



Gandhi and Champaran Satyagraha: A conscious Idea of Justice

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Abstract: History belongs to the past; but understanding it is the duty of present. In 2017, Champaran Satyagraha has completed its hundred years of success. It remains important because it was Gandhi's first 'satyagraha' on Indian soil. Champaran represents Gandhi's engagement morally with self and the society to provide justice to the oppressed humanity. In recent past spirit, ideals and events of Indian national movement have been reduced just mere celebrations. Champaran was also celebrated with wonderful vigour and joy; but does the spirit of Champaran in contemporary India needs celebrations? Perhaps the answer is no. Farmers' suicide and distress is at highest level in contemporary India. Farmers today have to eat rodents and drink urine during Satyagraha; just to attract the attention of Indian government to look into their distress.

A person or a leader and his actions becomes relevant not by solving all problems of contemporary and future (which is beyond his time and space); but by showing a way out in the moment of crisis. Gandhi's legal scholarship and philosophy of 'Law versus Consciousness'; perhaps can become the wheels towards social revolution. Gandhi's handling of Champaran provides a model of serious leadership, legal scholarship and the protest ideology; that requires a serious detour. Champaran in other words is a creative ways to engage with laws. It shows that how justice can be obtained from the state, even in the scenario of gross injustices. Champaran is not just an event of past, its India's present.

Keywords: Mohandas Karamchand Gandhi, Champaran Satyagraha, Protest ideologies, Justice, Equality and Social revolution

"The greatest injury that they (Lawyers) have done to the Country is that they have tightened the English grip. Do you think it would be possible for the English to carry on their government without law courts?"

– Mohandas Karamchand Gandhi - *Hind Swaraj*, 1909

Justice in British India was far from blind; it was highly attentive towards the profit margins of British Raj. The loot, plunder and exploitation which started with the Battle of Plassey (1757) were transformed into civilizational mission burden; which rested upon the “white men”. This particular theory of uncivilized oriental masses not only played a key role in the continuance of ‘BRUTISH’¹ (British) empire; but also justified the legacy of their colonial sins. Anglophile and imperialist historians never hesitate to throw light upon the beneficial aspects of colonial rule. Political unity, democracy, rule of law, parliamentary system et al. becomes the part and parcel of enlightened despotism. But again the actual picture behind this enlightened despotism becomes myth under the larger classical era of colonialism.

Since the inception of company rule which transformed into colonial Raj; Imperialists depleted, drained and bled India of its resources. Early Indian nationalist like R.P Dutt, R.C. Majumdar and Dadabhai Naorji were able to depict this Un- British reality through their intellectual exercises. (Tharoor 2016). Apart from the counter factual arguments, fact remains that from civilizational process of establishing benevolent institutions was motivated by commercial and sound economic calculations. The travesty in relation to this economic ruination by colonial raj was directly linked to the artisans and farmers. The whole process of “De – Industrialization and Commercialisation of Agriculture (plantation economy like tea, cotton, jute and indigo comes under this) remains the tragic episode in the pages of modern Indian history.

As the importance of ‘JEWEL IN THE CROWN’ grew with the economic prosperity and expansion of British Empire; the oppression enhanced. The era witnessed the ideological gods like Adam Smith and Malthus, who through their ideological power were able to propel the colonial holocaust; which continued with justified explanation. Thirty to thirty five millions Indians died by starvation during famines, thanks to the ruthless economic policies, which represented classical economic relationship. Parallel to ideological force, the perpetuation of British Empire was also supported by the state apparatus and institutions. Assertion of sovereignty and control was the primary step towards exploitation and steady flow of revenue. The institutions like judiciary, police, army, revenue settlements et al. played a vital role. The whole trajectory of ‘Orientalism’, ‘Utilitarianism’, ‘Racial’ ‘Anthropology’ and ‘Evangelicalism’; provided justifications towards the unjust laws and exploitation. Warren Hastings was one of the leading architects of colonial hegemony. His views reflect how every step of Colonial raj was a conscious reality of suppression. He viewed orientalism very differently from anglophile historians:

Every Accumulation of knowledge is useful to the state.....it attracts and conciliates distant affections; it lessens the *weight chain* by which natives are held in subjection; and imprints on the hearts of our own countrymen the scene and obligation of benevolence. (Bandyopadhyay 2009: 68).

