

# Constitution vs Manusmriti: The Sangh owes it to India to clarify its position

*Jawhar Sircar*

Of the two major national day celebrations that India observes, Republic Day is certainly more colourful because of the pomp and power government displays on New Delhi's imposing Central Vista avenue. Amidst the glitter and glory, we tend to forget why we celebrate this day. On this 26th day of January in 1950, India gave effect to the Constitution of a free nation and replaced the Imperial-era Government of India Act of 1935.

The Constitution had actually been adopted by the Constituent Assembly of Independent India on November 26, 1949, but came into effect from January 26, 1950.

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The day was marked by a salute of 21 guns and the unfurling of the national flag by the country's first president, Rajendra Prasad. This landmark date, January 26, had been chosen to honour the declaration of Purna Swaraj (complete independence) adopted at the Lahore session of the Indian National Congress in 1930.

The current three-month period is very special for the Indian constitution, because it marks the 75th year of its adoption and its operationalisation. Prime Minister Narendra Modi celebrated this event with due solemnity on November 26 in the abandoned but suddenly spruced up Central Hall of the old parliament building. This was the very place where the Constituent Assembly met and created the Constitution.

There was a lot of focus on BR Ambedkar, who was showered with praise for steering it all through. This extra dose of adulation was necessary to override the controversy created by Home Minister Amit Shah's [provocative comment](#) last month that it had become a "fashion" to invoke Ambedkar.

But while this issue is at rest, another controversy is also being sought to be pushed under the carpet of history, quietly and surreptitiously. We refer to the Sangh parivar's desire to have our Constitution replaced by the *Manusmriti* or Laws of Manu – a legal text thought to date back to between the 1st century CE and the 3rd century CE.

It is worthwhile to examine what the powerful parivar – or family of Hindutva organisations that includes the ruling Bharatiya Janata Party – has to say on the Indian Constitution that its government is publicly celebrating.

Like the Muslim League, the Rashtriya Swayamsevak Sangh and the Hindu Mahasabha had constantly criticised the national freedom struggle against the British led by Mohandas Gandhi, often quite fiercely. These groups had either stayed away from it or opposed it.

When India finally gained independence, the RSS began to oppose the Indian national flag and the Constitution. On July 17, 1947, just a month before Independence, the RSS publication, the *Organiser*, castigated the Constituent Assembly's decision on its choice of the national flag.

"The tricolour will never be respected and owned by Hindus," it said. "The word three is in itself an evil, and a flag having three colours will certainly produce a very bad psychological effect and

is injurious to a country.”

It continued with this line in its issues of July 31 and on Independence eve on August 14, insisting that the Hindu saffron colour be chosen for India's national flag. Sardar Patel, who was deputy prime minister and home minister, put thousands of RSS men behind bars for 18 months.

On the subject of the Constitution, both the RSS and the Hindu Mahasabha were more vitriolic. On November 30, 1949, just four days after the Constituent Assembly adopted India's new constitution, the *Organiser* declared that “in our constitution, there is no mention of that unique constitutional development in ancient Bharat”, the *Manusmriti*.

It added that to this day, the “laws as enunciated in the *Manusmriti* excite the admiration of the world and elicit spontaneous obedience and conformity. But to our constitutional pundits that means nothing.”

The *Organiser*'s issue of February 6, 1950, proclaimed that “Manu Rules our Hearts”. It reiterated the RSS's commitment to the *Manusmriti*, affirming that it is “a fact that the daily lives of Hindus are even at present-day affected by the principles and injunctions contained in the Manusmriti and other smritis”.

### ‘Nothing Bharatiya about it’

VD Savarkar, the Hindu Mahasabha leader who Modi worships in public (with his publicity machinery amplifying this), also agreed that “the worst about the new constitution of Bharat is that there is nothing Bharatiya about it”.

He explained: “*Manusmriti* is that scripture which is most worship-able after Vedas for our Hindu Nation and which from ancient times has become the basis of our culture-customs, thought and practice. This book for centuries has codified the spiritual and divine march of our nation. Even today the rules which are followed by crores of Hindus in their lives and practice are based on Manusmriti. Today Manusmriti is Hindu Law.” (Page 426 in the Collection of Savarkar's writings in Hindi, Vol. 4, Prabhat, Delhi.)

Even two decades after Independence, RSS chief MS Golwalkar, lambasted the Constitution in his book *Bunch of Thoughts*.

“Our Constitution too is just a cumbersome and heterogeneous piecing together of various articles from various Constitutions of Western countries,” he wrote. “It has absolutely nothing, which can be called our own. Is there a single word of reference in its guiding principles as to what our national mission is and what our keynote in life is? No!”

Let us take a brief look at the *Manusmriti* and some of its derogatory comments about women. In verses 213, 214 and 215 of Book 2, it describes women as incorrigible seducers and warns wise men to avoid them.

Verses 3 to 18 of Book 3 talk of women as objects, body shaming them openly and establishes the rights of Brahman men over women of all lower castes — but it says that they should definitely avoid Sudra women.

Book 3, verse 340 equates “a chandal [untouchable], a pig, a cock, a dog, and a menstruating woman”. The fifth book degrades women ruthlessly as the property of men and (in verse 157) declares that even if men lack virtue or are sexual perverts, immoral and devoid of any good qualities, women must constantly worship and serve their husbands.

The *Manusmriti* celebrated by Hindutva supporters reeks of brutish caste discrimination. Just a few examples will suffice. Book 1, verse 91 declares that “god said the duty of a Shudra is to serve

the upper varnas faithfully with devotion and without grumbling”.

Book 3, verse 156 disqualifies anyone who instructs Shudra pupils while verses 78 to 81 of Book 4 state, quite unequivocally, that Shudras are unfit to receive education. Any teacher violating this prohibition would go to hell.

We should remember these punitive clauses and the social realities imposed by Manuvadi doctrines when we hear, much too frequently, that ancient pre-Islamic India had the best of scholars, scientists, philosophers and teachers, along with unique educational institutions — because the overwhelming majority (shudras and untouchables) had absolutely no access to them.

“Brahmans must never read the Vedas in the presence of the Shudras.” says Manu Book 4, verse 99.

As a treatise on law, the *Manusmriti* describes in gory detail the punishment for the illicit acquisition of knowledge by Shudras, such as like pouring boiling oil in their mouths (Book 8, verse 72). Verses 270 and 271 of the same book prescribe punishments like inserting long red-hot iron into the mouth of a Shudra or cutting off his tongue if he challenges a Brahman.

Verses 50, 56 and 59 of Manu’s book 8 states that Shudras are created to serve Brahmans, who can enslave them for ever and no one can ever free them.

The Sangh has a steadfast policy of pursuing its avowed targets quite ruthlessly and with no compromise over several decades.

For instance, in the late 1980s, it swore to tear down the Babri masjid in Ayodhya and build a Ram temple on that very spot and it did exactly that – never mind the deaths, destruction and a co-opted judiciary. Even earlier, the parivar had declared its opposition to Article 370 of the Constitution that extended some special historic benefits, to Kashmiris, at least theoretically. The parivar waged the battle for 70 years until it achieved its objective.

It is relentlessly pursuing its third goal, namely, clamping a uniform civil code on all Indians. It has triumphantly declared that the Muslim shortcut method of a male divorcing his wife through triple talaq is illegal.

It is high time that the Sangh Parivar clarifies whether its demand to replace the Indian Constitution with the *Manusmriti* still stands.

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