

DEMOCRACY, COMMUNALISM AND VIGILANTISM

An Analytical Study of Indian Democracy in Reference to *Rajadharma* in the *Manusmṛti*

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Abstract

The public beating and humiliation of dalits, in Una, Gujarat, lynching of Muslims in the name of cow protection, exploitation and killing of dalits and tribals in different parts of the country reveal the failure of the democratically elected government's responsibility to ensure law and order in the country. Repeated incidents of cow vigilantism, supported by the government and the powerful, reflect the mind of the ruling minority and the indifference of the general public. It is more disheartening that people who are in authority betray the trust of the common people by supporting such atrocities.

For the effective functioning of a democracy, people in all the three units i.e., legislature, judiciary and executive have to consider the state's interest as their own work as if they are the servants of the people. But now in Indian democracy legislatures are busy enacting laws to suit their interest; similarly many in the Judiciary and the executive are not able to transcend their narrow selfish interest for the sake of the larger good. As a result of the irresponsible and selfish administration by those who are in authority like the incompetent steersman of the ship in Plato's republic, justice is refused to the poor and the ordinary people. Such an irresponsible situation in the country

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calls forth involvement by the masses. People are forced to take law into their hands and enforce justice for the helpless. This article is an analytical study of democracy in India in the context of Vigilantism, lynching, exploitation of tribals and dalits and communal violence.

Keywords: Caste, Communalism, Cow Protection, Democracy, Demonitization, Education, *Manusmrti*, *Rajadharma*, Vigilantism

1. The Context

The public beating and humiliation of Dalits in the name of cow protection in Una, Gujarat, and instances of rape and murder of Dalit women and atrocities against minority communities and tribal in different parts of the country reveal the defective understanding of procedural trial and punishment which is the sole prerogative of the state in a democratic country. These incidents reveal the failure of the democratically elected government's responsibility to ensure law and order in the country and to protect the weaker sections. Repeated incidents of cow vigilantism tacitly supported by the government and the powerful reflect the mind-set of the ruling party and the indifference of the general public. It is more disheartening that people who are in authority betray the trust of the common people by supporting such atrocities. The union minister for social justice and empowerment, referring to the Una incident said that the problem was that the *gaurakshak*¹ squads rushed off on the basis of a rumour rather than "find out its veracity and then go."

Democracy presupposes divergent opinions and the freedom to disagree but the government has the responsibility to ensure the fundamental principles enshrined in our constitution. But, at present in India, though we claim to be the largest democracy in the world, many of the democratic values are neglected. In such a context, this paper makes an analytical study of democracy based on the *Manusmrti*² and the *Republic* of Plato. We also bring in similar ideas

¹*Gaurakshak* sqads are formed by certain groups of people with the tacit support of BJP and RSS who believe that cow protection is their sacred duty because cow is sacred and is worshipped as cow mother.

²*Smrti* literally means what is remembered. But *Smrti* is a term commonly used to refer to *Dharmasastras* composed in verse. The work *Manusmrti* used by Kane (1962), Lingat (1973), Dave (1972) is also known as *Manavadharmasastras*, used by Mandlik (1886), Jolly (1887). The author Manu need not be a single individual who composed the work; several people could have been involved in the composition, Lariviere (2000, 3), "I doubt whether such texts as the *Naradasmrti* or the *Manusmrti* were composed by a single Individual." Against this view Patrick Olivelle asserts that "this text was authored by a single individual or at least by a strong chairman with a committee of research assistants" (2006). *Manavadharmasastra* (c. 3 CE), is the oldest

from the Vedas, *dharmaśāstras*, *Arthashastra* and the Epics.³ The author of the present article doesn't subscribe to the world view and the ethnic ideology based on which Manu developed the code of law.⁴ Our reference is limited to chapter seven which deals with the duties and responsibilities of a king (*rajadharmā*)⁵ in the context of vigilantism.

2. The Term Vigilantism

The term comes from Spanish *vigilante* or Latin *vigilans* means watchful. According to the Cambridge Dictionary 'vigilante is a person who tries in an unofficial way to prevent crime or to catch and punish someone who has committed a crime, especially because they do not think that official organizations such as the police are controlling crime effectively. Vigilantes usually join together to form groups. This phenomenon is called vigilantism.

