

Concept of Federalism and Decentralization of Administrative Powers: Reflection of 'Manusmriti' in Modern Governance of the Republic of India

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Abstract:

The democratic federalism of India has earned wide appreciation across the globe as one of the best models of modern administration. But the root of this model is found much before India gained independence in the middle of the 20th century in an ancient holy book, 'Manusmriti', created several thousand years ago by a well-known intellectual sage Manu. Manu's idea of federalism, decentralization of administrative power, rational tax administration, realistic foreign policy and his concept of law-making have similarity with the administrative framework and long-cherished policy of India. Suresh Chandra Bandopadhyay in his translated, explanatory and edited version entitled 'Manusmriti' from Manu's real text book has discussed how Manu's concept had influenced the legislators of Indonesia, Philippines, Cambodia, Japan, Germany etc. in carving their administrative and legislative framework. In this paper, we'll evaluate the impact of 'Manusmriti' or 'Manusmriti' on the governance and legislation of India and also assess the perceptions of Manu on the issues of casteism and women-independence.

Keywords: Manusmriti, Manusmriti, Manu, administration, governance, policy, philosophy, idea, law, book

Many indigenous politicians of India and various important overseas statesmen of the globe have assessed Indian democratic federal structure as one of the best models of the world. But one has to keep in mind that the idea of dividing a country into some provincial parts for the sake of the decentralization of administrative powers is the idea which the ancient sage Manu coined and preached through his ancient legal text book, 'Manusmriti' much before the time, India came under British rule and gained independence in the middle of the 20th century. Manu is considered as the most prominent and famous amongst the twenty leading writers of 'Dharmashastra' of the ancient time. His perception of a state, its legal and judicial system, administration, human rights, social customs etc. is so logical and realistic that it has laid its imprint in state and legal affairs of not only India but other countries too. Suresh Chandra Bandopadhyay in his translated, explanatory and edited version entitled 'Manusmriti' from Manu's real text book has discussed how Manu's concept had influenced the legislators of Indonesia, Philippines, Cambodia, Japan, Germany etc. in carving their administrative and legislative framework. In this paper,

we'll evaluate the impact of 'Manusmriti' or 'Manusanhita' on the governance and legislation of India and also assess the perceptions of Manu on the issues of casteism and women-independence.

The concept of federal structure in India is the reflection of Manu's idea of administration and his concept of political organization of the state. K. Sreeranjani Subba Rao has stated in his article entitled, Manu's Ideas on Administration,

Manu's ideas on administration reflect the modern concept of decentralization of administrative powers. Federalism is Manu's concept of political organization of the state, as of social life. His rule is very much like the president of the modern republic with the difference that he is to be a man of culture and spiritual sensitiveness.

Federalism does not have any alternative in ensuring 'people's government' in the real sense of the term and bringing forth the rule of law in a country. Political and social scientists have researched a lot but no better option has been innovated till date. Presently, India is the land of 3,287,263 km² area where about 1,352,642,280 people live. So, it's impossible to rule this vast land centrally by a single government. The combination of respective federal governments along with the central govt. offer good administration and governance to the people of India. Proper distribution of power and purview as per the Constitution of India, the Constitutional relationships amongst the governments and sharing of responsibilities have made India an effective, successful and matured democracy of the world.

In the process of decentralization of administrative powers, Manu has expressed his opinions to set up community administration in villages at miniature level. A leader is chosen who is primarily entitled to maintain peace and harmony in the villages. The concept of village administration is seen in recent times as well in India where a working committee, nominated by the villagers and headed by a leader, who is called either president or secretary or manager looks after the village administration. The committee maintains discipline, law and order amongst the villagers, undertakes various developmental activities, manages various cultural and religious festivals and provides primary judicial services to the villagers in their sore need. Although there are some cases of atrocities, misrule and oppression, reported against some village leaders in some parts of India at different times; in majority of cases, village administrative committees do good to the villages and villagers.

