-10-1869 TO 01-01-1948

INDIA OF MY DREAMS

*THERE is no human institution but has its dangers. The greater the institution the greater the chances of abuse. Democracy is a great institution and therefore it is liable to be greatly abused. The remedy, therefore, is not avoidance of democracy but reduction of possibility of abuse to a minimum.*

*Young India, 7-5-'31*

# Police Atrocities and Need of Reforms

By **BABITA NEGI**, INDIA

MORE than seventy years after Independence, India continues to witness an increase in extreme police atrocities, brutality and biases all over the country that puts a civilized democratic nation to shame. The latest in the series of incidents is an attack on farmers protest where Delhi police used water cannons and tear gas shells to disperse a march of protesting farmers at Tikri border and Singhu border near Delhi. This protest by farmers against farm law and Para-Military Police force attack on them has not only grabbed the attention of national citizens but Canadian Prime Minister Justin Trudeau as well. Mr. Trudeau has criticized the way police and governments have tackled the situation. Earlier, the Case of Hathras rape victim had already created havoc among citizens. This incident involved the manhandling of Opposition leaders and media by the “protectors of law” and reminded us sad law enforcement in India. This case has once again proved the lack of sensitivity of police personnel, absence of accountability under the garb of khaki and politicization of the law and order.



The above-mentioned incidents are not the only cases that have brought the brutal image of police to light, one need not go too far in the past and recall the display of brutality by the police. In past one-year incident after incident has been highlighted on various social, electronic and print media platforms that have shown the exceeding atrocities of policemen all over the country. We have seen various incidents of brutal enforcement of police on students, activists and citizens of the nation. The physical and verbal abuse of students of Jawaharlal Nehru University protesting against fee hike, The attack on Jamia-Mia-Islamia students and later on citizens under the foul play of Citizenship Amendment Act are such incidents that show how police force has lost its sense of justice and instead of following rules as per law and orders it has become a puppet in the hand of present government. In a free country in the name of dissent and act of Unlawful Activities Prevention Act police has arrested many social activist and students calling them anti-national. These synchronized police raids that have



targeted the country's best-known civil liberties activists have given a dictate image of the police force. The citizens arrested had no idea why they were arrested; many are being held under a draconian UAPA law that permits detention for six months without formal charges. Such unlawful arrest without any notification puts many questions on law and legal orders.

The pattern of violence that has increased on certain caste and religious communities shows the failure of the system. Especially the outbreak of communal riots in Delhi that happened during Citizenship Amendment Act puts a question mark on the role of the law and order particularly the police department. This communal riot which resulted in the killing of innocent citizens along with the loss of private and public property shows a failure of the Delhi police towards its fundamental duty. It failed to maintain law and order in northeast Delhi where communal tensions were building up for some time. Despite having all the information police took it for granted and later passed on the blame to the intelligence department. This is not the first time Police has shown its ineffectivity and insensitivity towards a case, In Hathras UP case also, after neglecting all the legal procedure in the name of Corona Virus setting aside all the human value police cremated the victim's body in the middle of the night, in the absence of family members. They not only neglected the law and order but denied her dignity even after death.

In a Democratic nation where police are supposed to be a disciplined force, which upholds the law and preserves democracy on constitutional lines, it has become the undemocratic and corrupt force that lacks accountability. Death of 59-year old Jayaraj on 22 June and his 31-year-old son Bennicks on 23 June, in police custody on 19 June 2020 is one of the saddest examples of the failure of judiciary and unaccountability of police officials. Both Jayaraj and Bennicks died because they kept their stores open past

permitted hours during the lockdown in Thuthookudi Tamilnadu. Policemen assaulted and tortured them for such petty crime resulting in their sad demise. This case would have been neglected like others if news through social media and other platforms had not spread. After this member of the opposition party took the streets in protest, traders came out in criticism of the incident and the national media aired it prominently. The High Court took suo motu cognisance of the matter and state administration took the course of action.

There are so many incidences in which police has shown their brutality such as the refusal to register a first information report in rape cases, indiscriminate use of lathi-charge during the lockdown, crackdown on anti-CAA protesters, ignoring the evidence of JNU and Jamia attack and mishandling of Sushant Singh Rajput the Bollywood celebrity's suicide case led to intense scrutiny of the police as an institution. This makes us believe that India's police system is plagued with lack of accountability and the absence of effective mechanisms and losing its trust and confidence in public. In India, the police no longer have a reputation of being an instrument of justice. The insensitive, illegal, inhuman and indefensible handling of various cases as mentioned above has laid bare the utterly unprofessional work culture of the Indian police. Even the constitutional courts have seemingly tried to change the reality of police brutality; some evidence shows that the judiciary approach of simply passing direction and guidelines has proven to be a failure. The Indian archaic laws have allowed politicians to use the police for their purposes, not public benefit, hence if India wants to combat police brutality and biases it needs to understand the system and urgent reforms must be implemented so that rule of law prevails in the country not the rule of force. For the country is it a challenge to restore such culture and make police and justice accessible and effective to every citizen.

# Success of Farmers' Protest Renews Hope in the Politics of Mass Mobilisation

By ASHWANI KUMAR, INDIA

OVER the past weeks, the nation has witnessed a farmers' agitation unprecedented in its intensity and scale, against what are widely perceived as unjust farm laws enacted by the Central government. The sight of farmers peacefully voicing their conscientious opposition to these laws being subjected to tear gas shells and water cannons on a cold November night must shame the nation.

The use of the state's brute power against citizens exercising their fundamental right of peaceful protest represents the ugly face of a dysfunctional democracy. It is a painful reminder of the "Pagri sambhaal jatta" and the Champaran satyagraha moments led by Sardar Ajit Singh, the uncle of Shaheed Bhagat Singh and Mahatma Gandhi respectively, against the unjust agrarian laws imposed on a subject nation by the British colonialists. In reminding us that might without justice is tyrannical, these movements a century ago also provided the foundational basis of free India's republican charter.

## UNDEMOCRATIC FARM LAWS

The indecent haste with which the divisive farm bills have been legislated into law raises several disquieting questions about the future of our parliamentary democracy. The voice of the opposition was suppressed and dissent against the Bills bludgeoned to ram through with their passage in both Houses of Parliament, without a meaningful debate. This has robbed the farm bills of their democratic and moral legitimacy. Clearly, any

law in a functioning democracy that does not enjoy the un-coerced allegiance of the community and is imposed by a government indifferent to wounded societal sensitivities can have no claim to acceptance and obedience by the people. Mahatma's leadership of the freedom movement was anchored in this unquestionable premise.

That opposition to the Bills is widespread and spans the political spectrum is evident from the decisions of 15 political parties to support the farmers' cause and speaks for itself. The alienation of the dominant community in the country including in the border state of Punjab, which has for long borne the brunt of terrorism and insurgency sponsored by Pakistan, could destabilise peace in the state and could adversely impact national security.

