

Congress (I) vs Telugu Desam Party At Last a Lawful Means for Overthrowing a Lawfully Constituted Government

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One of the secretaries of the Andhra Pradesh Congress(I) has in a strange law-suit petitioned the High Court to issue a writ of quo warranto questioning the Telugu Desam chief minister's right to continue in office and a writ of mandamus to the central government directing it to impose president's rule in the state. On the surface the petition reflects the frustration of the Congress leaders in the state. At a deeper level it reveals much more about the politics and the fractional struggles of the ruling classes.

JUDICIAL activism, hailed by a few, maligned by another few and justly ignored by the rest, has spawned strange progeny. The strangest of them, perhaps, is a writ petition right now lying with the High Court of Andhra Pradesh. Filed by a Congress(I) leader, it asks the court to issue a writ of *quo warranto* to the chief minister, N T Rama Rao, questioning his right to continue in office, and a writ of *mandamus* to the central government directing it to impose president's rule in the state.

The petition is an interesting and revealing document. It reveals quite a few things on the very surface. It reveals the frustration of the Congress leaders at the injustice of the usurpation of their place by a man whose appetite for power, money and aggrandisement is no less than any Congressman's; whose unprincipled cynicism, nepotism, ruthlessness and corruption are a match for their own; who does everything any Congressman ever did but only more thoroughly and with even less compunction, if that is at all possible; and who, notwithstanding all this, gets counted among the prominent representatives of the democratic forces in the country. More than anything else it reveals the Congressmen's frustration at their inability to do anything about it. They have tried everything. They have contested elections and tried to get votes, only to discover that NTR could get more; they have tried to throw bombs and capture booths, only to discover that NTR could throw more and capture more; they have tried to buy NTR's MLAs, only to discover that he could buy back all of them and then some. Finally they have now come to the court. The ritual submission that the petitioner has tried every other remedy and failed to obtain justice has a sadly authentic ring this time.

But this is only what the surface reveals. A deeper look at the petitioner's contentions reveals much more about the politics and the fractional conflicts of the ruling classes. And it is worth our while taking a deeper look.

The principal contentions of the petition against NTR are: (i) commission of criminal offences like violation of the Income Tax and Wealth Tax laws, Urban Land Ceiling regulations, FERA, etc; (ii) corruption, misuse of power, and misappropriation of public funds for personal ends; (iii) casteism, nepotism, and favouritism, especially the filling up of all official nominations with persons close to the Telugu Desam party, and persons belonging to the chief minister's caste; (iv) police atrocities and atrocities against harijans; (v) disrespect towards the courts; and (vi) disrespect towards the Constitution, as evidenced by the anti-centre tirades of NTR. Some of the substantiating details of the allegations give us the kind of information that would be very difficult for the common citizen of this state to get hold of. The petitioner coyly describes his occupation as 'agriculture', but that pursuit occupies him, if at all, only *in absentia*. He is an experienced Congress leader of Visakhapatnam, and is currently one of the secretaries of the state Congress(I) committee, being in charge of the organisation of the party in the coastal districts. His access to information *cannot* be matched by you and me.

Perhaps the most startling is the information on NTR's violation of ceiling laws and tax laws. It is generally known that NTR is an uncommonly rich man, perhaps one of the richest men in the country in the pre-corporate tradition, and that much more of his wealth is held in 'black' than in white. Even his admirers admit that he is worth at least Rs 200 crore. Much of

it is in the form of real estate—urban land, cinema studios, cinema halls and other buildings. This petition puts the value of his real estate holdings alone in Madras and Hyderabad cities at Rs 250 crore. The extent of his land holding in Hyderabad is stated as 1,25,000 sq metres, worth Rs 35 crore. This excludes an extent of about 70,000 sq metres acquired by him after coming to power, for the purpose of constructing residences for himself as chief minister. In his wealth tax returns all this land is undervalued to such an extent that "pt does not] even reflect a fraction of the market value". When press people questioned NTR about this matter after the filing of this petition, he is reported to have admitted that according to returns filed by him and his sons, they do possess about 90,000 sq metres of urban land in Hyderabad, that is to say about 75 per cent of the extent alleged in the petition.

