

Swami Vivekananda in India's Supreme Court Judgements

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SWAMI VIVEKANANDA BELONGED to a family of legal professionals. His great-grandfather, Rammohan Datta was a 'managing clerk and associate of an English solicitor'.¹ His grandfather Durgaprasad was 'so skilled in law that his father [Rammohan Datta] made him a partner in his legal profession' (ibid.). Swami Vivekananda's father Vishwanath Datta was an attorney 'in partnership with Ashutosh Dhar, under the firm name of "Dhar and Datta". After some time he settled in the legal profession independently and was enrolled as an attorney-at-law in the High Court of Calcutta' (1.5). Swami Vivekananda, as Narendranath, 'entered the firm of Nimai-chandra Basu, attorney-at-law, as an articled-clerk, in order to qualify himself as an attorney. ... He had gained admission to the three-year Law course in the Metropolitan Institution (now Vidyasagar College)' (1.117).

This influence of law on Swamiji, apart from him using it at times during his talks and lectures, has amazingly influenced the judiciary as well. He is quoted profusely in the judgements of many Indian courts, notably the Supreme Court of India. An attempt is made here to trace some of the judgements of the Supreme Court in which he is quoted within relevant contexts.

On Education and Enlightened Citizenship

There was a case in which the National Curriculum Framework for School Education (NCFSE),

published by the National Council for Educational Research and Training, was contended to be illegal by the petitioners since it was created without consulting the Central Advisory Board of Education (CABE). In the judgement holding the NCFSE to be legal in spite of being created without consultation with CABE, the Supreme Court lauded the ancient *gurukula* system of education. The court said:

Our educational system aims at only information-based knowledge and the holistic views turning the student into a perfect human being and a useful member of society has been completely set aside. Swami Vivekananda aptly said: 'Education is not the amount of information that is put in your brain and runs riot there, undigested, all your life. We must have life-building, Man-making, character-making, assimilation of ideas. If education is identical with information, libraries are the greatest sages of the world and encyclopaedias are rishis.'²

In another case the apex court held that the state cannot impose its policies on reservation, fees, and other regulations on non-aided minority and non-minority private colleges, including professional colleges. Stressing the quality of education needed the court quoted Swami Vivekananda and Swami Ranganathananda, the thirteenth president of the Ramakrishna Order:

Education is 'continual growth of personality, steady development of character, and the qualitative improvement of life. A trained mind has

the capacity to draw spiritual nourishment from every experience, be it defeat or victory, sorrow or joy. Education is *training the mind* and not *stuffing the brain*.

'We want that education by which character is formed, strength of mind is increased, the intellect is expanded, and by which one can stand on one's own feet.' 'The end of all education, all training, should be man-making. The end and aim of all training is to make the man grow. The training by which the current and expression of will are brought under control and become fruitful is called education.'³

A teacher whose services were terminated due to misconduct towards his student had challenged the termination. Delineating the characteristics of an ideal teacher and stressing the importance of the impeccable character a teacher must have, the court quoted Swami Vivekananda: 'Swami Vivekananda has stated that "the student should live from his very boyhood with one whose character is [like] a blazing fire and should have before him a living example of the highest teaching. In our country, the imparting of knowledge has always been through men of renunciation. The charge of imparting knowledge should again fall upon the shoulders of Tyagis."⁴

There was a case in which the petitioners contended that promotions to some employees of the department of health of the government of Uttar Pradesh were withheld and arbitrary appointments and promotions made instead. Talking about enlightened citizenship in the course of judgement the court said:

Swami Vivekananda [*sic*] in his lecture entitled 'The Work Before Us' (1897) published in 'The Complete Works of Swami Vivekananda' [Vol.3, p. 269 (1979 edn.)] has stated the scope of enlightened citizenship thus: 'The problem of life is becoming deeper and broader every day as the world moves on. The watchword and the essence have been preached in the days of yore when the