At the heart of the farmers' opposition to the laws variously critiqued is the perceived dilution of the guaranteed minimum support price (MSP), linked with the survival, subsistence, economic security, and the dignity of the farming community. This is especially so in states like Punjab and Haryana where the Mandi system and MSP regime, now seen as threatened, have served their purpose.

The farmers' organisations view the Bills as a preliminary step towards corporatisation of agriculture and the eventual withdrawal of the MSP regime as the logical next step. The rising input costs, it is felt, militate against the logic of better returns to the farmers in a non-

regulated open market. Farmers are also apprehensive about the price discovery mechanism being left to the free play of markets. Restricted avenues for settlement of disputes and experiences with the dismantling of wholesale markets leading to the eventual depressing of farm incomes are other reasons for disquiet.

#### **A GOVERNMENT AT WAR WITH FARMERS**

Instead of a free and candid conversation with the farmers, a self-righteous government is persisting in fallacy and resisting the repeal of laws. The logic of the farmers' demand for the repeal of the laws, premised on the basis that their enactment as Central laws is an impermissible encroachment on the states' exclusive legislative domain delineated in List II of the constitution, is clearly persuasive. The demand for repeal also flows from a legitimate apprehension that incorporation of the changes sought by the farmers within the existing legislative framework would lead to inconsistency and unavoidable ambiguities in the laws.

Indeed, "law is the perfection of reason" and as the French philosopher Montesquieu reminded us, "it matters not whether individuals reason well or ill; it is sufficient that they do reason. Truth arises from the collision, and from hence springs liberty, which is a security from the effect of reasoning..." Clearly, therefore, laws untested in a free exchange of ideas on the touchstone of reason and resting only on the coercive apparatuses of the state cannot pass national scrutiny.

A government at war with the farmers of the nation has forfeited its moral right to govern. In this "disfigured and disfiguring" moment, the government will do well to remember that 'violent abuse of power is generally the means of calling the right of it in question' to borrow the words of Thomas Paine.

The agitation reaffirms the view that peoples' power and its assertion through mass mobilisation can alone secure the promise of egalitarian democracy and that elected governments cannot show a brazen disdain of

popular sensitivities.

The imminent success of the agitation shows that freedom and justice survive in the consciousness of the people and that a democratic nation's political narrative is located in the assertion of people's power against injustice. It tells us that every Indian matters, and matters equally; that human conscience cannot be suppressed forever.

#### **POLITICS OF NATIONAL RENEWAL**

The lasting lesson of the farmers' movement is that a humiliated people fighting for their dignity carry a far greater emotional weight than the temptations offered by those hung on power. It tells us that the un-coerced allegiance of proud people can be ensured only through just laws. The nationwide support for farmers confirms that the first step at healing is in the sharing of pain. As to the government's claim that the contested laws are in the interest of farmers, we know that "people are generally better persuaded by the reasons which they have themselves discovered than by those which have come into the mind of others" (Pascal). Surely, the Prime Minister knows that 'Sushasan' with 'Sabka Vikas' and an alienated farming community are a contradiction in terms.

Hopefully, the debilitating politics of farm bills will result in a heightened national consciousness for a politics of national renewal. This would require looking beyond the binaries, recognising shades of grey as a necessary condition for forging the broadest national consensus on vital policies including those related to transformative changes in the agricultural economy.

As trustees of a common heritage for the benefit of succeeding generations, we can ill afford divisive politics that limits our capacity as a nation. Neither can we condone a fading sense of empathy and compassion that define our humanity. A nation yearning to discharge its rightful role in the shaping of human destiny must locate its future in an elevating politics committed to inclusion, justice and dignity for all.

*Courtesy: The Wire*



# How Democracies Die

By MAHFUZ ANAM, BANGLADESH

WINSTON Churchill's comment in November, 1947 that "democracy is the worst form of government except for all those other forms that have been tried before" remains as pertinent today as it was when he stated it in the immediate post war period. The fight against fascism in the Second World War led to a vigorous, enthused and genuine commitment to democracy that was soon to be, first diluted and later perverted, by the Cold War. As the ideological battle captured the centre stage ethical and moral ones—like democracy and removal of inequality — retreated into the background and later was all but forgotten.

An important side effect of the global conflagration was the triggering of the decolonisation process. Where the colonial powers dithered—like the French and the Dutch in the Indo-China arms struggle ensued and where the process was by consent, like in our subcontinent—the transfer of power was peaceful, although the human cost of partition was incalculable.

Compared to many other decolonised countries, the partitioned South Asia got off to a democratic start. Pakistan stumbled for its internal weaknesses while India and Sri Lanka moved on. As its eastern part, Pakistan's overall failure, especially its military dictatorships, deeply constrained our development and affected us in every way till we chalked out our own future in 1971, in search of freedom, democracy, and cultural and economic advancement.

Next year, we will be celebrating 50 years of that search in which we seem to have done

brilliantly in the economic front. For us to have moved away from the "Basket case" imagery to that of a "model of development" is a leap of immense consequence, not only because it made those who stigmatised us so look like fools, but also because it brought a desperately needed self- confidence that is a crucial precondition for a country like ours to overcome the development challenges that we face.

Economic development aside, freedom and democracy were the other two dreams of our independence struggle. How have we done here? The first shock was BAKSAL. But what followed, in 1975—the murder of the founder of our state Bangabandhu along with most of his family and the coming of the military into our politics—was the most brutal and beastly act that we could imagine that launched us into a nightmare of unfathomable proportion and brought upon us 16 years of direct and indirect military dictatorship from which we are yet to fully recover.

However, with the demise of autocracy and restoration of democracy in 1991, we relaunched our aborted democratic journey. We were heartened by a good start, particularly with the constitutional amendment to revert to a parliamentary form of democracy from the presidential one which was proposed by the opposition Awami League and accepted by the ruling BNP—something that was never to repeat since.

So how has our second attempt to build democracy fared?

For an answer to the above question, I would like to refer my readers to a book by Steven Levitsky and Daniel Ziblatt titled How

Democracies Die, published in 2018. The book mainly focuses on the US and how its democracy is being threatened. But there is a lot to learn for countries that aspire to build democracy for themselves, like Bangladesh.

The authors make a vital point when they say that democracies do not always die at the point of a gun as they did in the heydays of the Cold War, when three out of every four instances of destruction of democracy were caused by military coups, and more recently as they happened in Egypt and Thailand. "But there is another way to break democracy. It is less dramatic but equally destructive. Democracies may die at the hands not of generals but of elected leaders." "The electoral road to breakdown of democracy is dangerously deceptive" the authors say, and "unlike in the case of brutal coups in which leaders are killed in a violent change of power and constitutions are suspended or used in their emergency mode, on the electoral road... there are no tanks on the streets... Elected autocrats maintain a veneer of democracy while eviscerating its substance."