¹ Sashi Tharoor in his seminal work *An Era of Darkness: The British Empire in India*; uses the term BRUTISH in place of British rule - to define the horrific acts done under the umbrella of Colonialism.

This particular 'chain' of colonialism got strengthened day by day and at receiving ends were the farming community. Peasants faced the prominent crude destruction under the phenomenon of free trade, commercialisation of agriculture and industrial revolution. The idea of revenue generation through agricultural lands by different modes became one of the most important aspects of Raj. The whole episode gyrated around the idea of justice that was related to pecuniary benefits of colonial rule and had created venality in the whole system. Champaran represented a struggle against the unjust laws that emanated from colonial project of British Empire.

Champaran: Planters Raj and Unjust Laws

"To The Oppressed Humanity" this particular line was dedicated by Dr. Rajendra Prasad to the masses that were being oppressed by the "Stain of Indigo"; in his book *Satyagraha in Champaran* (Prasad 1949). Commercialisation of Agriculture, which favours differentiation within peasantry, capital accumulation and production for markets, is considered to be sign of capitalist agriculture. As commercial crops started to gain momentum with favourable trade profits; the colonial oppression and dominance expanded. From Bengal Indigo plantations spread over to Bihar and European planters utilised the system of Zamindari to force their will upon the tenants. Initially the lands were temporarily leased out to British planters as "*Thekedars*" for sugarcane and Indigo plantation in Champaran, but with time these lands became perpetual property of planters and leases were obtained of all village from Bettiah Raj. European planters with all obedience and severity adopted the role of Zamindars and this was perpetuated by force and unjust laws. *Zeraiat* i.e., departmental cultivation under direct supervision of company and *Asamiwar* i.e., Cultivation through cultivators or tenants; were the two methods that dominated Champaran Planters Raj (Prasad 1949: 13). The practice is Asamiwar where tenants were forced to grow Indigo, through different methods of *Khuski*, *Kartauli* and *Tinkhatia* (the most prominent one) was depended upon series of unjust laws. About the kurtauli system the Commissioner of Patna said in 1885:

The *kurtauli* lease is a new institution dating from a very few years backThere is growing up in our midst and in spite of our efforts at beneficent legislation, a system under which the ryot mortgages his entire holding and the very site of his house for a period probably extending beyond his own lifetime, redemption being contingent on the repayment of a loan; the ryot, to use the common expression, is selling himself body and soul into hopeless servitude. (Prasad 1949: 14)

Apart from Kartauli and Khuski; Tinkhatia was the most prominent mode of suppression. It was under Tinkhatia system that tenants were forced to grow indigo in 'one third' of their fertile lands (It was the system under which the native peasants of Champaran, Bihar were forced to cultivate three katha of Indigo out of every Twenty katha or Bigha of their land. A Bigha is a popular land holding in Bihar and it is little less than an Acre.). With the colonial dominance and India's entry to the world market of Imperialistic giants; fluctuations in world trade and market started to

affect the tenants directly, a phenomenon related to the market economy. As market fluctuated with the synthetic dye developed in Germany the Indian dyes were unable to compete and exports declined. Planters who did not want to lose out their profitable margins started to impose the whole burden of losses upon the tenants. 'Sharbeshi' also known as rent paid by peasants to Zamindars was increased up to 50 to 60 percentages. Another tax known as 'Tawan' carries more severe mode of oppression. As the prices of Indigo fall the peasants wanted to shift to another crop; that shifting of crop comes with a heavy tax from planters, which was popularly known as *Tawan*. The planters also imposed illegal dues known as *Awabs* defined by taxes such as *Pine Tax* (irrigation), *Marwa Tax* (wedding tax), *Bentmafi tax* (Cattle tax), *Baphi - Puthi Tax* (when parents dies and property is transferred to their legal heir), *Holi*, *Ramnavmi tax* (religious celebrations) et al.. Planters remodelled themselves as new Zamindars in each and every respect altering the whole fabric of rural society with new modes of oppression. Eminent historian Ranajit Guha has described this phenomenon as "revitalization of Landlordism". (Bandyopadhyay 2009).

