

Whither art thou, 'rule of law'?

BY: [YASHOWARDHAN TIWARI](#) APRIL 22, 2021

Rule of law has been a major issue of worry and concern for the academics of the hegemonic establishments in our elite public institutions since 2014. At the slightest of charges or advances made against the leaders of opposition parties, all hell breaks loose across the mainstream media and amongst academics, crying hoarse in unison to push back a supposedly authoritarian central government.

In contrast, the *Bhoomi putras* of West Bengal have been shedding their blood for the past few years while speaking truth to power and challenging the demonic state government of Mamata Banerjee, and yet no one bats an eye! On the contrary, the establishment turns a blind eye to the brutality unleashed by Mamata's foot soldiers against the opposition parties in the state and the civilians.

The Bharatiya state of West Bengal, the cynosure of our nation since the pre-partition period, is currently undergoing a deep churn following decades of political killings, fear and anarchy. It has once again decided to reclaim its lost glorious identity, which is not the privilege of a few elite Bhadrakols, but lies within each common citizen residing in Bengal. The custodians of a supposed Bengal/Bengali exceptionalism, which reeked of a superiority complex, have been forced to make way for the surge of Bengal's suppressed unique socio-cultural identity.

Entire West Bengal has been turned into a huge killing field by the TMC-led state government in its desperate attempts to prevent the Bhartiya Janata Party from making inroads into Bengal. Only that, contrary to the aggressors' perception and attempts, these terrorist activities have further alienated the public at large from the ruling party. Major poll surveys and ground-level reports indicate that Bengal is all set to embrace a saffron wave.

One of the key reasons identified for this shift *en masse* towards BJP is precisely the rampant political violence being carried out by the cadres of the TMC. In November 2020, the scale of political murders had led even PM Modi to label it as '*maut ka khel*'. The impression among the citizenry of their state government and its local leaders is that of being "corrupt, rowdy and arrogant".

One of the top-rated political scientist-cum-psephologists of the country Dr. Sajjan Kumar states that:

"This state of affairs is, unfortunately, true for the incumbent party too. It's everywhere in the state, but mostly in pretty bad shape. Barring rare exceptions, the people's impression of the local Trinamool leadership everywhere falls in the same template: corrupt, rowdy, and arrogant. On top of that, the fear of retribution by the incumbents is so strong that the line between the people's dislike and their hate against the ruling party often gets blurred.

Several respondents across the state narrated the way dissidents, opponents, and anyone daring to question the prevailing corruption and upmanship on the ground are hounded systematically, which includes measures like physical attacks, filing of false cases, and depriving them of availing benefits of welfare schemes. This state of affairs is endorsed by the local leadership of the Left, Congress, and the thinly present BJP. Besides the common people, it is the local CPM leadership and their supporters who have been at the receiving end of the incumbent's ire in the last five years."

More than 130 BJP workers have been hacked to death till now allegedly by the TMC goons, and this has now also been documented. TMC's mayhem has been directed primarily at the BJP workers at least since 2018. Given the authoritarian outlook of the TMC, more than one-third of the panchayat seats in West Bengal went to the party uncontested in 2018.

Not so surprisingly, this sorry state of affairs wasn't given any footage by the mainstream media. Since then, the BJP which has quickly emerged as the primary challenger to the ruling party has been struggling hard to wade through the political minefields laid down by the TMC. BJP workers are being

continuously hounded, attacked, and killed even as this article is being written. There is a total absence of rule of law in West Bengal as the ruling party is itself actively involved in its systematic breakdown.

West Bengal under Mamata and her regime is a textbook example of what an authoritarian, and a nascent fascist state would look like. The only point of some relief is that the attempt to carve out this authoritarian state out of a vibrant democracy is doomed to be a failed exercise, and will definitely backfire now or later.

Also, a point of difference is that while authoritarian states generally tend to wield their power in the name of rule of law, here this can't be the case because the larger democratic setup has already defined what the rule of law is supposed to be. This is why the state's regime has been persistent in its efforts to push the state towards anarchy, to destabilize the democratic definitions of rule of law so as to replace them with their own authoritarian notions.

Rule of law forms the anchor of order in any democratic society. Democracy by default creates an institutional framework that provides flourishing space to a variety of ideological worldviews. At least, in theory, it is a development over barbarism and attempts to allow negotiations between conflicting worldviews through a peaceful and amicable process.

When a regime in a multi-party democracy goes rogue and takes to barbaric means of violence and arson as ancient warring tribes used to do, it becomes an urgent necessity in the interests of protection of democracy to either overthrow such a regime democratically or by force if the former isn't possible due to the regime's blatant violation of all the processes. In any case, rule of law has to be upheld as it is the fundamental basis of democracy.

The victims of everyday chaos seek refuge in the rule of law, repose their faith in it, which implies their faith in democracy itself. Thus, when a regime in power itself emerges as the chief adversary of rule of law, everyone ought to be alarmed and subdue the menace before it can no longer be contained. Mamata and her goons have crossed all the levels of hooliganism and barbarity, and have presented themselves as potential challengers to the rule of law in the democratic Indian state.

The banality of evil that has unveiled its deadly face under TMC's regime shows all signs of fascism in the making. Mamata Banerjee has tried to sustain her political legacy by crushing and reducing to ashes the opposition forces; she is currently standing on a pile of hundreds of dead bodies of opposition party workers, and will surely have to pay the price for her excesses. Fate shall have its way soon, as destiny rarely spares such evil forces. *Samay bohot balvaan hota hai. Kaal ka chakra zaroor ghoomega!* (both for Didi and for an *Amar Shonar Bangla*, albeit in different ways) She has got to go, to save Bengal from further maddening bloodshed! Now is the time for *asol poriborton* in West Bengal.

Reference:

1. <https://indianexpress.com/article/opinion/columns/tmc-bjp-west-bengal-mamata-banerjee-7236400/>

ABOUT THE AUTHOR

Yashowardhan Tiwari is a B.A. LLB. (Hons.) graduate from Jindal Global Law School (JGLS) and has previously worked as a Graduate Research Immersion Program Scholar at JGLS. He is primarily interested in the studies of constitutional law, history and the sociology of science.