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Bureaucratic Autocracy: Remains of the Colonial Era

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This article talks about the redundant bureaucracy prevailing in Indian society and it is not a new phenomenon in India. It gives a glimpse that how our country, where liberty was dear to all and was chased religiously ended up becoming an overly bureaucratized and controlled society. This also talks about the arbitrary legislations passed by the State which expose the common masses to various exploitations. And how the continuation of degraded laws and regulations is still holding the society back to feel the odds of colonial India. Further, the article also points out that how the Arms Act has severely made people vulnerable to the criminal elements in the society and how arms regulations do not serve the purpose, instead it hampers the safety and security of the individuals. The deep-rooted bureaucratic system and its fear in the people are also discussed, followed by the declaration of desired changes to help our helpless society.

Keywords: *colonial era, autocracy, bureaucracy*

INTRODUCTION

In the month of May 2021, a video went viral on Indian social media. In the video, a man with nearly half a dozen civil security personnel can be seen slapping a teenager and smashing his mobile phone, and ordering his men to beat the two teenagers with the lathi and 'lock them up' for flouting COVID-19 related lockdown guidelines. Later, it was found that the 'man' was the

District Magistrate of Surajpur district of Chhattisgarh, and the two teenagers were out to buy some medicines for the ill ones in the family. After public howling over the incident, he was 'transferred' by the state government. Yes, in our bureaucracy transfer is a punishment, which we will explore later, why so? Meanwhile, this exploitation of ourselves by the bureaucracy is so much generalised in our minds that, it no more seems like one. Often, the talks on such an issue are made a laughing matter and are avoided by saying, "that happens everywhere" and "power corrupts". It is true that it happens everywhere, and power corrupts, so why allow such a power in the first place? Bureaucratic Autocracy in India is not a new phenomenon, rather it is the continuation of the earlier regimes against whom our society fought for centuries to get liberation.¹ Still, our system is running on the carcass created by the Turks, the Persians, the Mongols, and the Britishers. The point can be made that 'you need a system to run a country '. Well, of course, we need a system to run our country, but that system has to be designed by the people to govern themselves and not adopting the system created by the ones who had only dreamed of controlling us and stealing our resources by creating an Autocratic system of Bureaucracy. So, the examination of the levels and measures of Remains of The Colonial Era becomes inescapable to establish that, freedom and liberation mean a substantial level of freedom and liberation to the people and not just an ostentatious change in the governing elites from being foreign nationals to being Indian nationals.

ALL ABOUT BUREAUCRATIC AUTOCRACY

The advent of Socialism in India as a political, social, and economic thought was majorly made by the English schools established in the Presidencies of Bengal, Bombay, and Madras. And to some, an extent by the Indian ex-pats either studying or working on high pay positions, abroad. Soon, the thought of Socialism became the beacon of resistance against the ruling elites in continental Europe, and so to us as the ancient saying that "the enemy of my enemy is my friend". But, between all this partisanship what we forgot to consider is that be it the 'enemy' or the 'enemy's enemy' they both are principally and essentially authoritarian in their belief.

¹ Wire Staff, 'India Is No Longer a Democracy but an 'Electoral Autocracy': Swedish Institute' (*The Wire*, 11 March 2021) <<https://thewire.in/rights/india-no-longer-democracy-electoral-autocracy-v-dem-institute-report-bjp-narendra-modi>> accessed 16 June 2021

Socialism exists on the autocracy of the state. And that autocracy is implemented by its machinery which is also autocratic in nature. So, the Socialist systems need a strong Bureaucracy to survive. This also means that Bureaucracy will be designed in such a way so it can overpower the people to accept the will of the state. And exactly that happened with the Indians and our political system post-independence from the British. We were hateful of the systems of the British Kingdom and its excesses, so we tried to revolt against it and adopted the Socialist system. But essentially the 'system' did not change for the people. The people were inferior to the State and its Bureaucracy and so they still are. The words like independence, freedom, liberation, et cetera do not mean a mere change in the ruling elite but it has to be the independence, freedom, and liberation of the people. This penetration of the fear and lust of being in Bureaucracy can be understood by the want of somehow getting a government job. This desire of getting a government job has not faded away in our society for centuries. The question could be asked that, why so much aspiration for a government job? The answer to this question is probably with every Indian who has ever faced Bureaucracy, simply saying because of the voluminous amount of power and black money. When the people are petrified of the Bureaucracy and see no sign of change from any side or anytime soon, they become helpless and try to join the same Bureaucracy (government jobs). As it is always better for the people to somehow join the exploiters than getting exploited.

