



# Cracks in the framework

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## **With the systematic weakening of institutions, the government risks pushing all resistance to the streets**

- The Government of India has reportedly suppressed its own data on current employment, or rather job loss, in the country.
- It has, thereby, compromised the autonomy and the standing of the National Statistical Commission.
- The internal Emergency imposed on the country from 1975 to 1977 initiated the process.
- The government tried to tame bureaucrats as well as the highest court in the land.
- Postings and appointments were manipulated to suit the ruling dispensation.

### **Necessary checks**

- Institutional decay occasions worry because it affects ordinary citizens in disastrous ways.
- All governments, even those which have been democratically elected, betray an inexorable will to power.
- Expectedly, expansion of government power violates constitutional rights to freedom, equality and justice.
- The only way citizens can be protected against any arbitrary and unlawful exercise of power is by limiting the power of government.
- Liberal democrats, always sceptical of state power, have tried to contain dramatic surges of power by charting out of constitutions and institutional design.
- Institutions, as the embodiment of formal and informal rules, assure citizens that the government exercises power according to some norms that enable as well as regulate state capacity.
- We should be in a position to judge when this power is exercised fairly or unfairly. Rules in a democracy assure us that justice is synonymous with fairness.

- Moreover, rules make our worlds predictable.
- We know what the boundaries of the freedom of expression are, we know that if the police arrests us tomorrow, we have the right to appoint a lawyer and appeal to the judiciary.
- Without institutions and rules our life would be chancy, unpredictable and fickle.
- We would inhabit a space empty of certainties, expectations, aspirations and evaluations.

## **Rules, not whims**

- In a democracy, individuals are governed by institutions, and not by men. If we do not live in an institutional universe, we will be at the mercy of capricious individuals.
- Democrats would rather be administered by a system of rules we can scrutinise and evaluate.
- Of course, rules can be, and are, unfair but at least we can struggle against rules.
- The present government has tampered with institutions by appointing its own people to positions of authority, and by using the Enforcement Directorate, Income Tax authorities, the Central Bureau of Investigation and the police as bulldozers to flatten out any site of opposition.
- In civil society, human rights organisations have been pulverised by blockage of funds, raids and arrests.
- The shameful way in which human rights activists have been incarcerated without a shred of evidence testifies to the subversion of the rule of law.
- The ultimate aim of government action is to dismantle institutions, and the delicate relationship of checks and balances among them.
- This bodes ill for democracy.
- The constitutional framework does not provide thick or substantive conceptions of how we shall think, and in what we shall believe.
- It provides us with a thin framework that guarantees constitutional morality, or respect for the Constitution as the basis of political life.
- Today the ruling party wants to legislate a thick conception of the good.
- We are instructed to worship the nation, respect the cow, glorify the coercive arm of the state, and listen on bended knees to leaders.

## **Upending the balance**

- The government arrests civil society activists who engage with policy,

and vigilante groups attack individuals who dare transport cattle, legitimately, from one part of India to another.

- Immediately the sympathies of the police and magistrates, some sections of the media and public opinion swing towards the perpetrator, not the victim.
- The leaders of our ruling dispensation seem to have no respect for the rule of law, nor for the rules that regulate speech in public spaces.
- Ultimately institutionalised power that is subject to regulation, and that can withstand the scrutiny of the political public, is meant to protect citizens.
- Unfortunately, in the India of today institutions are used to protect the ruling class, and its sins of omission and commission.
- The people who rule us should know that when the relationship between citizens and the state is governed not by institutions but by individuals, politics takes to the streets.

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