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An Ancient Deadlock for Democracy

AVIRAL ANAND[1]

ABSTRACT

The origins of the varna system can be traced back to a hymn in rigveda which depicts the brahmins as the priestly class, the kshatriyas as the noble class, the vaishyas as the commoner and the shudras as the servant class. More than 3000 years down the line, this system has not only managed to exist but has become an incessant source of grave injustice and maltreatment. The constituent assembly envisioned a free, democratic India with a common sense of nationhood ingrained in its citizens and even though India has progressive methods of statehood rooted in its civilisational past, the caste system posed to be a hurdle in fulfilling this vision. This article seeks to critically analyse how the caste system has been an everlasting obstacle towards achieving democracy for ancient as well as modern India.

I. PROGRESSIVE METHODS OF GOVERNANCE AND ANCIENT INDIAN CIVILISATIONS; AN INTRODUCTION

On 9th December 1946, the Constituent Assembly mustered for the first time with the purpose of drafting a constitution for free India. The honour of presiding over its inaugural session went to Dr. Sachidanand Sinha who was succeeded by Dr Rajendra Prasad as its permanent chairman. The members worked assiduously for more than three years to finalise a lengthy constitution for the country with the original preamble describing the state as a "sovereign democratic republic". The constitution that came into being on 26th november 1949 attempted to ameliorate the already progressive methods of governance rooted in India's civilisational past. The Indian subcontinent was home to Vaishali, capital city to the Lichchavi tribe[2] which is considered to be the ancient hub of democracy[3] as it existed around 6th century BCE, approximately 1600 years before the signing of the magna carta, considered as the pioneering force against tyrannical rule and concentration of power, in 1215.Although their statehood was progressive, it is far fetched to call it a republic, it was at-best an oligarchy. The tribe had settled on the banks of river Ganga in present day Bihar and after settling had declared themselves to be a ganasangh[4], which is an oligarchic form of clan structure prevalent during the time. Ganasangh literally translates to an assembly and the assembly in Vaishali

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was controlled majorly by kshatriyas[5]. Another instance can be traced back to the vedic period by the inception of assemblies in the form of sabhas and samitis,which consisted of the head of a community and sometimes women to discuss administrative affairs[6]. This structure of administration still failed to be a democracy.

II. CASTE AS A DEADLOCK FOR DEMOCRACY

The aforesaid instances demonstrate that India's civilisational past consists of progressive forms of administration and statehood yet all of them failed to be a true democracy due to one apparent reason: caste. The only differentiation between a "rule of the people" and a "rule of a few" came due to the caste system. Vaishali, even though not being ruled by one person and his government, was ruled predominantly by the kshatriyas due to the societal roles given by the caste system[7]. The administration of the sabhas and samitis was not controlled by a single caste but by only the head of every community which was divided by caste according to the varna system which curtailed individual liberty. Caste was a deadlock for democracy for the ancient civilisations and a hurdle for the Constituent Assembly while making the constitution. Caste was deeply embedded in the social fabric of our country.

Fighting a ghost of the past

On 15th August 1947,India won its freedom but it also lost the luxury of blaming its failures on the British and was forced to be accountable for its actions. This led to India confronting an evil which was omnipresent yet neglected more often than not.

"Political democracy cannot last unless there lies at its base a social democracy" were the words of Dr. B.R Ambedkar during the eve of the adoption of the constitution as India was divided at its roots. India was on a collision course of contradictions because people's individuality was respected politically but not socially. During his final speech in the Constituent Assembly, Ambedkar opined that in order to achieve social democracy, the principles of liberty,equality and fraternity should be ensured or else the absence of social democracy will put political democracy at peril[8]. The caste system's mere existence negated all the aforementioned prerequisites.Due to its civilisational roots, a person's position in society was predetermined due to the prevalence of the caste system which in turn curtailed individual liberty. The discrimination and social exclusion acted as restraints to equality and fraternity.George Orwell's quote *"in a farm all animals are equal, but some animals are more equal than the others"* appropriately summarises the state of India's democracy during the

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[5] *Id.* at 136-181
[6] Ramesh chandra Majumdar, ancient India 45 (motilal Banarsidass 1977)
[7] Sharma,supra note 3
[8] 5, lok sabha secretariat, constituent assembly debates:official report volume XI (photo. Reprint 2014)

time of independence[9].

In India, obtaining social democracy was a tall climb because there was deep rooted inequality in its social construct. Supporters of the caste system have often argued that it was a mere division of labour whereas in reality it was a source of power which some classes possessed to control the liberty of other classes. It was difficult to plant a seed of nationhood in the people when every individual was divided on the basis of caste with an inherited sense of superiority as well as inferiority. Hence the Constituent Assembly faced a challenge greater than the communal issue. The divide within the dominant religion of the country puzzled the Constituent Assembly as it was a dead end on both sides. Ignoring caste would have meant curtailing individual liberty in turn curtailing democracy but recognising and acting on it meant validating an already ingrained evil. Thus the problem was taken into consideration and the first step was taken in the form of setting up an advisory committee on fundamental rights, minorities and tribal and excluded areas under the chairmanship of Sardar Patel[10].The committee gave two major recommendations to solve the caste problem- reservation and separate electorates[11] and eventually only one of them was accommodated in the constitution. This was not the first time reservation was looked upon to solve the caste problem in India[12] but this time the stakes were higher as the democracy of a free, independent India was on the line.