In India, Vigilantism is the tendency of some in the society to take up the law in their hands and enforce it the way they think is right, e.g. *gaurakshak* squads. Whether it is against the structural evil or against persistent injustice to a group or minority community, it is a dangerous trend in the country. This tendency shows the failure of the elected government to ensure law and order and also the strong resentment of the ordinary people. But it is unfortunate that this trend of vigilantism is reinforced by our popular movies, TV news and shows, stories, novels and popular writings. When the elected government fails to ensure justice to all its subjects, or when the authority tacitly joins hands with the unjust and the powerful to oppress and exploit the people, it is natural that the powerless in the society take to vigilantism. But, in India, vigilantism is by the

among the four i.e. Yajnavalkya, Narada, Brhaspati and Katyayana and it is the most authoritative. Manu is considered as the first human being and also as the first king.

³The Vedas are the sacred literature in Hinduism. They are four in number i.e., *Rg*, *Yajur*, *Sama* and *Atharva Vedas*. The *Dharmaśāstras* are the *smṛti* literature dealing with ethical rules and regulations. *Arthashastra* is the work of Kautilya with regard to wealth. The great epics are the *Ramayana* and the *Mahabharata*. The former deals with the fight between Rama and Ravana and the latter narrates the story of the conflict between the *Kauravas* and the *Pandavas*.

⁴B.R. Ambedkar was highly critical of Hinduism and particularly of *Manusmṛti* which he rejected in 1935. Inspired by Ambedkar a group of young people burned the copies of the *Manusmṛti* in Nasik in 1935; Madhu Kishwar, a prominent women's activist burned the copies of the same in the premises of Rajasthan High Court in March 2000. These and other protesters believe that *Manusmṛti* legalized the caste and gender discrimination and oppression in India.

⁵In the *Rg Veda* there are no clear instructions with regard to the rights and duties of a king except he was regularly advised by his *purohita* and royal ministers with regard to matters of his kingdom. Manu in chapters seven, eight and nine of *Manusmṛti* deals with the various aspects of good governance.

powerful supported by the elected government, is a contradiction and a dangerous trend.

3. Selfish Leaders without a Vision for the Country

For the effective functioning of a democracy, people in all the three units i.e., legislature, judiciary and executive have to consider the state's interest as their own and work as if they are the servants of the people. But now in Indian democracy legislatures are busy enacting laws to suit their interest or the interest of the community they belong to, the common good of all is neglected. Similarly some in the Judiciary and the executive are not able to transcend their narrow selfish interest for the sake of the larger good. As a result of the irresponsible and selfish administration by those who are in authority like the incompetent steersman of the ship in Plato's *Republic*, justice is refused to the poor and the ordinary people. Plato in his *Republic*⁶ gives the simile of the state of a ship which represents the pathetic condition of the Greek city states during his time (488-489). The hijacked ship is steered by someone who is hard of hearing, short in sight, not trained in ship steering and above all lacks knowledge of various natural phenomena which is inevitable for the efficient steering of a ship in troubled waters. Some of our political leaders, who are in power, are like the incompetent steersman in Plato's *Republic* who are not properly trained in statesmanship and as a result will bring in doom to the nation and suffering to the people.

4. Helpless Masses and the Cry for Justice

Lawlessness and selfishness of the rulers in the country calls forth involvement by the masses. People are forced to take law into their hands and enforce justice for the helpless. In the past non-cooperation movement by Gandhi against British rule, total revolution by Jayprakash Narayan against the authoritarian rule of Indira Gandhi had massive support by the people to bring back law and order in the country. Anti-corruption movement by Anna Hazare was a timely response to a persistent evil in the society but it was shrewdly high jacked by some political party to strengthen their vote base. Through the enactment of new land laws, tribals are uprooted and alienated from their homeland in the name of development; as a result Naxalite movement in different parts of the country is on the

⁶The *Republic* is the most important work of Plato, dated around 380 BCE. In this work, Socrates, Athenians and foreigners discuss the definition of justice, administration of city state, political theory, etc., leading to the discussion on *Kallipolis*, a city state ruled by a philosopher king as the ideal ruler.

increase. Because of the government policies in support of big land owners and large scale farmers small scale farmers are forced to be daily labourers. In the name of industrial development and 'make in India project'⁷ multinational companies are favoured and supported by the policy makers at the centre. As a result of all these, ordinary people are forced to migrate to metros and cities because of lack of means of livelihood in the semi urban and village areas.

