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## SOCIAL CONTRACT THEORY AND GROUP REBELIONS IN INDIA

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**Abstract:** Social contract theory has been regarded as the guiding principle of all the administrative work of every state. The theory talks about rights of the people and how the state is entitled to protect the same. The theory has been enunciated by Hobbes, Locke and Rousseau. They have given three different interpretation regarding the same. This paper primarily deals with the concept of the Social Contract theory will further give the criticisms of all the writers interpretation and finally touch upon the fact of how the Social Contract theory in India failed severely and lead to various rebellions in the State of India, like Gorkha land Movement, Naxalites, Kashmir movement and all will be dealt in detail giving reasons for the same and finally will conclude with the quick fact about the social contract and the need for the change of the social contracting in India.

**Keywords:** Social, Rebellions, Needs, India.

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### **Introduction: What Is Social Contract Theory?:**

Social contract is an instrument which explains the relationship between an individual and government. Through this social contract individuals unite into political parties with a mutual consent, giving up their rights to the government and agreeing to abide by a common rule and accept duties and protect one another from harm and violence. This theory postulates that the state is the result of an agreement entered into by men who originally lived in pre-social or pre-political condition called the 'state of nature'..

**Hobbes' theory:** Main purpose of Hobbes was to demonstrate that the people must obey the sovereign authority because they were protected by the state. His ideas were laid down in his book Leviathan. According to at that time 'State of Nature' was forced and fraud were cardinal virtues and only 'old good rule' that men acknowledged was that he should take who has power and he should keep who can. in such condition there was no place for industry, agriculture, navigation. trade, there was no amenities of civilized living and life of men was 'solitary, poor, nasty, brutish and short.'

So in order to gain their own security they should combine into communities, each subject to a central authority. This could only happen by 'social contract'. Men made a contract with each other to give up their natural rights to do as they please and invest a person or body of persons with supreme authority to make laws regulating their actions. That person is the sovereign. His express will, being law, is in both legal and moral sense binding upon every man of organized society.

### **Criticisms:**

- Hobbes' assumption that man is by nature a solitary individual who thinks only of his own interest is psychologically untrue. For man is by nature a 'social animal' who always lives in association with others.

- Hobbes' does not distinguish between state and government. It has compounded legal absolutism of the state with government absolutism.
- Even if men were assumed to make a contract they would not make a contract such as Hobbes'.

**Locke's theory-** contrary to Hobbes, the state of nature given by Locke was different. According to him the state of nature was equal and free to act as the people think fit. But it does have some imperfections as there was no established law and no third party, impartial judge.

Under social contract theory every man gave up his power and right to govern himself to the community so that his remaining right would be protected and preserved. After society set up by contract, government is established by a fiduciary trust and not by a contract, in which the community is the trustor and beneficiary and the government is the trustee and if the government fails to fulfill its obligations people has the right to remove them. Locke says that the supreme power rests in people.

### **Criticisms:**

- Locke said that men were governed by law of nature, which means dictate reason and one's own consciousness, need such a man enter into a contract?
- According to some critics Locke even ignored 'legal sovereignty'.

**Rousseau's Theory:** He blended the premises of Hobbes and conclusion of Locke. He said that men lived in state of nature where there was no state, no government, men were simple, innocent, enjoyed complete equality and freedom. With the rise of private property things changed gradually and hence men were driven by the instinct of self-preservation.

In the process of social contract men surrendered their rights but unlike in case of Hobbes, men surrendered their rights to community as a whole, to the General Will. Each person is equal and indivisible

part of community. Thus the people constituted as a political community through the social contract, i.e. the General Will is the sovereign.

#### Criticisms:

- The two ideas of General will and social contract are incompatible.
- Here Rousseau denies the necessity of representative government.
- General will can only exist when there is unity but usually contradictions prevails.

#### Group Rebellions:

**What is group rebellion?:** In a state we find people of different sect and community residing together but that is not usually a peaceful resident, contradictions are always prevalent in a society. Sometimes a revolt which is usually carried out against the government or the sovereign when they(group) feels their demands are not being met properly and they have been deprived of their rights. These revolts are called rebellion, people carrying it out are called rebels and this act committed by a particular group of people for a cause is called 'Group Rebellion'.

