

This is the fiftieth year of India's independence.

Besides the ongoing celebration this has also occasioned numerous reflections on various aspects of Indian society. The most important and immediate context of these reflections is the postcolonial journey of a people, a passage which began at the moments of the midnight hours fifty years ago when India 'awoke to life and freedom'. What has happened to the ideas of freedom? What does 'independence' signify today? How do we assess the freedom-discourse in India? In a period of momentous changes, what would be the contours of *swaraj*? Finally, in a society fractured by numerous divisions what is the future of the universal claims of the freedom-discourse?

During the height of anticolonial struggle, freedom or independence of India from the British rule was an important objective as well as a desirable goal for the Indians. As independence approached, two important streams of thought came to be associated with the idea of freedom. First, for the leaders of the anticolonial movement, freedom essentially meant an opportunity of reconstructing and controlling the postcolonial state. With this their freedom-discourse got entangled with the language of modernity in two ways. In a country ravaged by centuries of colonialism this had an important historical role at the time. It helped create, to use Nehru's metaphoric expression, the 'temples of modern India'. Thus, the assertion of freedom got associated with state intervention. It also became integral to the effort of creating a democratic political order in India. Inevitably it meant a codified set of rights for the citizens. This, among other things, presaged the colonial subjects into citizenship of an independent sovereign republic.

The second stream of thought occupied a different discursive space. Unlike the first, its emphasis was not on control but on equity and a just social and economic order. According to this thinking, freedom was an empowering idea which should offer the people at the margins of the Indian society their lost power and autonomy. The idiom in which this discourse clothed itself varied: from *mukti* to *ramarajya*, *swaraj* and so on.

In some sense, history of freedom-discourse in postcolonial India can be interpreted as the contestation between these two streams. It is primarily a story of the confrontation

Discourse on Freedom and Its Challenges

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and a growing schism between the two. The differences between these two streams should not be seen as those that exist between the negative and the positive conceptions of freedom/liberty, a dichotomy that informs much of liberal political theory since Thomas Hobbes. In some sense both views were goal-oriented and both considered overcoming of constraints essential for the realization of freedom. Yet, for political reasons some of the major constraints such as restructuring agrarian relations, social inequalities were not addressed. As a result, the radical possibilities underlying freedom-discourse were thwarted. The politics, particularly in the last three decades in India, have come to challenge such a limited view of freedom and has forced the idea to respond to the issues of social indignities and equity.

Some of these aspirations were not altogether absent from the minds of the drafters of Indian constitution. As in most democracies, the chapter on rights is treated as fundamental to the Indian constitution. Its justifiable character made the infringement of rights by public institutions and other individuals, at least in principle, punishable by/in court of law. Indian constitution also guaranteed a set of civil liberties for the citizens with which they could participate in the newly-formed democracy. Establishment of a regime of rights always presupposes certain background assumptions. A notion of 'equal concern' is usually assumed, which in turn justifies the creation of a set of opportunities for the citizens. Whether they are able to actually exercise them or not, however, is a separate matter. Individual as the bearer of rights is yet another background assumption. However, immediate realities at the time of independence made the makers of Indian constitution reformulate some these assumptions.

A perceptive thinker like Ambedkar, for example, was well aware of the gap between the formal equality embodied in the constitution and the deeper inequalities that existed in Indian

society. It was also clear to many at the time that to keep the individual as the only pillar of a freedom-discourse would be deeply problematic. It is not surprising then that all the minorities were represented in the special committee looking into the provisions of fundamental rights and directive principles of state policy, and that a minority sub committee was an important part of the deliberations. More than the question of minority rights, the Indian constitution attempted to reconcile the demands of pluralism and the claims of rights. This reconciliation has neither been smooth nor free from problems.

As the logic of democracy unfolded in India, more and more people hitherto marginalized entered the arena of politics. Often the assertion of rights was articulated in a collectivist language and in the last three decades it has fed into large scale political mobilization. Mobilization of castes and communities in recent years has always invoked the rights of the group vis-à-vis societal resources and political representation. To achieve a creative interaction between the individual and collective/community rights is the challenge that the freedom-discourse faces in India.

The National Emergency from 1975 to 1977 was a significant turning point as far as the freedom-discourse in India is concerned. The suppression of civil liberties, undermining of the freedom of the press, and the imprisonment of thousands of political opponent by Mrs. Indira Gandhi's government shocked the very people who took their freedom for granted. The supporters of the Emergency justified the suppression of liberty on the ground of achieving economic transformation. Obviously, it did not work, and in the election that followed, for the first time in the history of independent India, the issue of freedom was made into an important electoral concern. For the first time, public imagination was activated by the issue of political liberty vociferously against the excesses of the State.

The relationship between the

State and individual freedom is a problematic issue in India. One may see a welfare state as the creator of conditions in which citizens can enjoy their liberties in a better way, but to others the increasing power of the State acts against the autonomy of the people. The increasing tide of violence both in public and private spheres in India have prompted people to have a pessimistic view about the Indian State. The growing inability of the Indian State to protect the life of citizens - particularly the vulnerable sections - means that it is difficult to anchor rights and freedom in the structure of state institutions. This has led people to look for different arenas for anchoring their freedom and autonomy. The community and the civil society institutions have tended to fill this vacuum at times. In the context of rights, it is possible to argue that democracy in India has not fared that well. Yet in the sphere of assertion of rights of various groups, it has thrown up newer challenges. It is also true that such assertions have offered a great deal of dignity to the political existence of many subaltern groups in India. This, however, has not translated as yet into a stable regime of rights for these groups.

Democracy, needless to argue, needs a stable domain of rights and it should also have the capacity to expand it whenever the need arises. The effective enjoyment of rights in India, of course, varies from group to group. In a restrictive sense, freedom implies the absence of constraints, and fashioning a sphere of life beyond the interference and control of others. This is important, but freedom discourse should not be reduced to such a limited vision. Freedom is an important ideal in itself. Yet it is also a possession, a resource which is directed towards ideals and goals. The freedom-discourse in India since independence is intimately bound up with two sets of goals. The first set deals with the plural character of Indian society and explores ways in which the enjoyment of freedom is consistent with the living together of people belonging to different identities. The second set focuses on social transformation and its mutual relationship with freedom. These are the two crucial challenges that the freedom-discourse faces in India today.

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