After taking over as chief minister, NTR has been nonchalantly acquiring more and more land. The way he has misused power for this purpose is classic, and shows unusual precocity in a man who has barely begun to cut his teeth in politics. Here are two instances from this petition. Soon after coming to power NTR started putting on ochre robes, earrings of vaguely *tantric* significance, a *rudrakshamala* around his throat, and two varieties of pious marks on his forehead, the saivite *vibhuti* and the non-sectarian red spot (whose origin perhaps goes back to blood sacrifices to aniconic images). Donning this eclectic apparel, he started describing himself alternatively as a *sanyasi* and a *rajarsi*. Now, while Hindu dharma allows a *rishi*, who is a *sthita-prajna*, to be a *raja* in times of dire need, whether it also allows a mere *sanyasi* to be one is a doubtful point; and whether a man who belongs to what Manu and Baudhayana would have identified as a *sudra* caste can at all be any of these is an even more moot point. However, what NTR did not doubt for a moment was that as a *rishi* he deserved to have a secluded cottage for himself somewhere outside the city, and as a *raja* he deserved to have it paid for out of public funds. He first got 4 acres of land owned by someone near the industrial area of Nacharam exempted from the Urban Land Ceiling Act and then bought that land to join 7 acres of adjoining land owned by a son of his, to make a compact plot of 11 acres. He then put up a cottage for himself in this plot. As that was to be the chief minister's residence, the various government departments—electricity, roads and buildings and telephones—immediately

put up all the infrastructure at public expense. NTR waited for that to be done and then converted the plot into 'Ramakrishna Horticultural Studios', allegedly meant for growing orchards for the purpose of shooting film duets, got the land exempted from ceiling laws (and allegedly transferred an honest IAS officer who refused to give the exemption for the whole of the land), and having thus grabbed 11 acres mostly at public expense, went back to live in his official residence at Abids Road in the heart of the city. He then repeated the same game at Gandipet, another suburb. He built an *ashram* for himself at Gandipet, got it electricity, roads, fencing, etc. at public expense, and then converted it into the state headquarters of his party. He now stays in the city but keeps shuttling between the city and the Gandipet party headquarters, with the public again paying for all this shuttling back and forth accompanied by the enormous security apparatus that has become a must for all political leaders in India these days. There are several other instances of land-grabbing alleged by this petitioner and the general public: getting exemption under the Urban Land Ceiling Act for a film studio but actually using the land for a shopping complex; forcing the Hyderabad Urban Development Authority and through it the Hyderabad Agricultural Marketing Society to purchase a private party's land at a price that was five times the market rate (in the process allegedly transferring two more uncooperative IAS officers), in return for that gentleman gifting NTR's relatives with 300 acres of land elsewhere in the state; and so on. NTR is an outstanding personality in many respects but in no respect does he stand out as much as he does in land-grabbing. And in the Congressman's plea for justice there is more of envy and chagrin than righteousness, since not even the ablest land-grabber among the Congressmen can hope to equal NTR's record.

When the petitioner turns to tax violations he is caught in a cruel dilemma. It was his party that introduced the voluntary disclosures schemes under the Income Tax and Wealth Tax Acts. It was undoubtedly meant for the convenience of all members of the ruling class, overburdened as they all are with ill-gotten wealth. Yet, when NTR is learnt to have made a disclosure, in 1985, that he had understated his personal income by Rs 7.5 lakh and his wealth by Rs 50 lakh, the petitioner is aghast at the immorality of the whole thing, that a chief minister of a state can 'disclose' voluntarily that he has been telling lies all these days and has now decided to come out with the truth since the liability attached to it has been removed. The petitioner's dilemma here is

truly tragic: "It is dear that Sri NT Rama Rao is... a self-confessed criminal though not punishable. . . in view of the special nature of the scheme and the immunity conferred thereon"; but, he reassures himself and the court, while the immunity may save him from prosecution, "it cannot cure the criminality of the person". Having delivered this unctuous curse he goes on to add that much prior to the disclosure, before NTR had become chief minister in fact, a move had been initiated in December 1982 by the government to proceed against him for tax evasion, but with NTR forming a party and coming to power in 1983, the government of India has avoided prosecution because "for political reasons [it] is afraid of moving in the matter". He adds the juicy tidbit that he "reliably understands" that when the matter went up to Viswanath Pratap Singh, then Finance Minister, in 1985, he commented that it was "a clear case of wilful concealment", and yet no prosecution resulted.