Vedantic truth was first discovered, the solidarity of all life. One atom in the universe cannot move without dragging the whole world along with it. There cannot be any progress without the whole world following in the wake, and it is becoming every day clearer that the solution of any problem can never be attained on racial, or national, or narrow grounds. Every idea has to become broad till it covers the whole of this world, every aspiration must go on increasing till it has engulfed the whole of humanity, nay the whole of life, within its scope. This will explain why our country for the last two [*sic*] centuries has not been what she was in the past. We find that one of the causes which led to this degeneration was the narrowing of our view, narrowing the scope of our actions.'⁵

It is worth noting that this judgement profusely quoted the writings of Swami Ranganathananda as well.

On Religion

In the infamous case regarding the demolition of Babri Masjid in Ayodhya the court relied on Swami Vivekananda's definition of religion: 'Swami Vivekananda said: "Religion is not in doctrines, in dogmas, nor in intellectual argumentation; it is being and becoming, it is realisation." This thought comes to mind as we contemplate the roots of this controversy. Genesis of this dispute is traceable to erosion of some fundamental values of the plural commitments of our polity.'⁶

While explaining Hindu faith and practice in a case against the state of Andhra Pradesh the court said:

The concept of Hindu religious faith and practice referred to in the judgements in the narration of the facts needs preface with inner depth of religion as revealed by (1) Swami Vivekananda's scholastic concepts in his *The Complete Works*, Vol I, at p. 124; and (2) broad spectrum

of self-realisation by Shri Aurobindo. Swami Vivekananda had stated that: 'Each soul is potentially divine. The goal is to manifest this Divinity within by controlling nature, external and internal. Do this either by work, or worship, or psychic control, or philosophy—by one, or more, or all of these—and be free. This is the whole of religion. Doctrines, or dogmas, or rituals, or books, or temples, or forms, are but secondary details.' Religion ... is based upon faith and belief, and, in most cases, consists only of different sets of theories, and that is the reason why there is difference in form.

Thereafter, at p. 341 he had stated that: 'Get rid, in the first place, of all these limited ideas of God and see him in every person—working through all hands, walking through all feet, and eating through every mouth. In every being He lives, through all minds He thinks. He is self-evident, nearer unto us than ourselves. To know this is religion, is faith, and may it please the Lord to give us this faith.' ...

Swami Vivekananda in his lecture on *Religion and Science* incorporated in *The Complete Works* [Vol.VI, 6th Edn.] had stated at p. 81 thus: 'Experience is the only source of knowledge. In the world, religion is the only science where there is no surety, because it is not taught as a science of experience. This should not be. There is always, however, a small group of men who teach religion from experience. They are called mystics, and these mystics in every religion speak the same tongue and teach the

same truth. This is the real science of religion. As mathematics in every part of the world does not differ, so the mystics do not differ. They are all similarly constituted and similarly situated. Their experience is the same; and this becomes law.'

In Vol. II, 9th Edn. at p. 432, Swamiji said that: 'There are two worlds: the microcosm and the macrocosm, the internal and the external. We get truth from both [of] these by means of experience. The truth gathered from internal experience is psychology, metaphysics, and religion; from external experience, the physical sciences. Now a perfect truth should be in harmony with experience[s] in both these worlds. The microcosm must bear testimony to the macrocosm and the macrocosm to the microcosm; physical truth must have its counterpart in the internal world, and internal world must have its verification outside.'

Swami Vivekananda in his *The Complete Works*, Vol.1, 11th Edn. at p. 366 said that: 'The foundations have all been undermined; and the modern man, whatever he may say in public, knows in the privacy of his heart that he can no more "believe", ... believing because it is written in certain books, believing because [his] people like him to believe, the modern man knows it to be impossible for him. There are, of course, a number of people who seem to acquiesce in the so-called popular faith but we also know for certain that they do not think. Their idea of belief may be better translated as "non-thinking



Emblem of the Supreme Court of India

carelessness'. This fight cannot last much longer without breaking to pieces all the buildings of religion. ...