**Group rebellions in states of India:** Because of being diversified in nature it was supposed that India will be broken into states, but contrary India stands united but was prone to revolts.

There has been many movements and rebellion in India since the time of independence, major one being-

- Rebels in north- Many associations in Kashmir demanded to include the Kashmir in the Pakistan and later modified their demand for independent Kashmir State while Sikhs in the south Kashmir demanded an independent Sikh country to be called Khalistan.
- Rebels in north- east- Many revolts have been observed in north-east India, major ones being the Gorkhaland movement, then in Mizoram where in 1960 rebellions declared independence, which was suppressed by the Indian army, then Assamese want for a separate part in Assam and many such.
- Rebels in south- demand for an autonomous Dravidian states with Indian union.
- Bombay riots carried out on the issue of demolition of Babri masjid.
- Rebels in west- the Gujjar riots in Rajasthan.
- Maoist and Naxalite movements (Chhattisgarh, west Bengal, etc)

Let us now consider these riots and revolts and look at them from the Social contract perspective:-

Social contract says that people get into a contract when they don't meet their demands, and when the state of nature is not ideal for them. In all the above given cases we need to first see what was the state of nature which forced them to revolt.

India as we know is a democratic country and social contract was the first attempt to reconcile government and consent by the assertion that government was founded on men's mutual consent to set up.

Social contract developed in the eighteenth century, let loose upon the world a swarm of explosives ideas that would exalt the right and liberties of man above all other process of government and the right to change. This theory is considered to be the forerunner of democratic theory.

Now the question arises that what actually were these revolts and what were the reason behind them.

In this assignment I will be dealing with the:-

- North -east rebellions i.e. the Gorkhaland movement.
- Naxal movements
- Jammu and Kashmir rebellion.

**Gorkhaland Movement:** Gorkhaland is the name of the proposed state in India demanded by the Nepali/Gorkhali speaking Gorkha ethnic group in Darjeeling and the Dooars in north West Bengal.

The demand for a separate administrative unit in this region has existed since 1907, when the Hillmen's Association of Darjeeling submitted a memorandum to Minto-Morley Reforms demanding a separate administrative setup.

The movement for a separate state of Gorkhaland gained serious momentum during the 1980s, when a violent agitation was carried out by Gorkha National Liberation Front (GNLF) led by Subhash Ghisingh. The agitation ultimately led to the establishment of a semiautonomous body in 1988 called the Darjeeling Gorkha Hill Council (DGHC) to govern certain areas of Darjeeling district. However, in 2008, a new party called the Gorkha Janmukti Morcha (GJM) raised the demand for a separate state of Gorkhaland once again. On 18 April 2011, GJM signed an agreement with the state and central governments for the formation of Gorkhaland Territorial Administration, a semiautonomous body that would replace the DGHC in the Darjeeling hills.

In the 1980s, Subhash Ghisingh raised the demand for the creation of a state called Gorkhaland within India to be carved out of the hills of Darjeeling and areas of Dooars and Siliguri terai contiguous to Darjeeling. The demand took a violent turn, which led to the death of over 1,200 people. This movement culminated with the formation of Darjeeling Gorkha Hill Council (DGHC) in 1988. The DGHC administered the Darjeeling hills for 23 years with some degree of autonomy.

The demand for Gorkhaland took a new turn with the assassination of Madan Tamang, leader of Akhil Bharatiya Gorkha League. He was stabbed to death

allegedly by Gorkha Janmukti Morcha supporters on May 21, 2010, in Darjeeling, which led to a spontaneous shutdown in the three Darjeeling hill sub-divisions of Darjeeling, Kalimpong and Kurseong. On 8 February 2011, three GJM activists were shot dead (one of whom succumbed to her injuries later) by the police as they tried to enter Jalpaiguri district on a *padyatra* led by Bimal Gurung from Gorubathan to Jaigaon. This led to violence in the Darjeeling hills and an indefinite strike was called by GJM that lasted 9 days.