It is needless to say that the Bureaucratic Autocracy arises via the State itself. And the State presses this autocracy in the influence of the power elites by opening the fountain of legislations to 'govern' each and every aspect of the life of the people. Ideally, this shall change and stop after Indian independence. But surprisingly this did not happen. Majorly we have the same laws with moderate modifications, which were made by the colonisers to control our people and loot their wealth. The point could be made that earlier their interpretations were made in favour of the Britishers and now they are made in favour of the Indians. To some extent that is true, but the problem arises when you see that earlier these laws were primarily favouring the British establishment, and still these laws majorly favour the power elites of the Indian polity and the bureaucracy. So, what for the people? There is no 'win' for the people if Indian independence is all about regime change and not the liberty of the individual. Besides

the continuation of redundant laws and State encroachment on the liberty and dignity of the individual, there is a curious case that, how do they do that? This could be understood by our 'household' tendencies.

We the people have a serious tendency of getting flattered by the impressive talks, without realising and calculating the real cost one and all have to pay for it. For example, one might not like if a politician says, "will make laws to loot you and restrict your freedom", but people will be flattered by the same if a comparatively smarter politician says, "will make laws for government-funded free food, clothing, housing, education, and healthcare". People do not realise that through this bait of everything being given for 'free', the State will be concentrating more and more power in its hands and taking the power of making individual choices from the people away. And the element of 'free' is never free. The State is not a magic tool that will create abundance out of scarcity, instead, it will take high taxes in the name of all these free services and give it to the bureaucracy to handle, which is always a mess to handle for the common people. In this way, the State exploits our human tendencies and we the people end up creating a humongous over-controlling State and a gigantic bureaucracy, with which we can never deal with dignity.

As discussed, that the bureaucracy derives its power from the State and the State exalts its influence through various legislations. In the common masses, there is a saying which could be called popular or unpopular, depending on the perspective that, "do not mess with the system, the system will slap one law and you will end up your life-fighting cases in the court". The same seems true when we inspect the reality on the ground. Here we can study the same thorough examination of two such legislations. The National Security Act, 1980 is one of the most discussed ones which calls for the "preventive detention" of the individuals and section 13 of this legislation provides for a maximum of twelve months of detention. This means that any government, either Central or State governments can order the detention of the individuals and they are not to be presented in a court for the full of that period. This is hugely violating the aspect of common human freedom and the element of justice, as even if someone is guilty of something, so they are to be tried in a court and not kept in so-called "preventive

detention". The second such law is The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.² Section 18 of this legislation says that anyone charged under this Act cannot take anticipatory bail under section 438 of The Code of Criminal Procedure, 1973.³ This means the accused has to have in the custody, 'no matter what.' But through an amendment to the same in 2018, things became even clearer. The insertion of section 18A says that no primary investigation is required to arrest the person and keep them in the custody and even any court order and judgment will not have an effect on such custody. Now, those who are familiar with the 'real world' know that arbitrary legislations like this are a boon for corruption in the bureaucracy. And in this case, where the decider of your destiny is a police officer, the rates are going to be high and for many, they are higher than what they can afford to sacrifice.