The new landlord's powers to oppress the peasants were greatly expanded by British laws. The nexus of 'Zamindari', 'Daroga' and 'Courts', became one of the most coercive phenomenon of that time. Institutional set up very vainly provided a platform to the discontented peasants to vouch for justice and fairness from the system. Before Champaran, Bengal indigo crisis followed the trajectories of petition and court. Champaran also followed similar trajectory in its initial stages of protest. The newly educated personnel and lawyers played a key role in this arena. In 1907, one such petition was submitted to the magistrate of *Mothihari* against the one of factories known as '*Sathi Factory*':

That for six or seven years, the Sathi factory is oppressing your petitioner in many ways and is extracting from them higher rent and *Begar* (forced Labour) and is forcing your petitioner to cultivate indigo against your wishes without adequately paying for them and bringing false criminal cases against your petitioner and other tenants to execute Indigo Sattas. (Prasad 1949: 41)

The planter's raj technically turned down the all such complaints and reports. Both the nexus between raj and racial rule of law surpassed the norms of justice. The turning down of *Ilbert Bill* of Lord Rippon still remains the classic example as to how "Law" functioned in British India. It was perhaps this phenomenon working at Champaran made lawyer Dr. Rajendra Prasad to lament that:

It may be stated that here that whatever sympathy the government may have had with the tenants, it has always been exhibited in a such a way that very attempt of the tenants to free themselves from Indigo has been met by the government with some action which went to help the planters (Prasad 1949: 35).

Struggle was continuing in Champaran with the efforts of educated middle class people, lawyers and personalities like Sitalbabu, Rajkumar Shulka and others. But movement needed a momentum, direction and a leader who can transform peasant struggle into a mass movement and provide them courage to withstand against the most powerful empire of the world.

Mohandas Karamchand Gandhi and the Stain of Indigo:

Mohandas Karamchand Gandhi had already established himself as a leader in South Africa. Gandhi worked in South Africa as a '*Human rights activist*' in legal sense. He represented the depressed communities who were dominated by racial anthropology and unjust laws. It was in South Africa that Gandhi through his protest ideology and audacities have challenged the Empire. Journey from '*Coolie to Saint*' witnessed different modes of protest and innovation. In fact, prologue to Satyagraha, Civil disobedience, Constructive programmes et.al was written during his journey in South Africa. He was no believer in the infallibility of positive laws; but he fully considered it to be morally right to challenge the unjust laws. Gandhi was quick to realise, that the law of colonial power was linked with violence and force. According to his legal subjectivity - political and institutional setup which remains inconsistent to morality and divisive in nature have no right and legitimacy to continue and were inversely proportional to justice. Ramchandra Guha writes on Gandhi's South African protest that:

Gandhi was both a practitioner and theorist of Satyagraha. He planned his campaign meticulously. Which law was to be broken when, by whom, in which place and in what manner – to these matter he gave careful attention and precise instructions (Guha 2013: 549).

In subsequent years, the whole idea of Gandhi's protest ideology against unjust laws took various forms: hawking without licence; crossing colonial boundaries without permit; refusing to provide thumb impression when asked to do so; burning registration certificates that the law obliged one to possess and carry all the times. (Guha 2013: 548). Gandhi firmly realised that law cannot work in vacuum; it needs moral and conscious affirmation of the society that ought to be ruled. Political obligation needs a reciprocal obedience and honesty.

