

HOW TO DEFINE IDENTITY

Judiciary as the top arbiter of the disputes on all the issues is sometimes caught up in delivering judgments on things for which an individual judge raises more disputes instead of resolving them. The case in point is the famous 'Hindutva as a way of life' observation by Justice Varma of Supreme Court. Here the theological and political paraphernalia to opine on this concept were not clear. For one thing Hinduism is the only major religion in the World which does not have a prophet or a single holy book. On the top of it many terms have been coined over a period of time which one does not find in the earlier texts. It pertains to the terms, Hindu, Hinduism, and Hindutva. While passing a judgment on the word Hindutva, the judge took it as synonym for Hinduism and pasted on it the definition of Hinduism, where due to the lack of single cohesive one, it came to be called as a way of life. It is another matter that the word Hidutva came to be coined in the early twentieth century to express the composite politics of Hindu Mahsabha and later RSS. It was to be based on race; Aryan, language; Sanskrit and Brahmanic culture.

The current judgment by Justice Shrivastava, (signed on August 30th 2007) that Bhagvat Gita should be a national dharma shastra, Holy book, falls in another genre. Here the judge was giving his verdict on the dispute on the sale of temple land between two brothers. As an, addition to the basic verdict he was generous enough to share his personal wisdom as a part of the judgment. It was an unwarranted and unsolicited advice. He advised the nation that all citizens should follow the dharma as propounded in Gita. The VHP immediately stood to lap this up and its vocal face, Singhal was quick to endorse the same by adding that the judgment has nothing to do with the judge's religious identity, "He has justice in his mind, not as a Hindu, but as a judge." Meaning there by that pronouncements of Gita are above the judge's own religion, i.e. Hinduism and they should be part of the judicial system. Leaders from other religious communities vehemently opposed this. Also the legal authorities and legal experts pointed out that a book from any single religion cannot qualify for being a national Holy book.

One recalls that in the aftermath of Babri demolition many ideologues from Hindutva camp asserted that Ram is the national figure, far surpassing the Father of the nation Mahatma Gandhi. The assertion was that Lord Ram should be the basis of Indian identity.

Right now confusions are crossing the nature of Hinduism, being a complex ensemble of different traditions does not help the matters in the least. As far as Gita is concerned it has been a source of inspiration for many Hindus who also participated in freedom movement. Its impact on the section of Hindus is humongous, and it does have a special place in the culture of the land. But neither is it the holy book of all the Hindus nor it can have a place in the scheme of things of followers of other religions. Hindus have Vedas, Upanishads, Purans,

Dharmshatras, and a whole plethora of holy books. While for Dayanand Saraswati Vedas were supreme, for Vivekananda Vedanta, for Lokmanya Tilak and Vinoba Bhave Gita had a central place. For the followers of Hindu Mahasabha/ RSS, Manusmriti had a central place. Gandhi, the tallest Hindu in the freedom movement did not comment about the individual books as he gave preference to values.

Gita is essentially a sermon given by Lord Krishna to Kshatriya warrior Arjun. Seeing all his relatives on the other side of the divide in war, Arjun gets pensive and wants to withdraw from the battle. Here the Lord building up on the Dharma as given in the Vedas, the system based on the Varna (hierarchical location in social order) of the individual, advises that 'if we do our duty as per our Varna it is not a sin, on the contrary running away from this Dharma, Varna based duties is a sin. So go ahead and engage in a battle even with those who are your kith and kin'. Also one should not look at the results of one's action as it is dharma itself. The Lord also says that whenever this dhrama, Varna based social system, is in danger, he takes birth to reinstate it.

Now how many Hindu streams will hold on to this? Surely Nath, Siddha, Tantra and Bhakti tradition of Hinduism reject the varna based preaching. Buddhism and Jainism will look the other way around as far as Varna dharma is concerned and they will have nothing to do with the violence and war. Gita, while highly revered, its base is Varnashram Dharma, unacceptable to the teachings of other religions as well. Similarly Lord Ram, despite all his virtues may not be acceptable to the tribe of Shambuk, or Bali or women, even with the mildest aspiration of equality, today.

This debate about certain holy books and laws has been affecting many a nation state. Many Islamic states, in the grip of Mullahs call for the implementation of Sharia. In Pakistan due to the erosion of democracy army kept dominating the social scene and to get the legitimisation of their dictatorial powers have been allying with the section of clergy and implementing parts of Sharia to the detriment of democratic norms. Here in India also many Hindutva ideologues have been calling for the institution of laws based on Hindu books, i.e. Manusmriti, Gita etc. and to do away with the Indian constitution. People are facing obnoxious political tendencies because of the decline of progressive movement. □ *[Contributed]*