Let us leave the Congressman to his hypocrisy and look at the allegations for their political meaning. It is not very relevant whether NTR, as a person, is more corrupt or more aggressively corrupt, than the Congress leaders. The phenomenon that came up as Ttluugu Desam Party could easily have expressed itself as a faction within the Congress party. What is relevant is the material essence of the phenomenon, and how that is reflected in this multi-millionaire tycoon who goes on ingesting more and more, NTR not only represents but is *of a* class; he is an 'organic' leader of the propertied classes, a type that is possible in the modern world only in an incompletely bourgeoisified society like ours, with the separation of civil and political societies being correspondingly incomplete. The class he belongs to is a rural-provincial class that has been one of the principal beneficiaries of the last four decades of development. This class originated in landholding and has interests in agriculture and agro-based trade and small industry, in addition to quarrying, contracts, trade, finance and the tertiary sector in general. It is a new-rich class, and like any new-rich class it is ruthless and aggressive in its accumulation of property and wealth. It is raising its head all over the country and giving a lot of trouble to the monopoly capitalists, using the idiom of the peasantry, an idiom that gains verisimilitude from its ability to gather the richer sections of the peasantry behind it. Its culture has the general characteristics of the new rich: it is loud, vulgar and bereft of human values. The culture is best seen in Telugu films, which are made, financed and exhibited by this class. It was

these Alms that made NTR, the man and his wealth, and it was from here that he was picked up by the godfathers of his class to lead it in its drive for more power and for a realignment of the economy more in its favour. His personal corruption merely reflects his social base and political role. The vulgar aggrandisement typical of his class is perhaps more aptly captured by the details given in this petition about the expense incurred by the public for furnishing this man's residence: a total of Rs 7.32 lakh between March 1983 and end of 1984, consisting of Rs 53,000 for electrical fittings, Rs 48,000 for partitions, Rs 18,000 for toilets, Rs 8,000 for crockery, Rs 10,000 for a dining table, Rs 20,000 for 'additional' electrical fittings, Rs 8,000 for barbed wire fencing, Rs 13,000 for door frames, Rs 9,000 for water heating arrangements, Rs 45,000 for painting the walls, Rs 4,000 for cloth for door curtains and another Rs 4,000 for napkins and cutlery. The point is not that a Congress leader would have spent less, the point is really not about individuals or parties.

The next major charge against NTR, that of casteism, must equally be understood against the background of the fractional conflicts of the propertied classes. The plaintive tone of the Congressmen in this matter is just the frustration of the mansabdars who have lost out in this round of distribution of jagirs because a new party of favourites has come up at the Padshah's Court. From the time of the Delhi Sultanate and its iqtas, it has been a characteristic of Indian feudalism that a sizable chunk of the ruling class lives by sponging upon the state, which collects most of the surplus product as revenue. That character has continued down to this day, though naturally in a changed context. The context is officially described as socialistic pattern of society, welfarism or the mixed economy. What it means is that a significant part of society's surplus gravitates to the state, no longer as land revenue but mainly as indirect taxes and created money; and the propertied classes share out this wealth in a variety of ways. Some of them take it as straight cash, much like the Mansab holders of Mughal times, and others take it in more complex forms like infrastructural investment, concessions, subsidies and cheap loan capital. The latter form of sharing out is not very visible and easily passes for 'development' but the former is glaringly visible and gets periodically flogged by a strange combination of critics: those who are left out in the sharing, and those who are addicted to either liberal economic theory or unctuous political morality.

Charges of nepotism and casteism levelled by the Congressmen against NTR are

essentially the complaints of aspiring sharers left out in the sharing. When the petitioner complains that "all political plums are given to the Kammas" and that "the Reddy community is persecuted and harassed", one can either take the complaint at face value, or one can read into it the anguish of the gentry of the Telangana, Rayalaseema and the non-delta coastal districts who feel deprived at the expense of their rivals of the Krishna delta; or, more generally, the frustration of the class-fractions that had gathered around the Congress and who now feel the ground being pulled from under their feet by their rival fractions that have created or gathered around the Telugu Desam party. That such complex class or fractional conflict is perceived in terms of caste has less to do with empirical veracity of the allegations than with the political need to rouse the 'rabble' of one's caste against a rival fraction. That is to say, when Telugu Desam rule is described by the Congress as Kamma rule it is more important to go into the political need and the sociological possibility of the description than to take a caste-count of ministers and holders of nominated offices. That the petitioner, who does take a caste-count of the nominations to the dozens of boards, committees, corporations, societies, councils, trusts, agencies and public sector undertakings, discovers triumphantly that most of the nominees are Telugu Desam people of the Kamma caste, which he thinks is proof that "all the posts are given to the chief minister's castemen" and that "he patronises only one caste, i.e., the Kammas", does not by any means imply that this is his real grouse or that this is the political essence of the matter. It only means that this way of perceiving and trumpeting reality is, in the first place, politically—that is to say for purposes of "mass mobilisation"—the most advantageous one for the section of this state's rich who are not as close to the present government as they would like to be; secondly, given the fact that the land-holding castes—unlike the brahmins, harijans, traders and artisans—are regionally concentrated and can therefore be identified superficially with class-fractions, the perception carries more apparent veracity, and is therefore of considerable practical utility. To put it simply, the Reddy gentry of Telangana and Rayalaseema need the argument that this is Kamma rule and the Reddys are persecuted, to gather the Reddy peasants behind them, which is essential whether for gang fights or elections. And the regional concentration of the castes makes the argument possible and plausible.