In the year of 1878, the British Indian government came with a law called the Indian Arms Act, 1878. This legislation banned all form of manufacturing, sale, possession and carrying of firearms which were not authorised by the British government in India. This has to be noted that before the War of Indian Independence in 1857, there were no such laws in British India. This adequately hints that the British government was terrified of the idea that Indians can carry firearms. But this banning of carrying of firearms was not given away with the end of British rule in India, instead carried forward by the new Arms Act, 1959.⁴ It can be argued that it was done to stop the Communists from waging war against the newly independent India, but then it shall also be asked that have not they already have the arms. At the place of disarming the wrong, our policies gave disarmed the ones who are most vulnerable of all, that is the common people. And made us at the mercy of those who do not care about such legislations and are still possessing the arms to hunt down the unarmed and to the police personnel, whose previous conducts have left zero credibility in the eyes of the people. Now when we are talking about the Arms Acts and banning it for the common masses, then it must be clear that it has a huge impact on our Life and Liberty. To understand how we can take an example of a riot. Why riots happen is not our issue, but why the people rioting have no fear in them? This could be answered because they are in a significant amount of number, so they do

² Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989

³ Code of Criminal Procedure 1973, s 438

⁴ Indian Arms Act 1959

not fear the security forces and keep on looting, destroying, raping, and killing. It is true that the security forces cannot instantly overpower a rioting group, but what if their target (the common people) are armed for their safety and security as well? Then the scenario will be entirely different. As then, the rioters will have the fear that people are well armed to confront for their safety and security. And this can significantly reduce such incidents. The same could be understood by the various example which India faced or is facing right now. During the 90s there were open killings in undivided Bihar. Besides the local groups, the Maoist miscreants were on the rise. Looting, killings, abduction, and illegally occupying the property were common. The only ones, who were on target, got saved by their personal firearms because the police are infamous to not reach on time and occasionally siding with the criminals instead of the victim. Today, there areas affected by terrorism, dozens of districts affected by Left - Wing - Extremism, and many local groups targeting people to extract money and property. They do not fear, because they know their target has nothing to protect itself. And as far as the bureaucracy is concerned, which in this case would be the police officers, for them there is a saying in Northern States of India that, "you remove the Police, theft will stop". On the ground, as a common person, we the people are ever exposed to this and that frightens us all.

The following is the view of Mahatma Gandhi on the Arms Act, the year 1918:

"Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms as the blackest. If we want the Arms Act to be repealed, if we want to learn the use of arms, here is a golden opportunity. If the middle classes render voluntary help to Government in the hour of its trial, distrust will disappear, and the ban on possessing arms will be withdrawn."

From the times of Mongolian rule in India, there is a prevalent system of Subedar, Daroga, and Qazi. The Subedar use to be in charge of Diwani and Fauzdari of the Suba (State), the Daroga was responsible for the law and order in a specific area awarded, and the Qazi was to see the legal matters and the matters were governed by the Sharia Islamic Law. And it is needless to say that the system of the invader is designed to exploit the natives. So was the case with this Mongolian system, with a Persian influence. When the Britishers took control of the region, they found this system useful for the exploitation of the Indians. So, they replaced Subedar

with Collector, Daroga with Inspector, and Qazi with Magistrate (still Qazi was there to assist in Islamic matters). All this background is necessary to explain the psychological effect of this system on the people, both the governed and the governing. After the Indian independence, the same British system was continued with minor changes. The Collector became District Magistrate, the Daroga remains to be called as Station House Officer and the two-star Inspector, and the Qazi was done away with. Now, the centre of power is in two hands the District Magistrate and the Station House Officer. And these are also the two most feared ones in the eyes of the people. It was promised to talk about the 'punishment' in the form of transfer. So yes, transfers are punishment when the transfer is being done from a significantly 'resourceful' area to a comparatively less resourceful area. And without any doubt, the 'resource' here means black money. The black money generated by all the illegal activities, and which is an open secret. The helpless people have got an escape, "let's pay, what's the option".

CONCLUSION

The desired changes are to ease the system. The over governing of the people has resulted in complete disempowerment of the people and loss of willpower. The changes are to consider more autonomy, liberty, individuality to the people over bureaucratisation of the society. The political structure has to move from "we will give you everything" to "you can do everything". The de - bureaucratisation of the system will create confidence in the people and there will be trust build-up between the society and the Bureaucracy, which severely lacks. The State shall free its citizens from arbitrary legislations to stop their harassment by the bureaucracy. The State has to delegate the safety and security of the life and liberty of the people at least to some extent because it is well known that no one can protect people from the people themselves. The deep-rooted systems of suppression are to be eased to build the confidence of the people back in the bureaucracy.