29th-30th November 1948 were celebratory with regards to social upliftment of the backward classes as articles 15-17 of the Indian constitution were debated and added to the constitution[13]. These articles together criminalised discrimination and untouchability as well as guaranteed equal opportunities to everyone and even gave the government the power to make provisions for reservation. These were welcome steps towards ensuring social democracy. Various provisions to ensure political democracy were also added in the form of article 14 which ensured equality before law and article 326 which gave every adult an equal right to vote. Thus a convincing framework which covered all aspects of democracy was laid down by the constituent assembly, but was that enough? More than 70 years down the line, India has achieved great heights as a democracy, but in reality we are still a long way from what Ambedkar and the Constituent Assembly envisaged.

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[9] George orwell, animal farm 136 (harper collins, 2009)
[10]	ConstitutionofIndia.net	https://www.constitutionofIndia.net/committee-report/report-of-the-advisory-committee-on-the-subject-of-minority-rights (last visited 25 november, 2023)
[11] *id.*
[12]	GOI	monitor	desk,	history	of	reservation	in	India,	GOI	monitor(january	11,2019) https://www.goimonitor.com/story/history-reservation-India
[13] NN-7-17.PM6, lok sabha secretariat, constituent assembly debates: official report volume VII (photo. Reprint 2014

III. CASTE IN 21ST CENTURY INDIA

Incidents like the Khairlanji Massacre[14] demonstrate that the mindset of the population is still a roadblock for democracy. According to the national crime bureau, a crime is committed against a dalit by a non dalit every 16 mins. 1574 dalit women were raped and 651 dalits were murdered in 2012 alone[15]. Discrimination on the basis of caste is still prevalent in the majority of our country, especially in the rural remote areas. Reservation in recent times has also come under scrutiny. There are two major arguments against reservation, first is the common misconception that it was only supposed to be applicable for 10 years which is erroneous as only reservation in the cabinet had a time cap of 10 years which can be extended after consideration and was most recently extended by the apex court in 2019. The reservation in educational institutions came in 1951 as a counter to the judgement of the supreme court in the case of state of madras v. Champakan Dorairajan and is not time barred[16]. The second critique to the reservation is that it negates merit. Reservation in current times is a beacon of hope to eradicate socially ingrained inequalities yet this criticism does hold some weight. The reservation in education and services has given rise to many evils. Making of fake caste certificates has been prevalent which not only is illegal but also takes away an opportunity from a person belonging to a backward class.furthermore, it has also allowed caste identities to exist and still be relevant after more than 70 years. Another drawback is that multiple generations of a person belonging to a backward class has been bearing the fruits of reservation even though social upliftment has been done which takes away the opportunity from a person belonging to a section of backward class who is still marginalised and socially disabled. Caste continues to play a role in the functioning of democracy in 21st century India. Vote bank politics and appeasement of particular sections is more prevalent than ever and caste plays a decisive role during election season. For instance The samajwadi party continues to rely on yadav and muslim votes whereas the bharatiya janata party continues to thrive on upper caste votes[17]. Elections in India are still fought by exploiting the deep rooted inequality among its citizens which ultimately poses a threat to democracy. It's been more than 70 years since the constitution was adopted and the ghosts of India's inherited inequality continue to haunt its democracy.

IV. CONCLUSION

The Hindu caste system is more than 3000 years old yet it has continued to plague India's social fabric and has been a hurdle for achieving democracy since ancient times. The solution of the caste

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[14] Navayana, https://navayana.org/blog/2017/01/22/the-entire-village-was-involved-sir-entire-village-bhaiyalal-bhotmange (last visited november 26, 2023)

[15] Arundhati roy, the doctor and the saint 5 (penguin books,2019)

[16] Anurag bhaskar, Setting the Record Straight on the Myth of Ten-year Limit Reservations and Dr Ambedkar's Stance, 10-11 (SSRN,2022)

[17] Reuters graphics https://fingfx.thomsonreuters.com/gfx/rngs/INDIA-ELECTION/010031Y54EE/index.html (last visited 25 november, 2023)

problem lies within the government and its people but an article in the London economist back in 1996 which said *"Indian politicians need not be ashamed of their democracy, only of themselves"* still finds relevance[18]. The government should work towards the gradual eradication of caste identities but recent measures such as the caste census in states like Bihar and Rajasthan is only a step backward towards the same as it will uphold caste identities within the citizens. The citizens should take measures to eradicate caste such as destigmatizing inter caste marriages and not bearing in mind the caste identities of people but it is easier said than done because of the social construct and some government initiatives which ensure caste identities stay relevant. India has taken baby steps towards the fulfilment of the constituent assembly's vision but the ancient deadlock which is caste continues to strangle our democracy.

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[18] Yuvaraj deva prasad, democracy in India- traits,travails and transition 13 (janaki prakashan, 2019)