

The State of Patriotism in the Contemporary Context of Indian Democracy: An Analytical Study

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Abstract

“Loyalty To The Country Always. Loyalty To The Government When It Deserves”.

—Mark Twain

Patriotism is a notional concept which is frequently attempted to be defined in a subdued arena of present democracy. It is imperative to respond to the enigma that “Can Patriotism be engrained into people through the mechanism of force-feeding? or Is Patriotism the last refuge of a scoundrel? Patriotism is an abstract feeling which is sought to be defined in a constricted manner. A very important question which requires discourse is whether Patriotism has to be expressed at all?”

Keywords: Patriotism, Engrained, Force-feeding, Refuge, Scoundrel, Constricted.

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Objectives: The soul-aim of this article is not to just define the concept of patriotism but to analyze this concept in the current scenario.

Research Methodology: This study is descriptive analytical study as it has focused on the analysis of the current situation of the state of patriotism in order to find out an answer to the research problem. The researcher has followed a qualitative approach, the research is based on secondary data such as various articles published reports and Supreme Court Judgements.

Scope & limitation: The scope of this paper is limited to the analysis of the relevant literature on the subject and general comments and recommendations along with the pertinent decisions of national bodies. Due to the inclusion and wide array of sub-topics under the research topic, a detailed analysis of all prospective perspectives cannot be taken into account. Primary data collection for the research topic cannot take place due to the contemporariness yet dormancy of the topic.

Review of Literature: Constitution of India Acts: (1) The Prevention of Insults to National Honour Act, 1951 Cases Referred. (2) Excel Wear Etc. Vs. Union of India: In the said case,

it was held that the Fundamental Right. (3) U/a 19 has reciprocal rights i.e. “Right to freedom of speech includes the right not to speak and the right not to form an association this is inherent in the right to form associations”. It was further held that the expression of patriotism should be left to an individual’s personal choice and the same cannot be dictated. (4) National Anthem Case [2016]: Paying respect by standing up when the National Anthem is being played in the cinema hall is a mandatory obligation. (5) Judgement on Hindutva [1995]: It was held in the said case that Hindutva is not a religion but a way of living.

CONSTITUTIONAL PATRIOTISM

History

The history of Constitutional Patriotism dates back to the year 1964 when Karl Jaspers advocated collective representation of past through the liberal democratic ideals of the constitution in Germany after the brutal Nazi regime to promote a feeling of brotherhood amongst the citizens.[1]

Later one of his students, Dolf Sternberger coined the term constitutional patriotism as an acknowledgment of respect and love for the law of the land which resides in The Constitution.

Introduction to Current Controversies

The National Anthem Case: On 30th Nov 2016 in the case of Shyam Narayan Chouksey V Union of India, it was not the first time when the Indian Judiciary faced predicaments related to the modesty of National Anthem. From Judicial Pronouncements like Bijoe Emmanuel's case [2] to Kamal Dey's [3] judgement in the light of The Prevention of Insult to National Honour Act, 1971 the Courts have made it clear that any action that may bring dishonor to the nation cannot be tolerated. In, 2016 in a PIL was filed by Mr. Shyam Narayan Chouksey demanding a framework of guidelines while playing the National Anthem. The Hon'ble Supreme Court mandated playing of National Anthem along with the National Flag on screen in all public theatres before beginning with movies. Along with the order, seven other guidelines were issued, the same are mentioned below: [4]

- No commercial exploitation of National Anthem for any financial benefit.
- No dramatization of the National Anthem.[5]
- National Anthem or a part of it shall not be printed on any object or displayed at such placed which may be disgraceful.
- All cinema hall shall play the National Anthem before the movie starts, obliging audience to stand up and pay respect.
- Prior to playing of National Anthem all exit and entry doors shall remain close to forbidding any kind of disturbance that may bring dishonor.
- National Flag shall also be displayed on the screen along with the playing of the National Anthem.
- No abridge version of the anthem shall be played

On 24th Oct 2017, the Hon'ble Supreme Court recalled its earlier order after a petition was filed by Kodungallur film society on Nov 2016 order of the court. The court said that if a person does not stand up for the National Anthem that person cannot be assumed to be less patriotic.[6] Moreover, society does not need moral policing in the purview of court's orders and the word 'shall' of the previous interim order of the Court was replaced with 'may'.

MANDATED SINGING OF VANDE MATRAM IN TAMIL NADU SCHOOLS

The Hon'ble Madras High Court in a ruling on 25th July 2017 made singing of Vande Mataram mandatory twice in a week in all schools and once in a month in all offices. The Court also made orders regarding the translation of the same to Tamil if there was a linguistic difficulty singing it in Sanskrit. [7]

Installing A Battle Tank in the Jnu Campus: Jnu Vice-Chancellor Mr. M. Jagdish

Kumar urged Army General to help in procuring and installing an army tank in JNU campus to instill a feeling of patriotism amongst the student after the university was tainted with anti- national activities by some of its students in Feb 2016.[8] This all happened during the Kargil Vijay Diwas celebrated in a collaboration with the Indian army.