"Many governments' efforts to subvert democracy are 'legal' in the sense that they are approved by the legislature or accepted by the courts. They may even be portrayed as attempts to improve democracy, making the judiciary more efficient, combatting corruption or cleaning up the electoral process".

"Because there is no single moment—no coup, declaration of martial law, or suspension of the constitution—in which the regime obviously 'crosses the line' into dictatorship, nothing may set off a society's alarm bell. Those who denounce the government abuse may be dismissed as exaggerating or crying wolf. Democracy's erosion is, for many, almost imperceptible."

The above quotes from the book are not only brilliant and incisive but also relevant for many countries, including ours. The authors cite numerous examples from South America, including Venezuela and Peru, and from former members of the Soviet Union like Hungary, Poland and the Czech republic. We

note populism stimulated authoritarian tendencies in Italy, France and especially in the US under Donald Trump.

From a wide range of examples, the authors formulate four indicators of how elected authoritarians subvert the very process through which they came to power. They are :

Rejection of democratic rules of the game.

Denial of legitimacy of political opponents.

Toleration or encouragement of violence.

Readiness to curtail civil liberties of opponents, including media.

Each of these indicators can be elaborated and traces of their existence found in many of our countries. Sudden amendment to change the caretaker system of election can definitely be termed as changing the rules of the game. Castigating political opponents as "enemies" is an attempt to delegitimise opponents. Nothing can exemplify attempt to curtail civil liberties and media freedom more than the Digital Security Act that has been enacted.

The authors write: "How do elected authoritarians shatter the democratic institutions? Some do it in one swoop. But more often assault on democracy begins slowly. It takes place piecemeal. It is imperceptible. Each individual step seems minor—none appears to threaten democracy. Enjoy a veneer of legality. They are approved by the parliament or ruled constitutional by the supreme court. Many are adopted under the guise of achieving a laudable public goal".

The authors offer an interesting illustration of death of democracy by comparing it to a football game. Before the game starts your need to "capture" the referee, then the lines men, and finally you change the goal posts. After all that have a game of "fair play".

So is democracy dead or dying in Bangladesh? The answer will differ and, as it is our lot to be extreme, some will say it has never been as vibrant as now and for others

*Continued to page 18*

# Sri Lanka's Democracy on the Edge

By SUDHA RAMACHANDRAN, INDIA

WITH the Sri Lankan government presenting in Parliament the draft of the proposed 20th amendment to the constitution (or 20A as it is called) on September 22, another step toward the constitutional dismantling of democracy in the country has been taken.

The proposed 20A will lead “to a system of autocratic government” in Sri Lanka, writes noted Sri Lankan political scientist Jayadeva Uyangoda. It would bring to “an effective end” its “parliamentary democracy and liberal democratic traditions and institutions,” he has argued.

Sri Lanka's descent into autocratic rule is all the more disturbing, even tragic, as the island-nation is Asia's oldest democracy, with socio-economic indicators that are far better than other South Asian countries.

The 20A envisages a concentration of power in the executive presidency. It will bestow overwhelming and unfettered powers in the presidency, while significantly reducing the powers and role of the prime minister and Parliament. It will give the president the power to sack the prime minister and other ministers at his discretion and to dissolve Parliament just a year after its election. It will also provide the president with full immunity against prosecution.

The proposed amendment paves the way for the politicization of institutions and commissions. Appointments of top judges, the police chief, and members of the election, public service, bribery and human rights commissions – which are currently the responsibility of the constitutional council, which includes civil society members as well – would, after 20A is enacted, be left to the discretion of the president. The amendment replaces the constitutional

council with a parliamentary council, whose “observations” the president could seek to in making these key appointments – but with no “approval” required, even such cursory consultation is not a given.

Stacking independent commissions with loyalists has serious implications: They “will cease to be independent,” M.A. Sumanthiran, Supreme Court lawyer and Tamil National Alliance parliamentarian, has said. The appointment of loyalists to the election commission, for instance, would severely compromise the fairness of future elections.

The draft 20A bill was published in the government gazette on September 2, but it ran into a bit of trouble when some parliamentarians of the ruling Sri Lanka Podujana Party (SLPP) unexpectedly raised objections to some provisions. Prime Minister Mahinda Rajapaksa, brother of the current president and a past president himself, was forced to appoint a committee to study the draft's text. But no changes were made and the draft in its original form has now been tabled before Parliament.

20A attempts to take Sri Lanka back to the executive presidency that was put in place by the Constitution of 1978. It was vested with enormous powers and regarded as among the most powerful in the world.

An executive presidency is by its very nature undemocratic and in Sri Lanka it was more so as checks on the exercise of presidential power were diluted over the years. This prompted calls for abolishing the executive presidency and reverting to a parliamentary style of government. However, this was easier said than done.

Although most political parties promised to abolish the executive presidency during

election campaigns, once in power, they did little to fulfil that promise. Still, there have been exceptions. In 2001, the 17th amendment diluted presidential powers somewhat; it required presidential appointments to independent commissions to be approved by a constitutional council.

Then in 2010, then-President Mahinda Rajapaksa got the 18th amendment (18A) enacted. It replaced the constitutional council with a parliamentary council, paving the way for politicization of key institutions. It also extended the presidential term to six years and did away with the two-term restriction imposed on a president.

Between 2010 and 2015, Sri Lanka witnessed nepotism and corruption of unprecedented proportions. Members of the Rajapaksa family were appointed as ministers as well as heads of corporations and departments. In addition to Parliament being subservient, the media was silenced and the judiciary rendered irrelevant. The balance of power between the executive, legislature, and judiciary, which was already lopsided in Sri Lanka, was all but destroyed. Sri Lanka under Mahinda was well on the road to authoritarian rule.

As in previous elections, in the 2015 presidential election too abolition of the executive presidency was the opposition's main campaign plank. Only this time, the coalition that came to power after Mahinda was defeated took a few steps to reform the presidency. President Maithripala Sirisena and Prime Minister Ranil Wickremesinghe enacted the 19th amendment, which requires the president to consult the prime minister on ministerial appointments, brought back a constitutional council, makes the president liable to prosecution for official actions that violate fundamental rights, and also restricts presidential terms to two five-year terms.

19A only chipped at some presidential powers. Still, it was widely regarded as "the most democratic and progressive" amendment made to the 1978 Constitution.

Now, a proposed 20A not only replaces 19A but also brings back much of what 18A put in place. The baby steps that Sri Lanka took in

2015 toward restoring democracy will be reversed if 20A is enacted.

Doing away with 19A has been a key item on the agenda of the Rajapaksa family and the SLPP, which it founded and dominates. The Rajapaksas are of the view that 19A was aimed at keeping Mahinda and his brothers out of power.