Manu laid utmost importance to 'competency' in the selection of ministers as the prime associates of the kings in "Manusmriti". According to him a minister must be intelligent, sensitive, philanthropic, honest, brave, heroic and well-versed in the ancient holy books or 'Shastras'. He must have adequate knowledge and capacity to guide the king at the prime time. Subsequently, in the contemporary India, in the age of multi-party democracy, we see the apex committees of various political parties to undertake searching process to identify the competent persons and field them as candidates in different poll constituencies during elections. In India, there are different layers of administration: local rural or urban self-governments, state governments and the central government. As per general tradition and custom, in the process of identification of candidates as potential public representatives in various panchayet, municipal, assembly and parliamentary constituent segments, the concerned persons' public image, popularity, acceptability, education and their capacity of extending various developmental services to the related people of their constituencies matter a lot. When a particular political party gets majority in the board of a particular democratic set up, be it panchayet or municipality or state or the country; another screening process goes on to select the pachayet pradhans, municipality chairmen, state chief ministers, council of ministers in states, prime minister and other ministers in the centre. The same model is followed in the selection of judges in the Indian judicial services, cabinet secretaries, executive officers

and other important government servants. So the Indian tradition of selecting competent public representatives and govt. servants seems to have been coined from 'Manusanhita'.

Manu's idea of foreign policy is rational, pragmatic and can be followed in determining the comprehensive foreign-policy document of a modern progressive country. Manu prescribed four steps to his contemporary kings for maintaining effective relationships with their counterparts in neighbouring states. 'Manusmriti' introduces us with the famous four steps: 'Saam', 'Daan', 'Bhed' and 'Danda'. 'Saam' is strategy of abolishing differences of opinions through bilateral discussions with the neighbouring pugnacious kings. If the said strategy fails, then the second step 'Daan' may be adopted which means financial donation to the conflicting kings. According to Manu, if a king wants to get the divergent issues resolved, then for the interest of his kingdom, he may appease the conflicting kings with some financial donations. Being allured with money, the pugnacious kings may be contend and refrained from conflict. The same may be applied for drawing the other neutral kings in one's favour. The third one is 'Bhed' which means 'divide and rule'. If the above two strategies fail, then a king may adopt the third one where diplomatically and confidentially he can create divisions amongst the ministers, servants and subjects of the pugnacious kings and can corner them and make them weaker. Although the method is tough, if skillfully and intelligently the division is created, it may yield result. The last but not the least method is 'Danda' which means war. Manu advises the kings to go for war if the mentioned three strategies fail. Apparently, Manu was against war but was in favour of it for the safety and security of a state. He has made his stand clear in 'Manusanhita' that a king should apply the initial three steps to avoid war; in case of failure, the last step is only adopted. Infact, the rational and pragmatic vision of Manu in case of foreign policy can be acceptable to the diplomats of any country in recent time.

'Manusanhita' introduces us with an ideal tax regime where the rates of tax are determined on the basis of the kind of commodity. For example, the rate of tax on paddy and other food items and the rate of tax on gold and other luxurious products are different. Manu is serious about tax administration. According to him, tax rates should be determined realistically and intelligently because the lower collection of tax may hamper the growth and development of a state due to lack of money and on the other hand, higher tax rates on essential commodities may exploit the poor citizens. So, Manu proposes rationalization of tax system in a state. Sureshchandra Bandopadhyay has rightly mentioned in his edited anthology entitled Manusanhita (Introduction & Translated Notes):

Tax system is excellent. Different rates have been determined on different commodities; like one-sixth portion of tax on paddy, one-fiftieth portion of tax on gold etc. In tax-assessment, if the king becomes too much liberal, it affects him and out of greed, levying higher tax rates exploits the citizens. So, proper tax should be imposed assessing purchasing price, selling price and other allied factors. (Translation mine) (33)

Manu's vision of tax culture is reflected in the GST system of India where multiple tax rates have been determined on multiple products. The rates of tax on FMCG products and rates of tax on luxurious products vary, keeping in mind the purchasing power of the economically weaker sections of the society. Infact, Manu's perception of tax administration should be the motto of the finance ministers of every progressive and democratic nation.

The objective of our study is not to make an adulatory review of 'Manusanhita'. Any research should be critical, independent and free from biasness. So far, we have discussed the positivity of this famous book and its impact on modern administration. But there are some views of Manu which cannot be coined in

the affairs of a modern state. His perception of caste system and attitude towards women are often put on anvil by the modern critics.

