

# Unshackling from Intellectual Enslavement

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**Justice and Liberty - Civilizational Values of India, that is Bharat** -Sridhar Potaraju

*"In the Jambudwepe, Bharata is regarded as great because this is the Land of duty in contradistinction to others, which are lands of enjoyment." - Vishnupurana*

*Mahatma Gandhi echoed this thought and said "India is essentially Karmabhoomi (land of duty) in contradistinction to Bhogabhoomi (land of enjoyment)"*

**B**harat is probably the world's oldest living civilization that survived many attempts to decimate its identity and existence and ways of life over hundreds of years, some of which still continue. In spite of all odds loaded against it, the innate resilience of its people rooted in satya and dharma ensured that it did not catapult the way several other ancient civilizations had given way to invaders to lose their identity and ways of life. No wonder the Constitutional Courts have 'Satyameva Jayate' and 'Yato Dharmah statoh Jayah' as their mottos.

Bharat has witnessed its heroes live and walk on this land over several thousands of years. Our itihisas like Ramayana and Mahabharata epitomized the superiority of character and conduct over everything else as the cornerstone of judging human conduct. These values are ingrained in the consciousness of the people of India through the narration of our Itihasas and puranas wherein the spiritual and philosophical traditions practiced and pursued by the inhabitants of Bharat were narrated by highlighting the significance of adhering to dharma and satya as much as highlighting the consequences meted out to the deviants.

The concepts of law and justice are nothing but aspects of satya and dharma. The makers of the Constitution envisaged a nation that pursues truth and practices dharma while drafting the Preamble.



*"We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; And to promote among them all Fraternity assuring the dignity of the individual and the unity of the Nation<sup>3</sup>"*

Justice, Liberty, Equality and Fraternity encompass our civilizational values which have defined the outlook of the citizens and were the benchmarks on which their conduct is still judged. The idea behind these expressions can be seen both from our spiritual and social outlook towards life duly recorded in our itihisas.

<sup>1</sup> *The Beginnings: Indigenous Judicial Structures. (2016). In Courts of India: Past to present (p. 27). New Delhi: Supreme Court of India.*

<sup>2</sup> *The motto of all the High Courts in India is 'Satyameva Jayate' and the motto of the Supreme Court of India is 'Yato Dharmah statoh Jayah', these mottos are engraved on the emblems of the respective Courts.*

*"Ancient India's quest for perfection in social order explored and prescribed the ways of good conduct of individuals and aspired for considerable degree of social harmony by balancing between authoritarianism and local autonomy. Flowing elegantly in poetic expression, the distant revelation of Vedas had mixed prayer, philosophy and commitment to explore and gain a macrocosmic order of high moral conduct (rita)."*

Administration of justice is something that has existed for as long as human memory goes. In this regard, the following excerpt from a scholarly work of Judge Christopher Gregory Weeramantry, former Vice President of the International Court of Justice, puts across the great importance given to justice in Ramayana times,

*"The literature of Hinduism, apart from philosophical analyses of the judicial function, illustrates the importance of correct judicial decisions by many allegorical stories. An illustration of this is the story of the monkey king who misjudged his brother without hearing the evidence. This resulted in the splitting of the monkey tribe into two groups who were in conflict with each other for a long period. The Ramayana relates how Rama, who befriended the monkey clan, solves the problem by drawing attention to the miscarriage of justice that has resulted from an improper decision which had not taken account of the relevant evidence. Justice related stories of this sort abound in Hindu literature and they were later used by scholars to illustrate the importance of principles of justice and the resulting damage to the engine community through a deviation from those principles."*

The above anecdote from the Kiskindhakanda of Valmiki Ramayana refers to the injustice meted out to Sugriva by his older brother Vali who is later brought to justice by Sri Rama. The conversation between Vali after he falls mortally wounded by the arrow of Sri Rama brings out the right of the accused to know the reason why he has been punished, as much as the need to give reasons in support for the punitive action being taken.

Sri Rama cites his competence and legal authority to punish Vali as a representative of King Bharata under whose domain the entire world was, while holding him guilty of violating the moral precept of treating Ruma, wife of his younger brother Sugriva as his daughter and instead cohabiting with her through lust while Sugriva was alive.

Sri Rama further narrates that as a consequence of undergoing the punishment inflicted by the King thereby absolves the guilty of his sin, even if the King shows mercy and lets him go free. However, by not punishing, the King incurs his sin.

Justice, therefore, has always been an essential element for maintaining social harmony in India, with the power of punishment being conferred on a person with proper authority and for reasons that accord with the law governing the subjects.

The freedom of thought, expression, belief, faith, and worship without fear is an essential feature of our civilisation which has given birth to various modes of worship and pursuit of truth about the creator without any fear. The liberty to question existing modes of worship and challenging their truth through intellectual discourses has flourished in India unlike anywhere else in the world. This is quite evident from the fact that unlike other civilizations there is no fear either of "inquisitions" or "Blasphemy laws" which curtail liberty of thought and expression even to discuss reverentially in a rational manner the beliefs or gods.