Indeed, the two-term restriction that was brought in by 19A was aimed at preventing Mahinda from contesting presidential elections again. As for the provision that banned holders of dual citizenship from contesting elections, it seemed aimed at keeping Mahinda's younger brothers, Gotabaya and Basil, from entering the election arena. While Gotabaya had to renounce his U.S. citizenship to contest the 2019 presidential election, which he won, Basil remains a citizen of both Sri Lanka and the United States.

Over the past five years and especially after Gotabaya became president last year, the Rajapaksas' calls for repeal of 19A have grown louder. They have blamed 19A for the weak leadership, paralysis of governance, and political instability that defined the Sirisena-Wickremesinghe government.

19A's repeal was the SLPP's main campaign plank in the run-up to the August 5 general election. The Rajapaksas pitched it as necessary for stability and economic development. That struck a chord with voters; fed up with the instability of the preceding five years, the electorate gave the SLPP a massive mandate.

Together with its allies, the SLPP now holds 150 seats in the 225-seat Parliament, and thus it has the two-thirds majority needed for constitutional amendment.

Still, there is scope for Sri Lanka to dilute 20A. With the draft amendment tabled in Parliament, politicians, political parties, and civil society members can go to court against its provisions. But they will have just a week to file court cases.

The main opposition party, the Samagi Jana Balawegaya, has filed a special petition in the Supreme Court against the 20A draft, describing it as illegal. It has called for the

*Continued to page 15*

# Land Grab and Resistance in the Chimbuk Hills

By C.R. ABRAR, BANGLADESH

THE Mro community of the Chimbuk hills is passing days in great uncertainty. The hills around them are being cut, trees are being felled, and water sources are being disrupted taking a huge toll on this otherwise serene region. Over the last few months, the people of Chimbuk hills have seen engineers and contractors being ferried in impressive SUVs to measure the site and plan construction of state-of-the-art structures, noisy trucks bringing in construction materials, while workers are shoveling in pillars piercing the Mother Earth.

All these portend a calamity for the local Mro people. They are deeply concerned that not only would this "development" initiative take a severe toll on their lifestyle and livelihoods, it would also harm the flora and fauna and thereby the ecological balance of this pristine expanse, one of the very few that exist in the country.

It is interesting to note that in Bangladesh's 50 years of existence, this community which did not have the fortune to host a junior high or even a primary school to educate its children is now being thrust down with a mega project of a 5-star hotel and an amusement park. Fear is pervasive that Mro households in Karpupara, Dolapara and Evapara will face eviction; others in close vicinity in Markinpara, Longbaitanpara, Riamaneirpara and Menringpara are also likely to meet the same fate in the not-so-distant future.

The news of the onset of the tide of "development" sweeping the Chimbuk range caught its residents by surprise. So far, they believed that as members of a bona fide indigenous community, they were protected by

a number of national and international laws, regulations, protocols, declarations and customs. On October 8, they appealed for redress to the highest executive of the state through the District Commissioner without success. As the construction process gained traction on the ground involving tractors, diggers, lorries and other heavy equipment, the Mro people, finding no other recourse, began to organize to protect their rights and entitlements that are guaranteed by the Constitution and laws as well as international treaties that Bangladesh is party to.

It has been estimated that between 800 and 1,000 acres of land will be adversely impacted by the project involving a hotel, amusement park and artificial lake. Twelve hills will be connected with cable cars. Water, power and other utility services for the facilities, including the residential quarters of the staff members, would require construction of a network of buildings, roads, drainage and sewage system.

All these structures will be constructed on a land that hosts dwellings of hundreds of Mro families, forest, streams and fountains, orchards, temples, sacred cremation grounds, holy stones, revered hills, and the like that are integral to the identity of the Mro. Already, the noted Natibong hill has been re-christened with a Bangla name. Initially, it will lead to displacement of at least 115 families of four villages, and 10,000 more Mros of adjoining villages are likely to be affected. The livelihoods of most members of the community dependent on jhum cultivation will be severely impacted. Mango, pineapple and papaya



orchards will suffer due to diversion of the natural flow of streams. Along with harming the ecological balance, the project will impede the movement of people that is essential to pursue livelihoods and social and cultural interactions.

News reports inform that security forces have taken lease of 20 acres of land from the Bandarban District Hill Council (BDHC). The head of BDHC admitted that a memorandum of understanding (MoU) for lease of land was signed, but the land is yet to be transferred as the approval of the government was pending. He was unable to say under what authority the construction activities have commenced (Deutsche Welle, 13/11/2020). An arrangement has been worked out between the Sikder Group-owned R&R Holdings Ltd. and the Army Welfare Trust for a thirty-five-year lease on a profit-sharing basis. Refuting the claims of land grabbing, R&R Holdings informed that the BDHC has an eight-percent ownership of the project (DS, 8/11/2020). The group further said that a further 10 acres have been added to the original lease of 20 acres. The concerned Brigade Commander of Bangladesh Army assured that, if the need arises, shops and houses will be built for the affected Mro people.

Like their counterparts in other hill communities, Mros were also adversely affected by the past development projects of the state and were deprived of fair compensation. In the recent past, they lost 11 acres of land acquired for a firing range. Large segments were acquired for rubber plantations in Nilgiri. In several cases, parcels of land that were taken remained unutilised. Although some plots were released for non-utilisation through the intervention of a local MP, those were re-allotted to others instead of being handed over to the original owners.

Analysts have raised some pertinent issues. Fundamental among those is that the project violates the Constitution of the republic, provisions of CHT Regulations 1900 (reinstated by the Appellate Division of the Supreme Court on November 22, 2016), Bandarban Hill Council Act 1989, Chittagong Hill Tracts Land Commission Act 2001, and many established protocols and traditions.

Article 18A of Bangladesh Constitution

commits the state "to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wild life for the present and future citizens." Article 23 obliges the state "to adopt measures to conserve the cultural traditions and heritage of the people," while Article 23A obligates the state "to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sectors and communities." It is worth noting that the progressive Articles 18A and 23A were inserted into the Constitution by the 15th Amendment in 2011 under the Awami League government.

The Hill District Council Act precludes BHDC authorities from transferring ownership of land to other parties without the expressed consent of the people and recommendation of the concerned mauza headmen. Therefore, any arrangement drawn by parties in breach of the provision makes the instrument void under the law. Under the CHT Land Commission Act, the Commission is solely responsible for adjudicating on land disputes. Thus far, the failure of the government to frame the Rules of Business of the Commission has precluded it from functioning effectively. The project also violates the 1997 CHT agreement that explicitly prohibits building of any commercial facility that impairs the interests of the indigenous people.