Manu's strong advocacy for casteism has sharply been debated down the ages. He was in favour of giving absolute freedom to the Brahmins who were considered to be the upper caste people and reserving the rights of the Shudras, who were considered to be the lower caste people. Manu's law book portrays the grim picture of partiality amongst the upper caste and lower caste people in legal sphere which depicts the tradition of the time: 'law was not same for all'. If a Shudra would get engaged in sexual relationship with a willing or unwilling Brahmin woman, the man would be sentenced to death for this 'crime' but if a Brahmin would commit the same thing with a Shudra woman, the man would be charged a little amount of financial penalty only and would be exempted from his 'crime'. In case of criticism of the Brahmins, commissioned by a Shudra, his tongue was cut from his mouth as a mark of punishment but for the same action by a Brahmin, he would only be charged a small amount of financial fine as punishment. Murder of a Shudra by a Brahmin was considered as a negligible sin like murdering a cat, dog and so on but for murdering a Brahmin, the prosecuted Shudra would be given death sentence. The procedure for crime investigation was also severe and marked by utmost cruelty. In order to testify whether the accused Shudras were speaking truth or not during investigation, they would be left on their own fate compelling them to run on fire and forcing them to be drowned and stay under water for a particular time with a hypothetical view: if the accused remained alive after this process, they were speaking truth. Shudras were prevented to save money from their honest earnings, because Manu thought, if they were wealthy, they could deny the supremacy of the Brahmins.

Manu's dictum is not only incongruous but unconstitutional too in an era when 'liberty, equality and fraternity' are the slogans of the day. Indian Penal Code (IPC) and Code of Criminal Procedure (CrPC) ensure justice for all citizens and the Constitution of the Republic of India prescribes human rights, certain duties and responsibilities of all citizens of the country. Not only India, no civilized country of the globe is convinced with the philosophy of Manu which determines justice based on casteist discrimination. So, Manu's criticism now is not restricted in the academic debates, seminars within four-walled auditoriums but with demonstration, protests and so on by the Indian Dalit communities. Recently, the people belonging to the Dalit community has demonstrated in front of the Rajasthan High Court of India, demanding the removal of Manu's statue from the frontal space of the court compound.

The place of women in 'Manusanhita' is apparently strange and full of vagueness. Manu has given women adequate respect but not freedom. In the sloka, 3/59, it is included that in any occasion or festival, women are respected with new clothes, ornaments and other offerings. In another sloka, 2/145, Manu has expressed that, mother is superior than even thousand fathers. But this Manu is reluctant to give freedom to women. In the sloka, 9/3, he has said that she is protected and guided by her father when she is unmarried; after her marriage and in old age, the same role is played by her husband and sun respectively. Thus, women's independent entity is not accredited by 'Manusanhita'. On the one hand, women are the symbol of immense respect and on the other hand, she doesn't have freedom and can't exercise her own rights. Although, there is no proof in his law book which ensures that Manu supported the brutal custom, 'Sahamaran'.

In the contemporary socio-economic world, 'women-independence' is one of the much discussed topics. Manu's idea is irrelevant in a time when women are being considered as an inseparable part of a country's economic growth and social development with that of their male counterparts. If women are kept aside denying freedom of expression, thought and choice, a country's progress may be hindered.

Today, in all sectors of contemporary concern like defense, IT, education, healthcare, general administration, women leave imprint of good work through the application of their fundamental thoughts and ideas and walk hand in hand with men in policy-making, for a better world. So the influential ‘Manusanhita’ which impacts the modern statesmen for foreign policy, financial policy, rational tax administration and so on; fails to insert any impact on them for its immoral, illogical and discordant stand on the position of women in the society.

Inspite of these apparently diluting and vague perceptions, popularized by ‘Manusanhita’ in ancient times, it’s ever remembered and respected as an incredible treaty of modern administration. Although, Manu’s philosophy on casteism and women-independence is utterly incompatible with modern civilization, tradition and culture but in general, ‘Manusanhita’ inserts enormous contribution in the formation of a nation state and society. We have already stated in details how his dictum on rational tax administration, foreign policy and law has impacted the statesmen of many overseas nations. Infact, what an intellectual sage, a philosopher and a law-maker created several thousand years ago, is still relevant and a point of discussion and reference – perhaps there lies the credit of Manu.

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