Stain of Indigo, with different Awabs was indeed based on unjust laws and was morally unaccepted to the peasants of Champaran. Violence, greed for power, capitalism and state institutions has diminished and crushed the morality of the rulers. They have also tested the strength of the farmers. In brief it subordinated the voice of truth and justice. The state power, rule of law and planters raj nexus in Champaran was abusing the concept of Gandhi's swaraj; where the capacity of resisting power of tenants were abused and utilized for more severe oppression. All this had created fear and dismay among farmers. Fear was such that they thought that the "*Stain of Indigo will never go*". Gandhi was quick to realise that the fight for justice in Champaran

should be initiated by erasing fears from the mind of tenants. Gandhi recalls in his autobiography:

Having studied these cases, I have come to the conclusion that we should stop going to law courts. Taking such cases to the courts does little good. Where the ryots are so crushed and fear-stricken, law courts are useless. The real relief for them is to be free from fear... (Gandhi 2012: 375).

For Gandhi law or political obligation cannot follow the trajectory towards enslaving people. Political obligation is condition of one's mind and conscience. Champaran was dominated by the range of repugnant laws. Gandhi firmly believed it was one's moral duty to fight against these injustices. Trajectories to erase such repugnant laws must follow the roadmap of "*non-violence and truth force*", which he thought that needs courage not fear. He wrote in Hind Swaraj in 1909 that:

Those who believe that they are not bound to obey laws which are repugnant to their conscience have only the remedy of *Passive Resistance (Satyagraha)* open to them (M.K. Gandhi's Hind Swaraj, (ed).Suhrud, Sharma ed. 2010: 76).

The whole Champaran episode is related to the idea of justice or more pertinently Gandhi's idea of justice. It presented a model of serious leadership and Gandhi's legal scholarship; which was based and developed through his experiments in South Africa. Champaran agrarian Bill of 1918 not only transcended the established rule of law in colonial India but it also changed the discourse of Indian National movement.

Barrister Gandhi and A conscious idea of Justice:

Gandhi's legal scholarship has always been overshadowed by his stature of modern saint as proposed by western and eastern school of thoughts. It is often narrowed down to utopia or anarchy. Justice per se was not just a politico – legal question for Gandhi, it's beyond that and dependent upon morality, conscience, inner awakening and behavioural pattern of the masses; which was connected with the ideas of love, equality and self - purification. He made a provocative statement about Justice:

The action alone is just, which does not harm either part of dispute (CWMG, Vol. 19: 233)

Gandhi was indeed a meliorist and his understanding of Justice is not merely an epistemology (as is our western understanding) it is, in deeply philosophical sense, an understanding on being self – an ontology (Raymond 2004). Gandhi banked upon natural laws. For him morality should be intertwined with rational lenses and to follow this phenomenon should become the highest duty of citizen. The core principle of this philosophy gyrates around oneness of both "tormentor and tormented". This oneness is the ultimate truth and is cannot be achieved by the physical force (**Himsa**) or unjust laws, but, with self-purification. The ordeal or oppression must be seen from the vantage point of tormented or oppressed; and is crucial for justice. The meliorist

Gandhi believed “Life lives on life and yet all life is one” (Raymond 2004). Contemporary world describe these ideas as “Vasudeva Kutumbakam, Universalism, Humanity, Global village et al – were Human beings are joined by the common thread of Humanity and connectedness by natural laws.

Gandhi was a lawyer first then a political or social leader. Most of the British legal traditions were grounded in natural law tradition and he targeted this particular trait of British Empire. He knew that certain principles (in the legal philosophy) cannot be overlooked or violated i.e. the Procedural principles. Champaran was in fact a fight towards Substantive racial laws of colonial empire versus the natural laws or procedural principles. What Gandhi did in Champaran was that he turned the table towards state by persisting upon the ideals of natural laws. Consciousness and morality cannot be defeated by the trajectory based on oppression and violence.