Another gaping hole of the lease transfer mechanism is its failure to secure the Free, Prior and Informed Consent (FPIC) of the Mro people impacted by the project. FPIC is an emerging standard in engaging with indigenous peoples and is becoming part of customary international law. The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) asserts that it is the duty of the state to obtain FPIC of indigenous peoples to effectively determine the outcome of decision-making that affects them. FPIC is a standard protected by international human rights law. "Anybody with property understands that you can't just take the property without consent, unless there's some over-arching governmental purpose," observes James Anaya, the UN Special Rapporteur on Rights of Indigenous Peoples. He further notes, "Because of this special significance of lands and resources to the cultural survival of indigenous peoples..."

it would have to meet a very, very high burden of justification." Surely, leasing of land for construction of a hotel and an amusement park does not meet the criteria of "very, very high burden of justification."

The Mro community has protested the restrictions imposed on their free movement in the Chimbuk hills due to cordoning off larger areas than the area under lease by security forces. They have also claimed that they have been subjected to threats and intimidation.

On November 13, the community organised a human chain and rally in Cheragi Hill. The unique protest was a cultural showdown. Instead of chanting slogans, the beat of drums and sound of traditional phlong flute reverberated through the hills, perhaps echoing the pang of the Mro's hearts for the land—a critical element of their identity—they are about to lose. Community members of all ages participated in the event. Mothers made sure that their children join the protest to stake a claim on what is theirs.

This move of according priority to profit over people and using common resources for private gain in violation of the law has triggered disapproval of the mainstream Bangladesh community. The Parliamentary Caucus on Indigenous Peoples, the International CHT

Commission, the Adibashi Forum, Jatiya Mukti Council and many other public platforms have condemned the commercialisation of the Chimbuk hills and demanded immediate cessation of "developmental" activities. They also stated that through its involvement with this controversial project, the concerned security force is tarnishing its own image. Perhaps the political leadership should reassess if publicly-funded state institutions should at all be involved in commercial enterprises that may bear the risk of compromising their professionalism.

The failure of the government to uphold the constitutional rights of the Mro people has been palpable. Article 11 of the Indigenous and Tribal Populations Convention, 1957 of the ILO (C-107) obliges the state to recognise the "right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy." Bangladesh ratified the convention in 1972, when the Father of the Nation was at the helm. Rescinding the imprudent decision to lease out the land of the indigenous people for private gain will surely be an apt tribute of the government in his birth centenary.

*Courtesy : The Daily Star*

---

## Sri Lanka's Democracy on the Edge

*Continued from page 12*

draft to be approved in a nation-wide referendum.

Discussion in Parliament could push for change in the provisions as well. The question is whether ruling party parliamentarians will wake up to the fact that by backing 20A they are undermining their own relevance in Sri Lanka's political system. Should the truly democratic-minded among the SLPP parliamentarians withhold their support for 20A's enactment, Sri Lanka's democracy could get a lease of life.

However, this scenario is unlikely given the Rajapaksa clan's iron grip over the SLPP's members of parliament. Money, ministerial

posts, and intimidation will keep them in line.

Sri Lankan democracy is the biggest loser should 20A be enacted. But Mahinda, a two time president who is currently serving his third term as prime minister, will lose too. His powers will be curtailed further even as younger brother Gotabaya turns into an omnipotent president. And Mahinda will still be unable to contest for the presidency again, given the two-term limit 20A will impose on presidents.

Mahinda's fate following enactment of 20A could change the dynamic in the relationship with Gotabaya.

*Courtesy : The Diplomat*

# Democracy Under Attack in Nepal

By **DINESH BHATTARAI**, NEPAL

DEMOCRATS all over the world rejoiced at the election of Democratic Party candidate Joe Biden as the 46th President of the United States. His win was seen as a victory over the narcissist brand of politics. Biden's win is interpreted as a pivotal opportunity to "renew democracy at home and a democratic renewal around the world." President-elect Biden in his victory speech talked of rebuilding the backbone of the nation's middle class, and said "we lead not by the example of power, but by the power of our example." He expressed his intention to hold a "Summit for Democracy" with an agenda to "strengthen our democratic institutions."

If we look around the globe, there is the rise of populism. Elected leaders who come to power are seen undermining the mandate to distort free and fair elections, trample independent judiciary, and show brazen disregard for the principles of separation of powers. This gave rise to the strongmen theory that made democracy degraded and destroyed by targeting national democratic institutions. They centralize power, show hostility towards opponents, display contempt for free press and desire to be dominant in all spheres of public life in the line of strongman species. Political scientist Larry Diamond wrote in *The Global Crisis of Democracy* that as China and Russia attack free governments and push strongman rule, the US has gone silent and a new tide of authoritarianism is gathering. An expert on "strongman" theory, Ben-Ghiat defines authoritarianism

as "a political system in which executive power is asserted at the expense of the legislative and judicial branches of government."

## WORRYING TREND

It is deeply worrying that this is happening not just in Belarus, Venezuela, Hungary, Poland, and Italy, but in the oldest and largest democracies United States, United Kingdom and India. The United States—the seat of the constitutional democracy and most influential leader of democratic values in multiethnic and multicultural society upholding tolerance and harmony—witnessed a wave of populism and polarization of society. At a time when the world is getting more diverse, and tolerance and harmony for diversity is eroding, social and cultural divides are getting widened across the globe. Brexit was seen in this trend. Indian historian Ramachandra Guha tweeted on January 18, 2020: "With two electoral mandates, Modi could have taken India to the next level: economically, politically, socially. Instead, he has blown it away. Our economy is more fragile and vulnerable. Our society is more fearful and divided. Our institutions more compromised and corroded."

Ben-Ghiat talks of leaders who take power "in an already closed system" and are a product of "an established process."

The resurgence of these trends reflects in weakening liberal democratic values and fueling the rise of populist nationalism.

Elected leaders are seen striking at the very heart of democracy and the spirit of the constitution they pledged to protect. In this atmosphere, democracy unquestionably lost momentum. Populist and nationalist rhetoric sowed the seeds of social and cultural divides putting the state of democracy in deep trouble. Over the years, liberalism has retreated and the architect of the liberal world order—the US—was seen withdrawing from its global leadership.

Democracy was on the move when the progress and prosperity was in democracies. Now the economic wealth is with authoritarian states. There are temptations to move to strongman theory projecting that the liberal idea has become obsolete. They see democracy as a “chaotic system” and see multiculturalism as “no longer tenable.” They argue that development takes better shape without democracy. The Covid-19 pandemic has accelerated the trends of perverting the democratic system, curbing the free media and shrinking political rights and civil liberties.

The late Harvard political scientist Samuel Huntington wrote “democratic change does not happen in isolation. It surges forward and retreats in waves, across regions and the whole globe.” According to the Freedom House, democracy faces a global crisis. It reports freedom has seen consecutive years of erosion in global levels of political rights and civil liberties, with so many more countries declining than gaining each year. Only for the past quarter of a century has democracy been the world’s predominant form of government.