India has been a land of spirituality and philosophers for ages, every generation from times immemorial has had its own philosophers who guided the society towards peace and harmony both internally and externally. Ensuring the mental health of the people is taken care of by taking them on the path of spirituality through philosophical discourses which engage the turbulent human mind and many a time brings them to a grinding halt when they are unable to make sense of what they are upto in life. It is this Liberty to explore possibilities of alternative narrations and intellectual debates to arrive at truth which can calm an agitated mind. In the absence of Liberty faced with the fear of serious and fatal consequences, the natural rational mind is restrained and enslaved to dogmas leaving humans as slaves of ideology without the core freedom of thought and expression which makes a human rational.

<sup>3</sup> Preamble to the Indian Constitution as originally adopted by the Constituent Assembly

<sup>4</sup> The Beginnings: Indigenous Judicial Structures. (2016). In Courts of India: Past to present (pp. 32-33). New Delhi: Publications Division, Ministry of Information and Broadcasting, Government of India.

<sup>5</sup> Weeramantry, C. G. (2015, November 22). Hinduism and The Judicial Process. The Sunday Times. Retrieved December 8, 2022, from <https://www.sundaytimes.lk/151122/sunday-times-2/hinduism-and-the-judicial-process-172384.html>

“Philosophy in its widest etymological sense means ‘love of knowledge’. It tries to search for knowledge of himself, the world and God? These are some of the many problems, taken at random, which we find agitating the human mind in every land, from the very dawn of civilisation. Philosophy deals with problems of this nature. As philosophy aims at the knowledge of truth, it is termed in Indian literature, ‘the vision Every Indian school holds, in its own way, that there can be a direct realisation of truth (tattvadaršana). A man of realisation becomes free; one who lacks it is entangled in the world.” (emphasis supplied)

*“In the history of Western philosophy we usually find the different schools coming into existence successively. Each school predominates till another comes in and replaces it. In India, on the other hand, we find that the different schools, though not originating simultaneously, flourish together during many centuries, and pursue parallel courses of growth. The reason is to be sought perhaps in the fact that in India philosophy was a part of life. As each system of thought came into existence it was adopted as a philosophy of life by a band of followers who formed a school of that philosophy. They lived the philosophy and handed it down to succeeding generations of followers who were attracted to them through their lives and thoughts. The different systems of thought thus continued to exist through unbroken chains of successive adherents for centuries.” (emphasis supplied)*

The world of philosophy would be poorer without India’s contribution to it by way of Bhagavadgeeta which forms part of the Bhishma Parva of the Mahabharata. The discourse in the midst of two raging armies rearing to go to war, the mental turmoil that makes Arjuna despondent and needing counseling, gave the world answers to all philosophical questions which every human mind undergoes in some form or the other at some stage of their life. After the entire discourse was made Sri Krishna reminds Arjuna of the Liberty every individual has, to choose his path in the following words,

*“Thus, has this wisdom, the most profound secret of all secret knowledge, been imparted to you by*

*Me; deeply pondering over it, now do as you like.”*

*Ch.18 V.63, Srimad Bhavadgita, Bhishma Parva of Mahabharata*

The liberty which Sri Krishna gave Arjun epitomises the LIBERTY of thought, faith and religion which our civilization grants to every individual to choose his path from times immemorial.

India was subjected to a series of genocides over hundreds of years pursuant to “Muslim colonization in Hindustan”, wherein Hindus were brutalised and subjugated by making the majority second-class citizens in their own land by the ruling Islamic invaders. Unfortunately, this faith-based racism continued to dominate the mind space of some even during the British rule after the end of Islamic rule, which led to the eventual partition of the country leading to another massive genocide again on the basis of faith. The superiority based on his faith made Mr. Jinnah offer “...to join the Hindus in the struggle for freedom if the Muslims were conceded master-race privileges qua Hindus!”

Human society recognizes the need for equality of status and opportunity amongst equals, not those who are not equal. The concept of equality may vary from time to time in the course evolution of Nations. In fact, nations that were built by decimating the native populations and importing humans as slaves have in the course of evolution gradually started recognizing humans as humans.

In our own lived experience over the past 1000 years, equality was a mirage. The inequalities were based on a person’s birth, faith, and later color after European invasions under the pretext of trade in the last phase of foreign rule. Fraternity prevalent in the society was targeted as part of State policy to divide and rule. Instead of promoting harmony, the foreign rulers played on the social fault lines and promoted mischievous and malafide interpretations of our texts to further their cause.