'Is religion to justify itself by the discoveries of reason, through which every other science justifies itself? Are the same methods of investigation, which we apply to sciences and knowledge outside, to be applied to the science of religion? In my opinion this must be so, and I am also of opinion that the sooner it is done the better. If a religion is destroyed by such investigation, it was then all the time useless, unworthy superstition; and the sooner it goes the better. I am thoroughly convinced that its destruction would be the best thing that could happen. All that is dross will be taken off, no doubt, but the essential parts of religion will emerge triumphant out of this investigation. Not only will it be made scientific—as scientific, at least, as any of the conclusions of physics or chemistry—but will have greater strength, because physics or chemistry has no internal mandate to vouch for its truth, which religion has.'

Swami Vivekananda in his *The Complete Works*, Vol. VI, 6th Edn. at p. 81 said that: 'Religion deals with the truths of the metaphysical world just as chemistry and the other natural sciences deal with the truth[s] of the physical world. The book one must read to learn chemistry is the book of nature. The book from which to learn religion is your own mind and heart. The sage is often ignorant of physical science because he reads the wrong book—the book within; and the scientist is too often ignorant of religion because he, too, reads the wrong book—the book without.'

Again in his *The Complete Works*, (Vol.V, 8th Edn.), pp. 192–93, he says that: 'The basis of all systems, social or political, ... rests upon the goodness of men. No nation is great or good because Parliament enacts this or that, but because its men are great and good. ... Religion goes to the root of the matter. If it is right, all is right ... One must admit that law, government, politics are phases not final in any way. There is

a goal beyond them where law is not needed. ... All great Masters teach the same thing. Christ saw that the basis is not law, that morality and purity are the only strength.' ...

In '*Dharma—a Legal Discipline*'—*Select Speeches and Writings* of Dr Shankar Dayal Sharma, the present President of India [Indian Bar Review, Vol. XX (3 & 4) 1993 Special Issue] in his Centenary Speech of Swami Vivekananda in the Parliament of Religions, he emphasised 'time-honoured philosophy of oneness and harmony within pluralism, the recognition of, respect for, and acceptance of different paths of logical and intuitive access to Absolute Truth.' He reiterated what Swami Vivekananda had said one century ago at Chicago: 'We believe not only in universal toleration, but we accept all religions as true' and concluded that 'if India is to grow to her full potential as a strong, united, prosperous nation, a nation attuned to the highest moral and ethical values, true to the genius of her cultural and spiritual heritage, we shall all have to strive each day to build harmony, justice and creative endeavour. Indeed, in a very real way, it is our duty so to strive.' He exhorted the youth of the country to be the vanguard of that mission.⁷

In a case relating to the petition of forfeiture of a book on the grounds that it may hurt the feelings of Hindus, the court opined:

We clarify that we express no view on the merits of the book or its provocative vitriol. It depends on a complex of factors. What offends a primitive people may be laughable for progressive communities. What is outrageous heresy for one religion or sect or country or time may be untouchably holy for another. Some primitive people may still be outraged by the admonition of Swami Vivekananda: 'Our religion is in the kitchen, our God is the cooking pot, and our religion is don't touch me, I am holy' (quoted at p. 339 by Jawaharlal Nehru in *Discovery of India*).⁸

On Social Discrimination

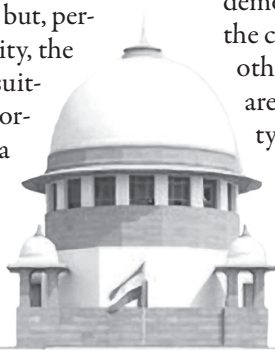
In an interesting case regarding discrimination on the basis of caste, the apex court condemned untouchability: ‘Swami Vivekanand [*sic*] had stated in his complete works that “we refuse entirely to identify ourselves with ‘do not touch me’ [Don’t-touchism]. That is not Hinduism. It is in none of our books. It is an [un]orthodox superstition which has interfered with national life [*sic*] all along the line.”’⁹