Democracies are declining and autocracies are becoming steadily more repressive and aggressive. The present precarious moment of democracy stands in contrast to the declaration of the moment of the end of history, announcing the inevitable wave of liberalism in 1990.

## DEMOCRACY IN NEPAL

Despite years of incessant struggles for democracy and its institutionalization, Nepal is no exception to the global trends of democracy recession. There is a decline in civil liberties. The shrinking of civic space makes the state of democracy fragile and vulnerable. The pervasive corruption at all levels and complete disregard for democratic norms and institutions have eaten the vitals of a democratic system.

Prime Minister KP Oli who boasted of near two-thirds majority in the Parliament remains stuck in tiny and inconsequential issues just to keep himself in power. He is indifferent to people’s sufferings from Covid-19 pandemic. He failed to provide leadership and maintain unity in his own party. Amid the intensification of internal conflicts within the party for power, PM Oli chose to betray the people’s mandate for stability, development and dignity and instead decided to cut short the life of five-year parliament in less than three years. It is evident now that his focus is to humiliate rivals in the party and repudiate the wisdom shown by the people.

Communists make nationalism their agenda when they are in opposition, while in the government they attack democracy. In the 2017 elections, KP Oli made nationalism party’s main election plank, and won elections by close to two thirds majority even under the mixed electoral system. Now that he is in power, he has worked to sabotage the institutionalization of hard-won democratic process. PM excessively politicized nascent democratic institutions and he was highly selective in investigation of corruption cases. Transparency International Report 2020 showed a significant increase in corruption that has seeped into every facet of public life giving the impression that pervasive corruption is integral to its own national political economy.

Few days back, senior leader of

Nepali Congress Ram Chandra Paudel was humiliated and taken into custody in his home district Tanahu for no reason. His arrest stoked protests by party cadres across the country. Condemning the government action, Nepali Congress President Sher Bahadur Deuba warned the government against its authoritarian approach and “be ready to face the consequences” for targeting democrats and democracy. Paudel rightly said: “Democracy is not safe in the hands of the communists.”

Democracy and pluralism are anathema to communists. Communists condemn democracy. They abhor pluralism. They have no regard for checks and balances, a free press, individual rights, independent judiciary, and respect for due process. Communists continue to interpret democracy to suit their conveniences, and therefore, are never ever to be trusted for its cause. Alien philosophy of communism is entirely incompatible with Nepali

patterns of thoughts and actions.

Democracy needs democrats to grow and get nurtured. Democracy is like a growing child. Now it is fragile and vulnerable and therefore it requires support, care and nourishment. Once it is firmly settled, it is the most stable and secured form of the government. The attempts of the incumbent US President to overturn election results he lost and national institutions validating the election is the shining example of the strength and resilience of the democratic institutions in the United States.

The New York Times wrote in its editorial on November 5: “Protect democracy by practicing it.” Democracy needs democratic mindsets to grow. Democracy has been defamed, deformed, distorted and weakened at the hands of communists in Nepal. Democrats in Nepal need to stand untied to save it.

*Courtesy : Myrepublica*

---

## How Democracies Die

*Continued from page 10*

is it not only dead but buried deep. We think this can be said with certainty, that it is not in any healthy condition. The soul of democracy is freedom of speech and freedom of assembly, both of which presently exists only in our dreams. The time tested system of check and balance in governance is now a system of “cheque and bank balance”. Parliament, which is constitutionally tasked to make laws, makes those that shackle rather than those that free. The justice system, the ultimate refuge of those who seek freedom and justice, stands as a mute spectator as people die in police custody and disappear.

To repeat, democracy is not always killed by a bullet, it can also be killed by a wrongly placed ballot. No, our democracy is

not dead, it is Covid infected. It cannot breathe.

Post script: A warrant was issued last Wednesday against a Baul singer, Rita, under the Digital Security Act for hurting “religious sentiment”. She was participating in a “Pala Gaan”, a traditional form of musical debate centring on spiritual topics using symbolism and metaphors. It has existed as a highly intellectually stimulating musical form for centuries in rural Bangladesh in which village poets exhibit their creativity and linguistic excellence. This one warrant and subsequent legal entanglement risk the destruction of this art form through such intimidations. There has been a silent assault on Sufi and Lalon music that is gradually throttling our literary and artistic creativity.

*Courtesy : The Daily Star*



# Our Tribe of Love

By **NUSRAT ZAFRI**, INDIA

WHEN my Christian cousin described the communion bread as sweet and melting on the tongue, my elder sisters and I became determined to get a taste of it during a mass we were attending. Just before our turn, the school matron magically appeared and gently took us aside — communion bread it seems, is not for the unbaptised.

Growing up in a household with Christianity and Islam flowing freely, we were exposed to an intermingling of cultures that can only make one's childhood richer. Sometimes it led to faux pas like the one at the church, or this other time, when my sister, thoroughly confused about whose side of relatives was visiting, exclaimed, "Adaab Amma", to an old conservative Christian relative of my

mother. That innocent confusion led to immense awkwardness but gave the family an anecdote to laugh at forever. And, of course, our quest for the sacramental bread is still on.

My parents had an inter-faith marriage in 1970, when it was difficult but not against any laws of the state. They faced their share of opposition from their respective families, but none enough to deter the two, who remained happily married for 39 years till my dad passed away in 2009.

While growing up, we often called ourselves half-Muslim and half-Christian, but in truth, we were always just a bunch of kids, who had the luxury to say that they knew a little bit more than the others



about a second religion. In our liberal home, we even had the liberty to criticise both religions. My father, a physics lecturer, had always placed deep emphasis on education first and then theology, if any at all. We celebrated Eid with as much fervour as Christmas and Easter. I remember singing hymns with carol singers on foggy December evenings just as vividly as we would sing Nauhas on sultry summer Muharram nights with our cousins.

In 2011, my own inter-faith marriage met little to no resistance from either of our Muslim/Hindu families. Questions about food, oddly topped the list of concerns from some relatives. While I am a vegetarian Shia Muslim (yes we exist), my husband is a biryani-loving, fish-hating Hindu Bengali from Delhi. He's the type who would appreciate shami kebab, only if the recipe didn't have any chana dal in it. I'm the boring non-foodie who unabashedly admits that baingan dishes are her favourite food item —much to my mother-in-law's consternation.

My husband and I met while doing a Master's in mass communication in Delhi. Love happened, as they say. What specific alchemy made it happen is a mystery we are still unravelling; being rule-breakers probably had a lot to do with it. We dated for eight years before we had our three marriage ceremonies, to make assorted gods happy, including the ones governing the land.