Critical Analysis

The core issue that emerges from all these controversies is can patriotism be instilled through external force mechanisms? or is it an intrinsic emotion? Do we in India as Indians recognize any difference between nationalism and patriotism. In the case of National Anthem, it emerges that keeping silent/mum while standing when the National Anthem is being played is also a violation of Sec. 3 of The Prevention of Insult to National Honour Act, 1971 but in the same purview why is one expected to explicitly show respect by standing when one does not indulge in clear disrespect? [9]

In the same concern when it comes to mandating singing 'Vande Mataram', there is a need to understand the necessity of passing such decrees. That, too when the case was not about singing or not singing but rather pertaining to a recruitment board.

Additionally, is trying to instill a feeling of patriotism through the installment of battle tanks really the job of a Vice-Chancellor. This would further lead to agitations amongst students who are by default considered to be non-patriots.

All these instances of Constitutional Patriotism lead us to a point that there is total obscurity prevailing in our country, between the thin line of difference between nationalism & patriotism. Patriotism is an intrinsic feeling that rises from within. It is an affection and love for one's 'Motherland'. This cannot be forced upon any individual through a court's order, although disrespect to any national symbol or representation which may bring dishonor to our motherland should be indeed legally penalized.

ECONOMIC PATRIOTISM

The term Economic Patriotism is newly coined however there have been various instances in the recent past where the use of this term is quite suitable. This research focuses on two such instances of the recent times. During the 4th Quarter of 2016, there was an outcry for the prevention/ban on actors of Pakistan. Moreover, MNS [Maharashtra Navnirman Sena] even went out to threatening all Pakistani actors in the light of Uri Attacks. Their dictates were even backed by the Indian Motion Picture Producers Association [IMPPA].[10] IMPAA even went on to pass a resolution to ban all Pakistani actors from working in India. Various views were taken on by Indian Actors, Politicians, Journalists on this issue. [11]

It is imperative to understand why Pakistani actors are cast in Indian movies in the first place. Pakistani actors with a fan base in Pakistan improve the movies potential box-office collection of Bollywood films in Pakistan. Moreover, casting Pakistani actors also opens the door for intra-country transfusion of professionals in this field. Banning Pakistani actors could have various counter-steps taken by their country as well. [12] It is important to understand the various economic benefits of telecasting Bollywood movies in Pakistan. [*Indian films make more than \$10 million in annual receipts in Pakistan*]. [13] On the other hand the annual receipt of Pakistani movies in India is absolutely marginal the reason is that Pakistani movies are not released in India. [14] Thus, banning Pakistani actors in India leading to a ban on Indian cinema

as a consequence would do us more harm than good.

Another such instance was demonetization which was showcased as a process for citizens to demonstrate "Economic Patriotism". The "*Forum for Good Governance*" has appealed to citizens to showcase '*Economic Patriotism*' by giving up cash transactions and going digital.[15] Demonetization was a colossal step by the Govt. to reduce black money in the market. However, the results of such a colossal step remain debatable.[16] In this situation, we must understand the outcomes of the achievement of the goal of this step.[17] Moreover, getting a patriotic angle to such a step merely to ensure the enforcement of this the move of the government portrays an imprudent thought-process.[18]

Thus, getting demonetization into the garb of "Economic Patriotism" and creating a sense of duty linked with patriotism would not be a solution to ensure appropriate enforcement and acceptance of government strategies.[19] Politicization of emotions such as "*Patriotism*" must be avoided in all circumstances to ensure the sanctity of the current-day democratic frame.

PATRIOTISM & MEDIA

In today's era of information broadcasting, information can be broadcasted in the blink of an eye in this scenario the role of media in information sharing is undeniable. However, the means of social media have invariably been started to be utilized for the purpose they were never meant for. Social media these days has become a tool for mockery and proving one's patriotism. The recent inclination of social media has been to prove how someone is not a patriot or less of a patriot with the inherent objective of proving one's own patriotism and "unconditional love" for the country. A question which must be asked is that "*by questioning someone else's patriotic feeling can a person qualify to become a patriot?*" There have been many recent cases where this mechanism has been adopted by various distinguished people. In the recent controversy of the "intolerant" remark passed by Shah Rukh Khan.[20] There was tremendous

politicization of this statement. There were many political leaders who voiced their views on social media. The media tries to prove a very quaint point put forth by George Orwell. *“The nationalist not only does not disapprove of atrocities committed by his own side, but he has a remarkable capacity for not even hearing about them.”*

This quote beautifully narrates the importance of dissent. Media has a key role to play in the dynamics and sustenance of a political party. Dissent has a major role in the evolution of ideas in a democracy. Whenever media comes into picture the role of media is to ensure that the correct information reaches its source. However, politics plays its bitter role here as well. There are various channels which time and again have been accused of “Paid Journalism”. Thus, the media has an immense role to play when it comes to patriotism. There should not be a situation where patriotism is only expressed through social media without an actual inherent feeling of the same.[21]

PATRIOTISM & RELIGION

Kerala “Love Jihad”

This controversy emerged when a woman was allegedly converted to Islam to lure her into marriage. The marriage was declared null & void by the Hon’ble Kerala High court on 24th May 2017 surrendering to the submission of the father w.r.t the vulnerability to brainwashing and the inactive involvement of parents in such a major decision of the girl’s life.