Red Letter Day for the peasants and me, Gandhi thus describes the moment when he saw large crowds of peasants just outside the magistrate court; when Gandhi was on trial (Gandhi 1927: 379). No one knew Gandhi in Champaran, he didn't know Bhojpuri or Hindi neither he has seen Indigo plant before his visit of Champaran. But peasants made their due presence by removing their shackles of fear and yielded obedience of love, morality, justice which in legal epistemology described as natural or procedural principles. It was the power of Humanity and ideas of “being one” that shook the authority of mightiest empire. Gandhi describes this particular moment in his autobiography:

It is no exaggeration, but literal truth, to say that in this meeting with the peasants I was face to face with God, Ahimsa and truth.....I find nothing but my love for the people..... (Gandhi 2012: 379)

Gandhi transcended the zone of lawyer and Human right activist through Satyagraha. He through his experiences gained at South Africa took the entire judicial system in front of the public opinion. *Sutipta Kaviraj* has defined this phenomenon as “*State on trial by the rebel*” (Singh 2017). Gandhi narrates this particular scenario in his autobiography:

According to the law, I was to be on my trial, but truly speaking government was to be on its own trial. The commissioner only succeeded in trapping Government in the net which he had spread on me” (Gandhi 2012: 379)

Eminent historian Irfan Habib describes the episode of Champaran Satyagraha as ‘The first intersection of peasants unrest and national movement, an assured guarantee for ultimate success of latter’ (Habib 2017). Champaran represents the perfect trajectory of Gandhi’s quest for justice which rest upon the proponents or tools that he throughout his life used against unjust laws. Gandhi was an innovator and contributed an innovation by authoring first fact finding report on Champaran crisis. It deconstructed the only monopoly of truth that was represented by Planters Raj. Experiences of legal journalism and theatrical potential to arouse public opinion

against the unjust laws worked magnificently in Champaran. Last but not the least the highest duty of human beings towards truth and morality helped the farmers to shun out their fear and wrestle unitedly for justice.

Gandhi used creative ways in engaging with the laws through his experiments and experiences. One such example is related to the sedition Trial in Ahmedabad engaging Gandhi in 1922, under 124 – A of Indian Penal Code. The charge framed by legal authorities was of “Exciting disaffection towards the Government established by the Law in India”. Gandhi converted the charge against him by pointing out that he was “Causing Disaffection” into a powerful statement on why “exciting disaffection against the government was the highest duty of Citizen” (Singh 2017).

Gandhi disobeyed law in Champaran, but again, through his trial and public opinion he was reaffirming the fact that law must have connection to justice. For Gandhi, permanent victory towards justice is healing process; which allow space for the tormented and tormentor for co –existence in future because of their shared identity as Human beings.

Nobel laureate Dr. Amrtya Sen, who also happens to be one the great thinkers of our times on Justice; have departed from John Rawls “*Theory of Justice*”. This departure gyrates around the whole idea of deliverance of justice at ground level and not only just ‘institutionalising them through state and law’. His Concept is duly inspired from the Indian ancient traditions of Niti and Nayaya. “*Sarvodya through Antodaya*” was the core principle of Gandhi’s idea of justice, which can be defined as synonym to Sen’s idea of justice related to deliverance praxis. What Gandhi contributed to the science of jurisprudence is that - he took ideas from eastern philosophy and stapled it with the western theories of justice. Consonance which link Sen’s idea of justice to Gandhi’s discovery in the field of jurisprudence is that, they both, talk about justice beyond the institutional set up.

Justice for Gandhi was not a ‘means’ but an ‘end’; that is recognised by the idea that all human beings are equal and shares a common identity. It needs to be sought rather than used. Several thoughts of Gandhi witnessed progress and changed during his long socio – political journey, with events and experiences. But what remained constant is his spirit towards justice. Champaran became the first movement where he not only challenged the patently unjust laws; but also applied his idea, as to what was justice for “barrister cum Satyagrahi”, Mohandas Karamchand Gandhi.

