

The Hitler Bunker

■ Dr. M.N. Buch

H. Trevor-Roper, a British historian, wrote a seminal book called “The Last Days of Hitler”. Germany had virtually lost the Second World War, the Allied Armies had swept through Europe and were hammering at the very heart of Germany and the Soviet Forces were on the outskirts of Berlin. Yet within the Hitler bunker, the megalomaniac who was the Fuehrer and his inner court were still ordering non-existent Germany Armies to take the field against the enemy. Trevor-Roper’s description of the last days of Hitler was so graphic that even today when one reads the book one can actually see the scene unfolding before him. .

India is not a Nazi dictatorship because it is a deeply entrenched democracy. The difference between a dictatorship and democracy is that a dictatorship ends when the dictator is removed, whereas democracy is a continuing process of government in which periodically elections are held, but a certain thread of consistency in political approach, policy and implementation runs through the entire fabric of governance. For example, when Labour came to power in Britain, replacing the Conservatives, the economic and social policies of the new government were very different from those of the Conservative Government, but in terms of the method of government, the rule of law, the supremacy of Parliament in legislation and of the Judiciary in adjudication remained unchanged. Even in India, despite the brief period of authoritarian rule between 1975 and 1977, the basic decency of a democratic system remained. There was no personal vendetta against the outgoing Prime Minister, Indira Gandhi. That is why in 1980, after the general election she and the Congress came back to power. Similarly, when the National Democratic Alliance (NDA) formed a government under the leadership of Atal Bihari Vajpayee government continued to treat Sonia Gandhi and her family with respect.

2014 is a very different story. The Congress seems to have gone into battle almost as if it has no hope of winning. The Prime Minister, the Finance Minister, the Minister for Information and Broadcasting have all stayed away from the hustings, thus sending a message that they are not confident of winning. It is obvious that Sonia Gandhi has her own agenda of seeing her son in power. That is why the party has become centred on her and Rahul Gandhi. There is no visible alternative leadership and even the entire burden of the election campaign seems to have fallen on Sonia, Rahul and Priyanka. Take the example of Madhya Pradesh, a State that I know so well. There is no feeling that anyone is in charge of the election campaign in this State. From all this one could be excused for presuming that perhaps after May 16 there will not be a Congress led government in India.

One of the consequences of the above feeling is that the main rival is BJP, whose leader for the purpose of the election is Narendra Modi. Right from 2002 the Congress Party, the secularists and the so called liberals have demonised Narendra Modi in the context of the events at Godhra and thereafter in 2002. What this has succeeded in doing is to make Modi a known name throughout India and build up his image larger than life. The more this happens the more does the Congress panic and the more shrill are the attacks on Modi. It is obvious that this is not a campaign fought on issues, ideology and policy. Instead it is fought on the basis of counter vilification of the main political players. Is this fair to the country? Anyway, coming to the Hitler bunker theme, with the countdown of the present government almost nearing the end, with the government being a caretaker from the day that the polls were announced, the UPA

Government is behaving exactly like Hitler and his acolytes in their last days. Dig out any dirt, real or imaginary, against Modi so that he can be kept at bay and prevented from overrunning Delhi. The latest attempt in this behalf is the ridiculous proposal to appoint a judge of the Allahabad High Court as a Commission of Inquiry into alleged illegal phone tapping and surveillance of some woman by the Gujarat Police, allegedly under directions from Narendra Modi. Even the UPA allies such as the National Conference and the NPC are horrified at this proposal and have publicly opposed it. Does the Congress Party seriously think that this would sway the voters, with the last constituency going to polls on 12th May, or whether this Commission would last even for one day if Modi comes to power?

Leading the Congress charge is Kapil Sibal. I would strongly recommend to him that as a lawyer of repute he should at least read the Commissions of Inquiry Act, 1952. Section 3 of the Act says “The appropriate government may, if it is of the opinion that it is necessary to do so... appoint a Commission of Inquiry for making an enquiry into any definite matter of public importance ...” If an offence is committed under any law, then the procedure given in the Code of Criminal Procedure, especially Chapter XII of the Act, will apply, a complainant may file a First Information Report (FIR) with the police or alternatively, directly approach a competent Magistrate, an investigation will be made and if a prima facie case is made out, the case will be challaned and submitted to a Magistrate who may or may not take cognisance of it. In the instant case there is no FIR registered by the alleged victim of illegal surveillance and, therefore, there is no police investigation. Under the Indian Telegraph Act the word ‘telegraph’ includes every appliance or apparatus by which signals, etc., can be sent electronically or electromagnetically. Under sections 23 and 24 of the Indian Telegraph Act any unlawful attempt to learn the contents of any message, popularly called phone tapping, is a criminal offence and, on conviction, the accused is liable to punishment. If the Gujarat Police has done illegal phone tapping it should be pulled up under these provisions of law. If there is undue invasion into privacy by illegal surveillance, then under sections 166 and 167 IPC the guilty police officer can be punished. If in the course of illegal surveillance any attempt has been made to outrage the modesty of the complainant, very severe penalty can be imposed under section 354 IPC. In any case an alleged criminal act cannot possibly form a subject matter of public importance calling for the setting up a Commission of Inquiry. This would be a gross misuse of the Commissions of Inquiry Act.

Manmohan Singh is a very decent human being, who cannot play the part of Hitler during his last days. He must firmly tell the party whose government he heads that under no circumstances will he allow such gross misuse of a law meant for very special circumstances, as a last ditch weapon against Modi.