The nikah ceremony saw full attendance from the in-laws' side. Curiosity for a different culture and the famous Lucknow cuisine were top reasons for the high turnout. Come to think of it, we should have walked the aisle to honour the Christian side too.

I remember how a guest had remarked, "how Muslim I looked" on the day of the nikah and how Bengali I looked on the day of the Bengali shaadi. To me, however, I looked like any other

bride, neither Muslim nor Bengali. Just a happy bride!

My husband and I are two fiercely independent individuals, and religion hardly features in our daily lives. We have mutual respect for our communities and cultural backgrounds, unless, of course, the conversation is around the best golgappas in the country. While my vote undeniably goes to Lucknow, he sticks strong with Bengali Market.

We are now raising our son called Dylan Jafri Roy (whose name will surely keep all those he meets over the years fascinated). Our son inherits an even richer culture than me, in so many ways! And yet I hope he gets to be Indian before anything else.

What is it about inter-faith relationships that makes people sceptical or unsure about a match? What is it about another's culture that makes people feel the need to protect theirs? In an ideal world, it would be no one's business whom a woman should choose to marry. Women are leading in all fields, surely they are capable of finding their own suitable boys. At what stage did the state feel the need to step in?

I feel uneasy breaking down people into their religious identity or to even further dissect them and divide them into castes and classes. Not fitting into any one box is the biggest legacy of a mixed cosmopolitan upbringing. The liberty to choose, to celebrate and accept is undeniable. Why, even the freedom to criticise and question one's culture is perhaps the biggest boon of this amalgamation. In a country that seems to be at the brink of losing this freedom to proposed new laws, my only prayer is that the Dylan Jafri Roys and the Meera Pamela Jafris (my mother) of the world increase their tribe. The tribe that stems from love and love alone.

*Courtesy : Indianexpress*

# POETRY'S DREAM WORK

By CHRISTOPHER CAUDWELL

*....Continued from previous issue*



THIS leads to *surréaliste* technique with its undirected feeling and personal affective organisation, where freedom, in true bourgeois style, is the unconsciousness of necessity, i.e. ignorance of the affective organisation

which determines the flow of imagery and is conscious in good poetry. Hence the cerebral and visual character of *surréaliste* art. This bourgeois freedom was already contained in the philosophy of symbolism, from which *surréalisme* derives. Remy de Gourmont, the philosopher of symbolism, correctly said: "Above all it is a theory of liberty; it implies absolute freedom of thought and form: it is the free and individual development of the aesthetic personality." And Rimbaud, greatest of the symbolist poets, said: "I have come to hold sacred the disorder of my mind."

Poetry, like dream, contains manifest and latent contents. The manifest content can be roughly arrived at by paraphrasing the poem. It is the imagery or the "ideas." In a paraphrase the latent content, i.e. the emotional content, has almost entirely vanished. It was contained, then, not in the external reality symbolised by the words (for this has been preserved) but in the words themselves. The manifest content is the poetry interpreted "rationally." It is the external reality in the poem. It can be expressed in other ways and other languages. But the latent content of poetry is in that particular form of wording, and in no other.

How is the latent content contained in the

original word and not contained in the sense of the words – i.e. in the portions of external reality which the words symbolise? The emotions are not associated affectively with the portion of external reality symbolised by the manifest content, for another language can be made to symbolise the same portion of external reality, and still it is not the poem. How then did the original words contain the emotional content "in themselves" and not in the things they symbolised? Dream analysis gives us the answer, by affective association of ideas. In any association of ideas two images are tied to each other by something different, like sticks by a cord. In poetry they are tied by affects.

If a word is abstracted from its surroundings and concentrated on in the same way as an analyst asked his patient to concentrate on any particular image of a dream, a number of associations will rise vaguely to the mind. In a simple word like "spring" there are hundreds of them; of greenness, of youth, of fountains, of jumping; every word drags behind it a vast bag and baggage of emotional associations, picked up in the thousands of different circumstances in which the word was used. It is these associations that provided the latent content of affect which is the poem. Not the ideas of "greenness," "youth," but the affective cord linking the ideas of "greenness" and "youth" to the word "spring," constitutes the raw material of poetry.

Of course the thing "spring" (the season) denoted by the word "spring" also has many affective associations. These are tried by the novel. Poetry is concerned with the more general, subtle and instinctive affects which are immediately associated with the word "spring" and therefore include such almost

running associations as those connected with spring (a fountain) and spring (to jump). Hence the tendency of poetry to play with words, to pun openly or secretly, to delight in the texture of words. This is part of the technique of poetry which treats words anti-grammatically to realise their immediate and even contradictory affective tones. The novel uses words grammatically so as sharply to exclude all meanings and therefore all affective tones, except one clear piece of reality, and then derives the emotional content from this piece of reality and its active relation with the other pieces of reality in the story as part of a perceptual life-experience.

When we read a line of poetry these other ideas to which the affects are associated do not rise to the mind. We get the leaping and gushiness of "spring" in poetry's use of it as a word for the idea "season," but we do not get the fountain or the jump except in an open poetic pun. They remain unconscious. Poetry is a kind of inverted dream. Whereas in dream the real affects are partly suppressed and the blended images rise into the conscious, in poetry the associated images are partly suppressed and it is the blended affects that are present in the consciousness, in the form of affective organisation.

Why is there a manifest content at all? Why are not all images suppressed? Why is not great poetry like the poetry of the extreme symbolists, a mere collection of words, meaning nothing, but words themselves full of affective association? Why should poetry state, explain, narrate, obey grammar, have syntax, be capable of paraphrase, since if paraphrased it loses its affective value?

The answer is, because poetry is an adaptation to external reality. It is an emotional attitude towards the world. It is made of language and language was created to signify otherness, to indicate portions of objective reality shared socially. It lives in the same language as scientific thought. The manifest content represents a statement of external reality. The manifest content is symbolic of a

certain piece of external reality— be it scene, problem, thought, event. And the emotional content is attached to this statement of reality, not in actual experience but in the poem. The emotional content sweats out of the piece of external reality. In life this piece of external reality is devoid of emotional tone, but described in those particular words, and no others, it suddenly and magically shimmers with affective colouring. That affective colouring represents emotional organisation similar to that which the poet himself felt when faced (in phantasy or actuality) with that piece of external reality. When the poet says,

Sleep, that knots up the ravelled sleeve of care,

he is making a manifest statement. The paraphrase

Slumber, that unties worry, which is like a piece of tangled knitting,

carries over most of the manifest content, but the affective tones which lurked in the associations of the words used have vanished. It is like a conjuring trick. The poet holds up a piece of the world and we see it glowing with a strange emotional fire. If we analyse it "rationally," we find no fire. Yet none the less, for ever afterwards, that piece of reality still keeps an afterglow about it, is still fragrant with emotional life. So poetry enriches external reality for us.