Conclusion:

History belongs to the past; but understanding it is the duty of present. Champaran was Gandhi’s engagement morally with self and the society to provide justice to the oppressed humanity. In recent past spirit, ideals and events of Indian national movement have been reduced just mere celebrations. Champaran was also celebrated with wonderful vigour and joy, but does the spirit of Champaran in contemporary India needs a celebration. Perhaps the answer is no; farmers suicide and distress is at

highest level in contemporary India. Farmers today have to eat rodents and drink urine during Satyagraha; just to attract the attention of Indian government to look into their distress. Ironically democratic republic of India with full vigour has worn the “Boots of British Empire”.

The idea of India was based upon political and social revolutions. Promulgation of Constitution of India provided justice to the political struggle. But the trajectories of India as a nation ‘have failed’ to provide justice and equality; to several Champarans, that exist in our world. A person or a leader and his actions becomes relevant not by solving all problems of contemporary and future (Which is beyond his time and space); but by showing a way out in the moment of crisis. Gandhi’s legal scholarship and philosophy of ‘Law versus Consciousness’; perhaps can become the wheels towards social revolution. As a *Chatur Bania* (as contemporary social media phenomenon have adorned him with this name), Gandhi traded with meliorism and love and applied it to his legal scholarship. It reminds me the lines of Professor Avijit Pathak on Social Constraints and the great longing: “Revolution is love and Love is revolution” (Pathak 2014: 76).

Gandhi’s handling of Champaran provides a model of serious leadership, legal scholarship and the protest ideology; that requires a serious detour. Champaran in other words is a creative ways to engage with laws. It shows that how justice can be obtained from the state, even in the scenario of gross injustice. Champaran is not just an event of past, its India’s present.

References:

- Bandyopadhyay, Sekhar (2009): *From Plassey to Partition: A History of Modern India*, New Delhi: Orient BlackSwan.
- Gandhi, Mohandas Karamchand (2012): *The Story of My Experiments with Truth*, Ahmedabad: Navjivan Publishing House.
- Gandhi, Mahatma (1999): *Collected Works of Mahatma Gandhi (CWMG: 98 VOLUMES)*. Retrieved from <http://www.gandhiserve.org/e/cwmg/cwmg.htm>.
- Gandhi, Rajmohan (2017): *Why Gandhi Still Matters: An Appraisal of The Mahatma’s Legacy*, New Delhi: Aleph Book Company.
- Guha, Ramchandra (2013): *Gandhi before India*, New Delhi: Penguin Books.
- Guha, Ramchandra (2001): *An Anthropologist Among Marxists and other essays*, New Delhi: Permanent Black.
- Habib, Irfan (2017): *Celebrating the Champaran Satyagraha, a Hundred Years On*, The Wire, 25/04/2017 <https://thewire.in/127909/champaran-satyagraha-centenary/>.
- Pathak, Avijit (2014): *On Social Constraints and Great Longing: An Essay on the Human Condition*, New Delhi: Aakar Books.
- Prasad, Rajendra (1949): *Satyagraha In Champaran*, Ahmedabad: Navjivan Publishing House.
- Rathore, Akash Singh (2017): *Gandhi and Law*, EPG Pathshala and MHRD India, 21st August 2017, https://www.youtube.com/watch?v=ta254EouO_8.
- Raymond, B. Marcin (2004): Gandhi and Justice, *A Journal of Catholic Thought and Culture*, Volume 7, Number 3, pp. 17-30.
- Sen, Amrtya (2010): *The Idea Of Justice*, New Delhi: Penguin Books.
- Suhrudd, Tridip and Suresh Sharma (ed.) (2016): *M.K Gandhi’s Hind Swaraj: A Critical edition*, New Delhi: Orient BlackSwan.
- Tharoor, Sashi (2016): *An Era of Darkness: The British Empire in India*, New Delhi: Aleph Book Company.