Concerning the reservation of government posts for the scheduled castes and scheduled tribes, the court denounced untouchability in a similar case:

We cannot blink at the agony of the depressed classes over the centuries condemned by all social reformers as rank irreligion and social injustice. Swami Vivekananda, for instance, stung by glaring social injustice, argued: ‘The same power is in every man, the one manifesting more, the other less. ... Where is the claim to privilege? All knowledge is in every soul, even in the most ignorant, he has not manifested it, but, perhaps he has not had the opportunity, the environments were not, perhaps, suitable to him. When he gets the opportunity he will manifest it. The idea that one man is born superior to another has no meaning in Ved-anta; that between two nations one is superior and the other in-

ferior has no meaning whatsoever. ... Men will be born differentiated; some will have more power than others. We cannot stop that but that on account of this power to acquire wealth they should tyrannise and ride roughshod over those, who cannot acquire so much wealth, is not a part of the law, and the fight has been against that. The enjoyment of advantage over another is privilege, and throughout ages the aim of morality has been its destruction. ... Our aristocratic ancestors went on treading the common masses of our country underfoot till they became helpless, till under this torment the poor, poor people nearly forgot that they were human beings. They have been compelled to be merely hewers of wood and drawers of water for centuries, so much so, that they are made to believe that they are born as slaves, born as hewers of wood and drawers of water. With all our boasted education of modern times, if anybody says a kind word for them, I often find our men shrink at once from the duty of lifting them up, these poor downtrodden people. Not only so, but I also find that all sorts of most demoniacal and brutal arguments, culled from the crude ideas of hereditary transmission, and other such gibberish from the western world are brought forward in order to brutalise and tyrannise over the poor, all the more. ...

Aye, Brahmins, if the Brahmin has more aptitude for learning on the ground of heredity than the Pariah, spend no



Supreme Court of India



more money on the Brahmin's education, but spend all on the Pariah. Give to the weak, for there all the gift is needed. ... Our poor people, these downtrodden masses of India, therefore, require to hear and to know what they really are. Aye, let every man and woman and child, without respect of caste or birth, weakness and strength, hear and learn that behind the strong and the weak, behind the high and the low, behind everyone, there is that Infinite Soul, assuring that infinite possibility and the infinite capacity of all to become great and good. Let us proclaim to every soul—'Arise, awake and stop not till the goal is reached.' Arise, awake! Awake from the hypnotism of weakness. None is really weak; the soul is infinite, omnipotent and omniscient. Stand up, assert yourself, proclaim the God within you, do not deny Him! Too much of inactivity, too much of weakness, too much of hypnotism has been and is upon our race. ... Power will come, glory will come, goodness will come, purity will come, and everything that is excellent will come, when this sleeping soul is roused to self-conscious activity. ...

Our proletariat are doing their duty ... is there no heroism in it? Many turn out to be heroes, when they have some great task to perform. Even a coward easily gives up his life, and the most selfish man behaves disinterestedly when there is a multitude to cheer them on; but blessed indeed is he who manifests the same unselfishness and devotion to duty in the smallest of acts, unnoticed by all—and it is you who are actually doing this, ye ever-trampled labouring classes of India! I bow to you.¹⁰

Regarding the prohibition of the government on a person's going abroad the court discussed the importance of travel across the world:

Swami Vivekananda, that saintly revolutionary who spanned East and West, exhorted, dwelling on the nation's fall of the last century: 'My idea as to the keynote of our national downfall is that we do not mix with other nations—that

is the one and sole cause. We never had the opportunity to compare, notes. We were *Kupa-Mandukas* (frogs in a well).' ...