The affective associations used by poetry are of many forms. Sometimes they are sound associations, and then we call the line "musical" – not that the language is specially harmonious; to a foreigner it would probably have no particular verbal melody

Thick as autumnal leaves that strow the brooks

In Vallambrosa

is not musical to someone who knows no English. But to an English ear the emotive associations wakened are aroused through the sound rather than sense linkages, and hence we call the line musical. So, too, with Verlaine's line, musical only to ears attuned to the emotive associations of French nasals:

Et O – ces voix d'enfants chantant dans  
la coupole,  
or the old fairy-tale, "La Belle aux bois  
dormant."

It is impossible to have affects in poetry without their adherence to symbols of external reality, for poetry's affects (in far as they are poetic) are social, and it is impossible for different subjects to be linked except by a common object (by "matter"). The logical conclusion of symbolism is not poetry but music. And here it may be objected – music consists of sounds which refer to no external reality and yet music is an art and has a social content. Exactly – because in music the symbols have ceased to "refer" to external reality and have become portions of external reality themselves and, in doing so, have necessarily generated a formal structure (the scale, "rules" of harmony, etc;) which gives them the rigidity and social status of external reality. The notes of music themselves are the manifest content of music, and they therefore obey not grammatical (subjective) but pseudo-mathematical (objective) laws: of course they are necessarily distorted or organised within the compass of those rules. In the same way architecture becomes external reality and is distorted or organised within the compass of the rules of use-function.

The technique of the poet consists in this, that not all the affects associated with any particular words rise up into the consciousness, but only those that are required. This is done by the arrangement of the words in such a way that their clusters of associations, impinging on each other heighten some affective associations and inhibit the others, and so form an organised mass of emotion. The affective colouring of one word takes reflected shadow and light from the colours of the other words. It does this partly through their contiguity, particularly in synthetic languages (Latin and Greek), and partly through their grammatical connection, particularly in analytic languages (English, Chinese); but chiefly through the "meaning" as a whole. The manifest content, the literal

meaning, the paraphrasable sense, is a kind of bridge, or electrical conductor, which puts all the affective currents of each word into contact. It is like a switchboard; some of the affective associations fade away directly they enter it, others run down into other words and alter their colour; others blend together and heighten a particular word. The whole forms the specific fused glow which is that poem's affective organisation or emotional attitude to its meaning. Hence the same word has a different affective coloration in one poem from what it has in another, and it is for this reason that a poem is concrete. It is affectively concrete; each word has a special affective significance in that poem different from what it has in another. In this way the emotional content does not float about fluidly in the mind; it is firmly attached, by a hundred interweaving strands, to the manifest content – a piece of external reality. A poem's content is not just emotion, it is organised emotion, an organised emotional attitude to a piece of external reality. Hence its value – and difficulty – as compared with other emotions, however strong, but unorganised – a sudden inexplicable fit of sorrow, a gust of blind rage, a blank despair. Such emotions are unaesthetic because unorganised. They are unorganised socially because they are not organised in relation to a socially accepted external reality. They are unconscious of outer necessity. The emotions of poetry are part of the manifest content. They seem to be in the external reality as it appears in the poem. We do not appear to take up an emotional attitude to a piece of reality; it is there, given in the reality: that is the way of emotional cognition. In poetic cognition, objects are presented already stamped with feeling-judgments. Hence the adaptive value of poetry. It is like a real emotional experience.

It is plain that poetry may be judged in different ways; either by the importance of the manifest content, or by the vividness of the affective colouring. To a poet who brings a new portion of external reality into the ambit of poetry, we feel more gratitude than to one who



brings the old stale manifest contents. But the first poet may be poor in the affective colour with which he soaks his piece of reality. It may be the old stale colouring, whereas our other poet, in spite of his conventional piece of reality, may achieve a new affective tone. Old poets, we shall judge almost entirely by their affective tone; their manifest contents have long belonged to our world of thought. Hence the apparent triteness of old poetry which yet is a great triteness. From new poets we demand new manifest contents and new affective colouring, for it is their function to give us new emotional attitudes to a new social environment. A poet who provides both to a high degree will be a good poet. A poet who brings into his net a vast amount of new reality to which he attaches a wide-ranging affective colouring we shall call a great poet, giving Shakespeare as an instance. Hence great poems are always long poems, just because of the quantity of reality they must include as manifest content. But the manifest content, whatever it is, is not the purpose of the poem. The purpose is the specific emotional organisation directed towards the manifest content and provided by the released affects. The affects are not "latent," as in dream; it is associated ideas which are suppressed to form the latent content. Just as the key to dream is a series of instinctive attitudes which provide the mechanism of dream-work, so the key to poetry is a cluster of suppressed pieces of external reality – a vague unconscious world of life-experience.

Poetry colours the world of reality with affective tones. These affective colours are not "pretty-pretty," for it is still the real world of necessity, and great poetry will not disguise

the nakedness of outer necessity, only cause it to shine with the glow of interest. Poetry soaks external reality – nature and society – with emotional significance. This significance, because it gives the organism an appetitive interest in external reality, enables the organism to deal with it more resolutely, whether in the world of reality or of phantasy. The primitive who would lose interest in the exhausting labour necessary to plough an arid abstract collection of soil, will find heart when the earth is charged with the affective colouring of "Mother Nature" for now, by the magic of poetry, it glows with the appetitive tints of sexuality or filial love. These affective colours are not unreal because they are not scientific, for they are the colouring of the genotype's own instincts, and these instincts are as real as the earth is real. The significant expression projected by poetry on to the face of external reality is simply this, a prophecy of the endless attempt of the genotype to mould necessity to its own likeness, which it obtains a continually increasing success. "Matter, surrounded by a sensuous poetic glamour, seems to attract man's whole entity by winning smiles." So said Marx and Engels of materialism before it became one-sided mechanical materialism, when it was still bathed in the artistic splendour of the Renaissance. That sensuous glamour is given by poetry; and materialism became one-sided when, afraid of feeling the self, it became aridly scientific and matter vanishes in a logical but empty wave-system. Poetry restores life and value to matter, and puts back the genotype into the world from which it was banished.

*to be continued...*

*Courtesy : Illusion and Reality*

Your support and contribution will help ISD spread its message of Peace.  
For queries regarding donation and support write to us at [notowar.isd@gmail.com](mailto:notowar.isd@gmail.com)

Your stories are valuable to us. Share them so that others can also read.  
Mail us at [notowar.isd@gmail.com](mailto:notowar.isd@gmail.com)

INSTITUTE *for* SOCIAL DEMOCRACY, New Delhi, India

E-MAIL : [notowar.isd@gmail.com](mailto:notowar.isd@gmail.com) / WEBSITE : [www.isd.net.in](http://www.isd.net.in)