The impact of foreign rule was such that gradually Indic knowledge systems were gradually removed from mainstream education and relegated to small pockets where individuals preserved them with their own commitment and passion. The innate racist outlook of the rulers towards the ruled created social friction leading to the disenfranchisement of the

<sup>6</sup> Chatterjee, S., & Datta, D. (2018). General Introduction. In *An introduction to Indian philosophy* (p. 2). New Delhi: Rupa.

<sup>7</sup> Ibid pg.9

<sup>8</sup> Hardy, P. (Reprint 2011. First Published 1960). *The Historians and the History of Medieval India. In Historians of Medieval India: Studies in Indo-Muslim Historical Writing* (p. 128). New Delhi: Munshiram Manoharlal.

majority of the people on account of their faith and social identities. The education system was used as a tool to instil a sense of inferiority towards the Indic knowledge systems which promoted adherence to dharma in all aspects of individual conduct and also made the individual interest subservient to the larger public good. In its place, a homogenous education system was gradually imported and promoted as a policy in order to enslave the intellect of the masses under the guise of providing them with modern education. This process of colonising the minds of the literate members of the society had a trickle down effect which enabled the rulers to further extend their control over the nation. The intellectual enslavement gave the rulers foot soldiers to retain their control over the territories as well as the socio-political and economic aspects of the nation. The inequalities in the society were rampant due to the economic policies which furthered the penury of the already ravaged nation.

In the above background, India attained its political freedom after the amputation of part of its territory due to a false sense of superiority based on faith, referred supra. The Framers of the Constitution recognized the deep impact of invasions and conquests had left the nation fragmented. In order to revive the cohesive and strong sense of fraternity amongst the citizens introduced equality and fraternity as the guiding lights for the Constitution and provided for Directive Principles of State Policy in Part IV of the Constitution.

A nation whose memory was all but erased has since gradually commenced the journey in pursuit of its destiny, while acknowledging its past, to rebuild itself by adopting a written Constitution. As noticed supra, the Preamble was originally conceived and brought into force as a sovereign democratic republic without any political or ideological moorings.

During the dark days of National Emergency, the Preamble was amended to make India a Socialist and Secular Republic. The third invasion at an intellectual level commenced with the Socialist ideology entering our public discourse with state patronage. Our academic and cultural space was gradually taken over to accommodate persons who had a commitment to Marxist ideology more than

truth. It was done with the objective of continuing the colonial agenda of divesting the people from their own real identity and truth.

The backdoor entry of ideology into our Constitution was prophetically predicted and in fact frowned upon by Sri N.A. Palkhivala years before the Forty-Second Amendment,

*"The Constitution (as it stood prior to 1972) fully permitted legislation for redistributing wealth, but it had no truck with unsound ideologies which aimed at distributing poverty.*

*The Constitution visualizes the fundamental rights as the common platform on which divergent political ideologies and practices may meet. These rights provide the iron framework within which experiments in social and economic fields may be tried out. They constitute the anchor of the Constitution and provide it with the dimension of permanence."*<sup>11</sup>

The role of Marxists in trying to deflect the Courts from reaching the truth was exposed in the course of the trial in the Sri Ramjanmabhoomi title dispute. The unsound ideologies were not only an economic disaster but also sought to eliminate truth and integrity in social sciences for obvious political ends which their ideology justified and rationalised irrespective of the means. Bharat has not only survived invasions prior to 1947 but is also battling ideological invasions into our social fabric which undermine the Nation's economic progress and social harmony. The resurgence of the Nation is due to the innate nature of its people from times immemorial, to preserve Liberty of thought and belief. This has now found a medium of expression with the digital revolution which is dismantling the stranglehold of biased narrative building editorial boards over public discourse. Re-establishing Liberty of thought, expression, belief, faith, and worship without fear of being judged as being uncivilized and practitioners of superstition, by applying imported standards.

Bharat in its evolution from being culturally, politically, and intellectually enslaved is now seeking to resurrect its place in the community of nations with pride while objectively exploring 'truth' regarding its own ancient civilization through the recourse to law seeking Justice. ●

<sup>9</sup> Munshi, K. M. (2012). Chapter III: Nehru Report. In *Indian Constitutional Documents: Pilgrimage to Freedom, 1902-1950* (p. 25). Mumbai: Bharatiya Vidya Bhavan.

<sup>10</sup> Forty-Second Amendment to the Constitution, w.e.f. January 03, 1977.

<sup>11</sup> Palkhivala, N. A. (1974). *Fundamental Rights. In Our Constitution Defaced and Defiled* (p. 32). New Delhi: Macmillan.

<sup>12</sup> Potaraju, S. (2020, October 28). *The Marxist Spin To Indian History Unearthed In The Sri Ram Janmabhoomi Case*. Swarajya. Retrieved December 8, 2022, from <https://swarajyamag.com/politics/the-marxist-spin-to-indian-history-unearthed-in-the-sri-ram-janmabhoomi-case>

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