In any country media plays a vital role in checking the unhealthy policies of the ruling majority and revealing the mind of the general public through healthy criticism. But in India, in the recent past media is domesticated either by threat or by pleasing. Recent blocking of the NDTV and another channel in Assam are examples of curtailing the freedom of the media. Most recently the demonetizing of 500 and 1000 currency notes created uncertainty, enormous amount of inconvenience and suffering for the ordinary people. People in India at large, because of the cultural and ethnic enslavement in the past and because of the belief in the karmic effect, are willing to take up on themselves any amount of suffering and injustice. Divided opposition political parties and ethnic groups reinforce the arrogance of the ruling party to continue with their anti-democratic governance. Appointments of army and air force chiefs superseding other seniors, abolition of the planning commission, attempt to appoint judges according to the choice of the ruling party, ruthless suppression of voice of dissent, aggressive and insulting 'trolling' of other leaders by the electronic brigade of the ruling party, misuse of the national agencies like CBI, Enforcement Directorate, Income Tax authority etc., are very dangerous trends in the Indian democracy now.

5. Ethical Values: The Guiding Principles of Political Leaders

There are two approaches with regard to the importance of politics in the *Republic* of Plato, the predominant view is that politics is the central theme of the work. According to Schofield's *Political Philosophy* (2006) "the dialogue contains most of Plato's most striking ideas in political philosophy"⁸ which are revisited in his later writings. The discussions on politics are not the 'imaginative constructions' of an ideal city state but they are based on ethical

⁷Make in India project is a very creative initiative by the present government in the centre in order to speed up the industrial growth in the country. But some are of the opinion that because the way the policy is formulated it will affect negatively the industries within the country.

⁸Malcom Schofield, *Political Philosophy*, Oxford: Oxford University Press, 2006, 9.

values and just behaviour of a soul. In the *Republic* Plato draws the picture of the gradual development of a soul in the society based on ethics leading to the happiness of the just. Though Plato did not accept democracy as a healthy form of governance, his most important work, the *Republic* gives clear guidelines to rulers of the city states.

Plato discusses the principles based on which the custodians are to be selected to rule the city state (*Republic*, 412-414). The test for choosing the best to govern the city state is the one who believes that the interest of the state is identical to one's own interest. If we apply Plato's principle to our elected representatives and rulers, we will realize that many of them are unworthy of the position they hold in public life. Many of them, shrewdly equate their personal selfish interest with the interest of the state. The rulers are to be constantly watched and tested throughout their public life to see whether they follow the fundamental principles in their life and governance (*Republic*, 415). The most important thing in the life of a ruler is that he/she is basically a servant of the community.

6. Unjust Administrative Structures

Corruption in public offices, siphoning of enormous amount of money from the public exchequer for personal and family use, misuse of power and authority, exploitation of the poor and the unorganized and other similar events reveal the callousness of the elected leaders of the country. The incapacity of the judiciary to meet out justice on longstanding legal disputes, partisan judgment of courts violating human rights, the ministry of culture forcefully asserting its control over some of the prestigious cultural institutions of India like Pune Film Institute, Lalit Kala Academy, Nehru Memorial Museum and Library, some of the prestigious IITS and Universities, the new education bill discretely prepared by the ruling party, the Maggi noodle controversy and instant release of Patanjali noodles without proper certification, the saffron-clad fundamentalists dictating terms in the name of religion and pious activities, anti-social and caste elements in the society misappropriating *gaumata* sentiments of the Hindus, enormous amount of money being spent in the name of *swatchabharath*, clean *ganga*, cow protection, etc. All these antidemocratic events are taking place with the tacit understanding of the caste ridden ruling powerful is a dangerous sign.

8. Honesty and Integrity of Administrators

A hierarchy of administrative units starting from the local to the highest was a special characteristic of the Vedic civilization.