'One of the great causes of India's misery and downfall has been that she narrowed herself, went into her shell, as the oyster does, and refused to give her jewels and her treasures to the other races of mankind, refused to give the life-giving truths to thirsting nations outside the Aryan fold. That has been the one great cause; that we did not go out, that we did not compare notes with other nations—that has been the one great cause of our downfall, and everyone of you knows that that little stir, the little life you see in India, begins from the day when Raja Rammohan Roy broke through the walls of this exclusiveness. Since that day, history in India has taken another turn and now it is growing with accelerated motion. If we have had little rivulets in the past, deluges are coming, and none can resist them. Therefore, we must go out, and the secret of life is to give and take. Are we to take always, to sit at the feet of the Westerners to learn everything, even religion? We can learn mechanism from them. We can learn many other things. But we have to teach them something. ... Therefore we must go out, exchange our spirituality for anything they have to give us; for the marvels of the region of spirit we will exchange the marvels of the region of matter. ... There cannot be friendship without equality, and there cannot be equality when one party is always the teacher and the other party sits always at his feet. If you want to become equal with the Englishman or the American, you will have to teach as well as to learn, and you have plenty yet to teach to the world for centuries to come.'¹¹

With regard to the rights to sell property by a tribal, the court stressed the need for empathy towards the downtrodden:

As quoted by B K Roy in his *Socio-Political Views of Vivekananda*, at p. 52, Swami Vivekananda,

speaking on social and spiritual justice, has said: 'I do not believe in a God who cannot give me bread here, giving me eternal bliss in heaven. Pooh! India is to be raised, the poor are to be fed, education is to be spread, and the evil of priestcraft is to be removed ... more bread, more opportunity for everybody.' ...

It is well to remember what Vivekananda said about poor: 'Feel, my children, feel, feel for the poor, the ignorant, the downtrodden, feel till the heart stops, the brain reels and you think you will go mad.'¹²

The court has quoted Swami Vivekananda while discussing economic justice:

What Swami Vivekananda wrote in a different context may perhaps help a quicker implementation of the goal to bring about the overdue changes for transforming India in a positive way and in fulfilling the dreams of the Constitution fathers. These were the words of the Swami: 'It is imperative that all these various Yogas should be carried out in practice. Mere theories about them will not do any good. First we have to hear about them, then we have to think about them. We have to reason the thoughts out, impress them on our minds, and [we have to] meditate on them, realise them, until at last they become our whole life. No longer will religion remain a bundle of ideas or theories [n]or an intellectual assent; it will enter into our very self. By means of an intellectual assent, we may today subscribe to many foolish things, and change our minds altogether tomorrow. But true religion never changes. Religion is realisation; not talk, nor doctrine, nor theories, however beautiful they may be. It is being and becoming, not hearing or acknowledging; it is the whole soul becoming changed into what it believes. That is religion.'¹³

Ideas of Swami Vivekananda

In some judgements, though the Supreme Court has not directly quoted Swami Vivekananda, it

has referred to his ideas. In *S R Bommai v. Union of India*, the court noted:

Swami Vivekanand [*sic*] explaining the Vedantic ideas of God and religion in comparison with western thoughts stated that the religious attitude is always to seek the dignity inside of his own self as a natural characteristic of Hindu religion and religious attitude is always presented by making the subject close his eyes looking inward. ... Swami Vivekanand [*sic*] stated that right of religious ideals is the same morality; one thing is only preached: Myself say 'Om'; others [*sic*] says 'Johova', [*sic*] another 'Allaha ho Mohammad', another cries 'Jesus'. ... Swami Vivekanand, [*sic*] and Mahatma Gandhi, though greatest Hinduist, [*sic*] their teachings and examples of lives give us the message of the blend of religion and the secularism for the good of all the men.¹⁴

In a certain case the court described the influence of Sri Ramakrishna and Swami Vivekananda:

The development of Hindu religion and philosophy shows that from time to time saints and religious reformers attempted to remove from the Hindu thought and practices elements of corruption and superstition and that led to the formation of different sects. Buddha started Buddhism; Mahavir founded Jainism; Basava became the founder of Lingayat religion, Dnyaneshwar [*sic*] and Tukaram initiated the Varakari Cult; Guru Nank [*sic*] inspired Sikhism; Dayananda founded Arya Samaj, and Chaitanya began Bhakti cult; and as a result of the teachings of Ramkrishna [*sic*] and Vivekananda, Hindu religion flowered into its most attractive, progressive and dynamic form. If we study the teachings of these saints and religious reformers, we would notice an amount of divergence in their respective views; but underneath that divergence, there is a kind of subtle indescribable unity which

keeps them within the sweep of the broad and progressive Hindu religion.¹⁵

Swami Vivekananda was interested not only in religion but in everything that concerned man—science, art, literature, history, politics. He gave much thought to alleviating India's problems such as poverty, illiteracy, casteism, exploitation, and so on. His luminous mind found solutions that are as valid today as they were more than a century ago.

On 14 February 1897 Swamiji exhorted Indians: 'For the next fifty years this alone shall be our keynote—this, our great Mother India.'¹⁶ His utterance proved to be prophetic: fifty years later, India became free. Today he is guiding us as 'a voice without a form'.

For the nation to prosper, the executive, parliament, and judiciary should function smoothly. The judiciary, however, has the added responsibility to protect the constitution so that democracy can function and flourish. The judiciary in using Swami Vivekananda's wisdom and insight is bringing to fruition his vision of an enlightened India.



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3. *P A Inamdar and Others v. State of Maharashtra and Others* [2002] AIR, SC 3176 at 3254. The quotations in the extract are from Swami Ranganathananda, *Eternal Values for a Changing Society*, 4 vols (Bombay: Bharatiya Vidya Bhavan, 1995), 3.19-20.
4. *Avinash Nagra v. Navodaya Vidyalaya Samiti and Others* (1997) 2 SCC 534 at 541. See *Complete Works*, 5.369.

5. *Scheduled Castes and Scheduled Tribes Officers' Welfare Council v. State of Uttar Pradesh and Another* [1997] AIR, SC 1451 at 1456.
6. *Dr M Ismail Faruqui v. Union of India* (1994) 6 SCC 360 at 378. See *Complete Works*, 2.43.
7. *Shri A S Narayana Dikshitulu v. State of Andhra Pradesh and Others* (1996) 9 SCC 548 at 566.
8. *The State of Uttar Pradesh v. Lalai Singh Yadav* (1976) 4 SCC 213 at 221.
9. *State of Karnataka v. Appa Balu Ingale and Others* [1993] AIR, SC 1126 at 1133. See *Complete Works*, 5.226.
10. *Akhil Bharatiya Soshit Karamchhari Sangh (Railway) v. Union of India and Others* (1981) 1 SCC 246 at 259. See *Complete Works*, 1.423, 434-5, 3.192-3, 7.359.
11. *Maneka Gandhi v. Union of India and Another* (1978) 1 SCC 248 at 334. See *Complete Works*, 5.220, 3.318-9.
12. *Murlidhar Dayandeo Kesekar v. Vishwanath Pandu Barde and Another* (1995) 2 SCC Suppl. 549 at 552.
13. *Balbir Kaur and Another v. Steel Authority of India Ltd and Others* (2000) 6 SCC 493 at 499. See *Complete Works*, 2.396.
14. *S R Bommai v. Union of India* [1994] AIR, SC 1918 at 2015-17.
15. *Dr Ramesh Yeshwant Prabhoo v. Prabhakar Kashinath Kunte and Others* [1996] AIR, SC 1113 at 1128.
16. *Complete Works*, 3.300.

Court Room in the Supreme Court of India