Another major charge of the petitioner is the ultimate in what is usually called the

'criminalisation of politics': the appointment of persons involved in serious, criminal cases as ministers. Mention is made of two new entrants to the cabinet, Sivaprasada Rao, who is now the home minister, and Siva Reddy, labour minister. The two of them are quite notorious for their goondaism. Sivaprasada Rao, a surgeon from Guntur district, has a penchant for leading riotous mobs against his opponents. In the single year of 1984, he was accused of seven criminal charges, one of them assault on a police officer. And this year, on June 26, just a couple of weeks before his induction into the cabinet, he led a major assault on Congress(I) supporters in the village of Dechavaram, an assault that left 40 houses and 80 hay-stacks gutted and one man dead. To take such a man into the cabinet and to give him the home of all portfolios, requires uncommon contempt for matters like democracy and rule of law; in fact, it requires just the kind of contempt that NTR has. The other incumbent, Siva Reddy of Jammalamadugu, Cuddappah district, is perhaps even more notorious. So deeply is he involved in the murderous faction-fights his district is famous for that he has officially been given four armed police bodyguards to accompany him wherever he goes. During the municipal corporation elections at Hyderabad, on February 15, 1986, this gentleman and his associates, accompanied by the armed guards, indulged in a booth-capturing spree armed with deadly weapons that included not only country-made bombs and ordinary guns but also a telescopic rifle. They fired with their guns, threw the bombs and injured people at will. He is now the state's labour minister!

It may be left to the court to decide upon the constitutionality of a government, two of whose ministers are accused in serious criminal cases. What is more important is to see the source of this criminalisation in increasingly vicious conflicts between sections of the rich. The reason for this escalation is two-fold. The first and the most important is the inevitable internecine conflict of the propertied classes over the sharing of social surplus, which becomes more and more severe as the number of competitors and their aggressiveness increase. The two worthies recently inducted to the AP cabinet were involved, not in crimes of a personal nature, but in crimes of rioting and assault of one gang against another or against the general public. For the Dechavaram assault led by the present home minister occurred in the aftermath of the recent elections to the agricultural co-operatives, which saw unprecedented levels of violence. The second and related reason is the general crisis of stagnation that has hit the

world economy hard and has cut down the size of the cake which every one wants a share of. Thus the 'criminalisation' of politics is something that has come to stay and perhaps even grow, and it is not clear what a writ of *quo warranto* can do about it.

The last major complaint of the petitioner concerns the general increase in the establishment's violence—deaths in police custody, deaths in faked 'encounters', deaths in drought-hit areas due to starvation caused by official negligence and atrocities on harijans. It is a pleasure of a sort to find that ruling class politicians are today driven to accept that such things are material for declaring a government unconstitutional. The petitioner quotes unabashedly and extensively from a Telugu booklet published by the Andhra Pradesh Civil Liberties Committee to recount the saga of atrocities in NTR's regime. About 85 CPI(ML) activists and their sympathisers have been killed in 'encounters', more than nine-tenths of them fake, since NTR came to power, and this Congressman gives no hint to the court that when his party ruled the state, more than 400 such deaths took place, nor that in less exigent circumstances he and his party would be the first to swear that the victims deserved their fate. Such is the power of material necessity. In addition to these political victims, during the last two years and nine months, about 75 persons, mostly petty criminal suspects, have been beaten and tortured to death in police custody. Incidents of 'atrocities on harijans' are on the increase, with the involvement of close relatives of men in power.

With these 'atrocities' we can sum up the picture we have described in pieces above. The rise of aggressive new rich classes aspiring for more power and for a realignment of the economic structure in their favour, increasing fractional conflict among the propertied classes which takes all conceivable forms from gang fights in villages to NTR's anti-centre rhetoric (which is one of the 'unconstitutional' acts the petitioner complains about), and a consequent unfolding of a culture of violence and lawlessness, lead inevitably to 'atrocities' on the toiling masses and their activists, either by the police or the landlords. Small wonder that, given the ineluctability of the phenomenon, NTR does nothing to either curb it or to punish the guilty, in spite of a gathering pile of judicial inquiry reports on cases of police killing. And here we do know that writs issued by courts are of little use, since civil liberties organisations have frequently approached the courts in these matters and in return have at best got infructuous inquiries, and at worst abusive rejoinders from the government.