According to Saroja Bhate, “Strong emphasis on the character, honesty and integrity of the administrators and superintendents at various levels is reflected in the code of conduct, *acarasamhita*, laid down by *Sastrakaras* such as Kautilya.”⁹ Vyasa in the *Santiparvan* of the *Mahabharata* (MB), which is the longest portion in the epic, deals with the principles and different aspects of the statecraft elaborately. In this section Bhishma explains the duties and responsibilities which a king should learn to ensure the wellbeing of the subjects. A king is made king for doing his duties, not for enjoying the pleasures only (MB XII.90.34), and the king should be interested only in doing good to his subjects (MB XII.88.2). Protection of the weaker section is his primary duty (MB XII.58.44). Manu concludes the discourse on *rajadharm*a, “Conducting himself in this manner and always devoted to the Laws pertaining to kings, the king should direct all his servants to work for the good of his people.”¹⁰ Welfare of the people of the people should be the main concern of the ruler.

9. Ruler Responsible for the Welfare and Happiness of the People

There are references to kings and levels of administrative structures in the Rg Veda (9.92.6). People in different levels of administration fulfilled their responsibilities in a participatory way without any interference from the higher authorities. Both *Manusmṛti* and *Arthashastra* deal with legal matters pertaining to individual and community in an elaborate way. At the same time special care was taken to ensure the safety and security of each and every individual. The main concern was to ensure justice to all for which the kings had council of ministers to assist him. Out of the 2684 verses, Manu sets apart 982 verses for royal duties and responsibilities (*rajadharm*a). Manu in chapters seven, eight and nine of *Manusmṛti* deals with the origin of royal authority, proper behaviour, punishment for failures, need for cultivating virtue and learning, policies for good governance, protection of the subjects, appointment of councillors and spies, etc. King was considered as ‘servant king’ whose main responsibility was to ‘protect the people.’ *Manusmṛti* verse 89 of chapter I sums up the responsibilities of a king, “To the ksatriya he allotted protecting the subjects, giving gifts, offering sacrifices, recitation of the Veda, and avoiding attachment to sensory objects.”¹¹

⁹“Law & Administration in ancient India as Reflected in Vedas and Smṛti Literature,” in *Gems of Law & Dharmasastra*, ed. Abha Kulshreshtha and Sushama Kulshreshtha, Delhi: Sanjay Prakashan, 2006, 67.

¹⁰*Manusmṛti*, 9.324, trans. By Patric Olivelle, (2006) New York: Oxford University Press, 2006, 16, 206.

¹¹Patric Olivelle, *Manu’s Code of Law*, New Delhi: Oxford University Press, 2005, 91.

There are detailed instructions with regard to the collection of taxes in *Manusmṛti*. This structure of taxation would have been practised in the Indus/Harappan civilization which was earlier to *Manusmṛti*'s period. Kautilya in his *Arthasastra* gives clear and detailed instructions with regard to administration of the kingdom, social security measures, protection of the rights of the subjects, relief for natural calamities, care for the environment, etc.

A king, according to Kalidasa,¹² is considered to be the abode of all good qualities. In the ancient India, it was considered that Kings received their authority and power from God and they were guided and advised by *rishis, sabhas and samitis*. Sage Vasistha asked the leaders to consult the village elders in settling local disputes. According to Gautama, a king is one who lives according to the *sastras (sadhukarin)* and one who speaks truth (*sadhuvadin*), (*Gautamadharma 2.2.2*). The life and administration of a king is to be according to the scripture.¹³ King is responsible for the welfare and happiness of his subjects. Gautama advises king to take precautionary measures to avert earthly and cosmic calamities.¹⁴ A ruler, with the advice of his council of ministers, chief priest and sages has to ensure happiness and prosperity to his subjects in the country.