Cow Slaughter and Mob Lynching Case

There has been an increase in violence against Muslims on account of cow killing after 2014. Out of the total deaths reported out of such incidents 86%, the people attacked belong to the Muslim community. The sentence for cow slaughter was raised to life imprisonment in the State of Gujarat.

Surya Namaskar

Brihanmumbai Municipal Corporation’s (BMC) approved of a proposal making Yoga and Surya Namaskar mandatory in schools in Mumbai, this move has been widely criticized by & dubbed as a saffronisation of education by Political opponents & Mumbai’s Muslim

community. The contention raised by them was *“Many Muslims find Surya Namaskar objectionable since Islam forbids bowing before or worship of anyone except Allah.”*

Madrassas

A circular directed all madrasas to hoist the tricolor and sing the National Anthem at 8:00 Am. The Flag hoisting should be followed by a speech on the importance of the freedom struggle and the sacrifices made by freedom fighters. The order made audio visual recording and submission of this event mandatory to the government.

Rohingya Controversy

The Government of India had in a recent time in an appeal to the Hon’ble Supreme court by Rohingya Muslims they contended that they were being treated in such an indifferent manner only because of their religion.

Critical Analysis

“Patriotism is religion and religion is love for India”.

-Bankim Chandra Chatterjee

Religion and Patriotism have since long time existed intertwined to formulate the political structure of the nation. If patriotism depends and affects only one religion can the core essence of secularism be maintained? From Patriotism of Mr. Hansari called in question when he did not salute the Flag on 26th January 2015 although he was not required to do so as per Sec. 6 of Flag Code the same was never questioned when Mrs. Pratiba Patil walked past the national Flag in Mexico while inspecting the guard of honor.

There is a dire need to understand that patriotism is above all religions. Saffronisation or forced patriotism will not be able to attain any material goal else than creating disputes between different sects. Hinduism is not patriotism and patriotism is not Hinduism. Even the apex court has held that Hinduism is just a way of living. The constitution of India declares India as a secular country meaning thereby that there is no state religion, any such kind of aforementioned step indirectly violates

constitutional provisions and undermines the integrity of the nation.

PATRIOTISM & ARMY

Patriotism and love for the military is the most inter-twined concept in the contemporary times. There have been instances when the special powers legally conferred upon the military have been challenged. It is imperative to analyze the concept of Army and Patriotism with a single lens. Moreover, when the certain unjustified acts of the military are questioned would that make a person less of a patriot? An absolute blanket protection to all the acts of the military cannot be provided. The Hon'ble Supreme Court has held that "There is no blanket immunity available to the perpetrator(s) of the offense.[22] No one can act with impunity particularly when there is a loss of an innocent life," the apex court said." [23] Thus, even the viewpoint taken by the Hon'ble Supreme Court reiterates the point "No one is above the law".[24]

In the infamous case of "Kunan Pooshpora", Indian soldiers allegedly raped more than 30 women. [25] 6 of the 23 women have died and the rest of them still await justice. [26] These instances shake the trust that people have in the military. A question which arises in these cases of sexual violence, is that can a soldier under the Armed Forces (Special Powers) Act (AFSPA), if "acting in good faith", has permission to shoot to kill on suspicion, claim to have committed sexual abuse "in the line of duty"? Moreover, if any questions are raised pertaining to the duty of the military in this situation would that make a person an anti-national? Or less of a patriot? Questioning the military for their obstreperous and unlawful acts would indeed not make a person less of a patriot. However, the researcher here is of the view that paying reverence and respect to the military is the prime duty of each & every citizen which must be administered at all times

CONCLUSION

"Patriotism is the Virtue of the Vicious"
- Oscar Wilde

The term patriotism has time and again interchangeably used with "Nationalism".

Although these two different connotations define the basic premise of democracy. There have been instances where patriotism has been engulfed and defined in the light of Religion, Constitution & Govt. policies, army but patriotism is a concept which is very subjective.

Any person cannot be said to less patriotic if he doesn't stand for the National Anthem. Such strict decisions on such sensitive issues will just lead to the degradation of the essence of patriotism. no one can force fed patriotism by installing battle tanks in college campus or by making 'Vande Mataram' compulsory in schools and institutions. by making National Anthem compulsory before playing of a movie is an absurd step as to how can patriotism be proved at places of entertainment. is patriotism anything that needs to be defined anywhere and everywhere.

Also, how justified is linking religion to patriotism? Can blind adherence to a single religion define the patriotism if two people of different religion marry does it necessarily mean "love Jihad." How justified are killings in the name of cow love? Killings of people of a particular religion on mere apprehension is a blot on democracy. When it comes to the BMC order of making "Surya Namaskar" compulsory can health be also given the color of religion? Most of the time it is the political parties which try their level best to bring all the situations to their benefit by putting all the conditions on Hindu V Muslim construct. Thus, this is the time where we all stand together as Indian citizens against this evil of woven materialistic patriotism.

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