

ISAS Brief

No. 347 – 21 October 2014

Institute of South Asian Studies
National University of Singapore
29 Heng Mui Keng Terrace
#08-06 (Block B)
Singapore 119620
Tel: (65) 6516 4239 Fax: (65) 6776 7505
www.isas.nus.edu.sg
<http://southasiandiaspora.org>



Jayalithaa's Post-Bail Options and Outlook

S Narayan¹

The order by India's Supreme Court, on 17 October 2014, suspending the sentence and granting bail to Ms J Jayalithaa, former Chief Minister of the state of Tamil Nadu – in a disproportionate-assets case under the Prevention of Corruption Act – has been greeted with great jubilation all over Tamil Nadu. The Supreme Court, in granting the bail, has asked her counsel to ensure that the appeal is filed in six weeks, and has commented critically on the long time that the trial has taken.

The suspension of the sentence as well as the bail has enabled Ms Jayalithaa to return to Chennai, capital of Tamil Nadu, from Bangalore in the neighbouring state of Karnataka where she was imprisoned following the trial court's verdict. Her counsel, in appealing for bail, pleaded that the court could even ask her not to leave her home, but the bench remarked that they were not going to issue such arbitrary orders, and the bail application would be considered in total. The important consequence is that she is free now to move about, and there has been no ban on her political activity (in fact the Supreme Court asked her to ensure

¹ Dr S Narayan is Visiting Senior Research Fellow at the Institute of South Asian Studies (ISAS), an autonomous research institute at the National University of Singapore. He was formerly Economic Advisor to the Prime Minister of India. Dr Narayan can be contacted at snarayan43@gmail.com. Opinions expressed in this paper, based on research by the author, do not necessarily reflect the views of ISAS.

that the law and order situation, affected by the political protest against the trial court's verdict, returned to normal in Tamil Nadu).

Political activity in the state has been muted since 27 September, when she was sentenced. Four-year imprisonment and Rs 100-crore fine had been viewed by her supporters as harsh; and there was spontaneous as well as organised protest demanding that she be set free. Several people resorted to immolation.

The sentence has only reinforced her popularity with the electorate. The opposition Dravida Munnetra Kazhagam (DMK) has been fairly muted in its comments. One reason could be that senior DMK leaders are facing criminal cases in different courts, and there is a fear that similar sentences could be visited on them. There are caustic comments in the media that forfeiture of properties is a greater worry for the political leaders than going to prison for a few years. The DMK has therefore not been able to take any political advantage of Ms Jayalalithaa's incarceration. The other parties in Tamil Nadu are too small to make any significant impact. The national parties, both Bharatiya Janata Party and the Congress, have refrained from any comments, adopting a studiously neutral stand. Now that she is back in Chennai, several alternatives are possible.

The sentence has been suspended and not stayed, and therefore the ban on holding public office would still be valid. She would not be able to get back to being Chief Minister until and unless the appeal is disposed off in her favour. However, there is no bar on her political activity (unlike in the case of Mr Chauthala, the former Chief Minister of Haryana), and she could well run the administration from her residence. The incumbent Chief Minister, Mr Panneerselvam, who was sworn in after she was convicted, is a political lightweight on his own, and his strength has been in enjoying the confidence of Ms Jayalalithaa. It is quite possible that all decisions to be taken would be informally vetted by her. There are a few officers in the Chief Minister's Office who enjoy her confidence, and who were sitting at all the meetings in the interregnum before she secured bail. Ms Sheila Balakrishnan, a former Chief Secretary of Tamil Nadu, is considered to be a close confidante, and it is possible that in her designated role as Adviser to Chief Minister, she would act as the communicator between Ms Jayalalithaa's residence and the Secretariat. Given that most of the other cabinet ministers owe their positions to her, it is very likely that the administration will be run from her residence.

Politically, she appears to be on a strong wicket. Her governance has been benign, so far as the citizens of the state are concerned, and the large numbers of social welfare schemes that she had introduced have been welcomed by the electorate. Currently, Ms Jayalalithaa remains the most popular leader in Tamil Nadu. The next election would in all likelihood see her back in power if she is finally acquitted in this case. However, until there is a clear decision on her appeal, she is unlikely to consider going back to the electorate. The Supreme Court has directed the Karnataka High Court to dispose the appeal within three months, and the results would be available by March 2015. Even if there has to be a further appeal to the Supreme Court after that, her position would be clear by mid-2015. The currency of the present legislature is until early-2016, and so it is unlikely that we are looking at early elections in the state.

She could well use this timeline to expand on her social sector schemes. Just before the trial court's judgment, she had cleared a large number of infrastructure projects, which could now start taking off. Industrialists have been complaining about the difficulties of doing business in Tamil Nadu, citing high transaction costs. This would be an opportunity to reverse this sentiment. On the other hand, it is also conceivable that she could go to the next elections on the back of the current sympathy wave—that is, do little in the next year. This would serve to reinforce the belief that only when she is at the helm, things happen. It would be some time before her strategy becomes clear.

The DMK is currently facing internal battles of succession. The party leader, Mr Karunanidhi, is not yet ready to give up the leadership or his aspiration of becoming Chief Minister yet again. There are clouds around other DMK leaders like Ms Kanimozhi and Mr Alagiri, as well as over other ex-ministers. It is likely that they may adopt a wait-and-watch approach.

There is an opportunity for the BJP to make a showing in the state. However, there are not many signs of the party getting its act together. Field-level workers, organisational network, outreach and propagation of ideas are required, but the party has not been able to do much so far.

There is little 'connect' between the ideas being announced by Prime Minister Narendra Modi of the BJP and their implementation in Tamil Nadu. Neither the 'Make in India' slogan,

nor the 'Clean India' slogan has gained much traction in this state. There is also no news that the labour reforms unveiled will be carried through at the state level. The relationship between the Central Government and the Tamil Nadu State Government continues to be frosty. This may affect national programmes and their implementation in Tamil Nadu.

At the same time, there were ambitious announcements just before she was sentenced. This includes the implementation of a 24/7 water programme for Coimbatore, desalination plants in Tuticorin and Chennai. The Tuticorin-Madurai industrial corridor has also been cleared. Japanese manufacturers are waiting to see whether Tamil Nadu would continue to be an attractive option, otherwise they may move to the neighbouring state of Andhra Pradesh.

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