10. Exploitation of Religious Sentiments for Wealth and Power

From the time of Independence struggle, there is an attempt to sabotage the very democratic fabric of the country. Balagangadhara Tilak, during the British rule popularized Ganesh festivals to unite the people against the British rule and to strengthen the Independence struggle. Political leaders of the country, in the recent past, appropriate religious space and events for strengthening their vote base. Visva Hindu Parisad (VHP), in 1984 vowed to destroy three important holy places of Muslims and to construct Hindu temples in those sites, that is, Babri Masjid in Ayodhya, Gyanvapi Mosque in Varanasi and Shahidagah in Mathura. After the destruction of the Babri Masjid Mosque, the BJP promised the voters

¹²Several scholars are of the opinion that the greatest of the poet and dramatist of the Sanskrit literature Kalidasa was a court poet of a king named Vikramaditya whose kingdom was near to the Himalayas. There are detailed descriptions of the Himalayas in his *Kumarasambhava*. Commonly accepted theory is that Kalidasa lived around 4th-5th CE during the reign of Chandragupta II.

¹³*Tasya ca vyavaharo vedo dharmasastrany angani upavedah puranam, Apastampadharma 2.2.19.*

¹⁴*Yaani ca daivotpaata cintakaah prabruuyu staanyatiyyet/ tad iidhinam api ca eke yoga kshemam pratijaanate/ / Gautamadharma 2.2.15.16.*

construction of Ram temple in the same spot. Ayodhya is a sacred space for Hindus, so for the conservative Hindus the presence of a Muslim mosque in the same spot violated the sacredness of the space. But Hindus in general accepted the reality of a mosque for several centuries. Destruction of the mosque was a cunning political move to exploit the religious sentiments of the pious Hindus for their political gain. The government in Gujarat played communal politics to remain in power in the state. Now the government in the centre, in the name of Cow protection, clean Ganga, construction of Ram temple in Ayodhya, false nationalism, fight against terrorism and corruption is trying to redefine the democratic values of the country. Religious space is misused for political gains; Untruthful and narrow minded political leaders divide the people in the name of religion and communities for their selfish ends. All these prove that we live in the *kali yuga* where evil is predominant both in the mind of the people and of the leaders.

11. Penance for Wrong Judgement by a Ruler

In order to ensure impartial judgment on matters of conflicts a king is assisted by scholars and advocates in the *sastras*.¹⁵ If a king gives a wrong judgment because of his negligence or partiality he has to do penance (*prayascitta*) by fasting for one or three days. *Bodhaayana* says three fourth of the sin incurred in such wrong judgment goes to the king and his advisers. *Apastamba* is of the opinion that such a king goes to hell. For a just and sincere king, to perform his royal duties (*rajadharma*) is like walking on the edge of the sword, he can never become an autocrat. The people of Nineveh along with their king did penance for their sins, so too king David. Prophets in the Old Testament functioned as the voice of God for the kings to walk in the path of righteousness and to avoid evil. Lord Vishnu incarnated as Narasimha to protect his devotee Prahlada and to punish the evil king Hiranyakasyapu. The purpose of incarnation in Hindu religion is to protect the righteous and to punish the evil. *Bhagavad Gita* 4:7-8. If we apply these principles in the case of the present rulers of India, because of their criminal and evil acts even the ancient sages will find it difficult to suggest proportionate punishments for them.

12. Division and Exploitation

The ruling class in India divide the people on the basis of religion and caste to implement their agenda. Communal harmony and peace is disturbed to a great extent in the recent past. The society during the

¹⁵Rajapradoivako brahmanova saastravit. Gautamadharmā 2.4.26.2.

time of the *Rg Veda* had comparatively flexible class/caste structure based on profession and mobility from one group to another. According to Kaathaka Samhita the dignity of a person depends on knowledge, not on descent (30.1). But later the *Samhitas* and the *Manusmṛti* did not allow class mobility and Manu describes elaborately the duties and responsibilities of different castes in chapter 8. “For the sake of preserving this universe, the Being, supremely glorious, allotted separate duties to those who sprang respectively from his mouth, his arm, his thigh, and his foot.”¹⁶ Regarding the rules for the *sudras* Manu says,

For the Sudra, on the other hand, the highest Law leading to bliss is simply to render obedient service to distinguished Brahmin householders who are learned in the Veda. When he keeps himself pure, obediently serves the highest class, is soft spoken and humble, and always takes refuge in Brahmins, he obtains a higher birth (*Manu* 9: 234, 235).

Plato in the Republic argues that division in the society based on merit not based on birth is to be maintained for the smooth and efficient functioning of the state (423). In the Bhagavad Gita Krishna tells Arjuna, “the fourfold order was created by Me according to the divisions of quality and work”(B.G. 4.13).¹⁷ Atrocities against the dalits, the tribals and the religious minorities with the support of the ruling powerful by certain sections of people in the society, are injustice and violation of human rights. This will further weaken the fragile communal harmony between the different groups of people in the country.

13. False Nationalism

Vigilantism is voicing the dissent through rightful means. But vigilantism has a negative aspect, that is, the powerful with the tacit support of the rulers will oppress and exploit the poor and the ordinary people. This phenomenon becomes all the more inhuman when it is exercised by social exclusion and religious sanction. What is happening in India today in the name of vigilantism is hooliganism. Any rightful dissent in India today is cunningly depicted as antinational, terrorist and anti-people activities. Kanhaiya Kumar¹⁸ was accused of an anti-nationalist, and sedition charges

¹⁶As quoted by Charles Naegele, in *Ancient History of India: Manusmṛti Revisited*, New Delhi: D.K. Printworld, 2011, 72.

¹⁷*Caturvarnyam mayaststram gunakarma vibhagasah/ Bhagavad Gita* 4.13

¹⁸Kanhaiya Kumar was the President of the Jawaharlal Nehru University Student’s Union. He is a member of the All India Students Federation (AISF). He was arrested by the Delhi police in February 2016 in connection with a rally to protest the

were filed against him. Some other liberal thinkers who criticized the government's policies which are against the interest of the larger public were also taken to task. The electronic brigade of the ruling party is ever vigilant to pounce up on and insult any voice of dissent.

This kind of a strategy was used by the Hindu fundamentalists way back in 1947 when G.V. Ketkar of Pune, a strong supporter of RSS ideology, declared in public "Gandhism cum false nationalism is enemy number one." For RSS, Gandhi's nationalism was false because he advocated multiculturalism and was soft towards Muslims. This narrative reaches its climax with the murder of Gandhi and the confession by the murderer Nathuram Godse "in putting an end to Gandhi's life, I have removed one who was a curse to India." The present rulers of India reasserted this line of thinking through their policies and governance. By doing so they are redefining Indian polity in line with uni-cultural, caste based and exclusivist ideology. This will be the greatest danger Indian democracy will have to face in the near future.

14. Conclusion

Democracy came into existence as a reaction to concentration and misuse of power by the rulers and as a result of the realization that an individual or a group is not the perfect form of government. According to Winston Churchill democracy is the worst form of government but there are no better choices. When the elected leaders become corrupt and powerful, the ordinary people feel helpless and betrayed. This helplessness and resentment of the electorate will give rise to vigilantism in the form of violent protests and overthrow of the government.

As in the simile of Plato's hijacked ship, our country is ruled by leaders who are hard-hearted, narrow in vision, not trained in political leadership and, above all, lacks knowledge of various cultural phenomena and diversity in the vast country. Some of our political leaders are like the incompetent steersman in Plato's Republic who is not properly trained in statesmanship. These leaders are intolerant towards any dissent and they feel threatened. Such leaders, instead of bringing in happiness and prosperity, will bring in suffering and persecution to the people. The present rulers are going against the glorious traditions of Hindustan and the guidelines given in the *Manusmṛti*, *dharmasastras*, the Vedas and the great epics like

hanging of Mohammed Afzal Guru, a Kashmiri Separatist, in 2013. Kumar was released on 2 March, 2016 because of lack of conclusive evidence against him.

Mahabharata and *Ramayana*. They are acting against the *rajadharm*a and against the fundamental principles of democracy.

There is hope in the political future of the country which withstood many upheavals and terrible suffering including emergency in 1975. There will emerge leaders like Jayprakash Narayan and many others who sacrificed their life for the cause of democracy and freedom. At the appropriate time people will respond creatively and genuine leaders will emerge to articulate the resentment of the people and to take up on themselves the agony and suffering of the people. To strengthen such a move people should have the courage to take a stand against the oppressive socio-political structures in the country.