In the West Bengal state assembly election, 2011 held on 18 April 2011, GJM candidates won three Darjeeling hill assembly seats, proving that the demand for Gorkhaland was still strong in Darjeeling. GJM candidates Trilok Dewan won from Darjeeling constituency Harka Bahadur Chhetri from Kalimpong constituency, and Rohit Sharma from Kurseong constituency Wilson Champramari, an independent candidate supported by GJM, also won from Kalchini constituency in the Dooars.

**Current Scenario;** The memorandum of agreement for the formation of a Gorkhaland Territorial Administration (GTA), a semi-autonomous administrative body for the Darjeeling hills, was signed on 18 July, 2011. Earlier, during the West Bengal assembly election (2011) campaign, Mamata Banerjee had promised that the issue of Gorkhaland would be resolved. While Mamata implied that this would be the end of the Gorkhaland movement.

A demand for separate land by the people (Nepali in origin) was in short the issue. People supposed that their demands cannot be met with if they get into a contract with the government of West Bengal, hence they wanted their own land and government hence the riot broke out. The pre social condition was that, people had migrated from Nepal to India, due to which they were in minority, hence was the reason for the rebellion.

**Naxal Movements:** The word naxal refers to various militants communist groups operating in different parts of India under different organizational envelopes. In the eastern states of India (Bihar, Bengal, Chhattisgarh) they are referred as Maoists.

They have been declared as a terrorist organization under the Unlawful Activities (Prevention) Act of India (1967).

They claim to be fighting for the rights of the tribes in the forest belt around central India. That region contains deposits of minerals which are of interest to mining companies like Tata and Essar, and there have been numerous human rights violations of the tribal people at the hands of government agencies.

Naxals have been charged by the government with running an extortion economy in the guise of a popular revolution, extorting vast amounts of money

from local branches of mining companies and other businesses. They have been involved in several cases of blowing up schools and railway tracks, and accused of keeping the areas under their control away from modernity and development, so they can impose their will on the uneducated rural populace.

In 2006, Prime Minister Manmohan Singh referred to the Naxalites as "the single biggest internal security challenge ever faced by our country." The Indian government, led by the United Progressive Alliance, banned the CPI (Maoist) under the Unlawful Activities (Prevention) Act (UAPA) as a terrorist organisation on 22 June 2009. As of June 2010, the Indian government has identified 83 districts in nine states as "Naxal-hit".

The ideology of the merged group is contained in a "Party Programme." In the document, the Maoists denounce globalization as a war on the people by market fundamentalists and the caste system as a form of social oppression.

Currently the Party has a presence in remote regions of Jharkhand and Andhra Pradesh, as well as in Bihar and the tribal-dominated areas in the borderlands of Chhattisgarh, Maharashtra, West Bengal, and Orissa.

These are anti government organizations, Their basic strategy is to go against the government and fulfill their demands. In their efforts to intimidate and consolidate control, the Naxalites tax local villagers, extort businesses, abduct and kill "class enemies" such as government officials and police officers, and regulate the flow of aid and goods. To help fill their ranks, the Maoists force each family under their domain to supply one family member, and threaten those who resist with violence. Maoists are always against the government, they reject parliamentary democracy and capture political power through protracted armed struggle based on guerrilla warfare. This strategy entails building up bases in rural and remote areas and transforming them first into guerrilla zones.

They have their own public courts which are known as kangaroo courts, held against their opponents, under the de-facto Maoist control areas, they even demolish the government institutions under their de-facto jurisdiction.

#### **List of recent Maoist attacks:-**

- 2005-
- around 24 paramilitary soldiers die in Maoist attacks in Chhattisgarh.
- at least 15 died in Jharkhand village.
- 12 policemen killed in Maoist explosion in Jharkhand.
- 2006-
- 11 military personal, 13 civilians, died in

- Chhattisgarh, while 15 were kidnapped by Maoists.
- in Madhya Pradesh 25 anti- Maoists campaigners were killed.
  - Total of 30 paramilitary forces were killed in the state of West Banal and Jharkhand while fighting Maoists.
  - 2007-
  - Maoists personnel assassinated MP in Jharkhand during the holi festival.
  - 55 policemen killed by Maoists.
  - 2008-
  - 38 members of anti Maoist groups and 21 police commanders killed in Maoist attack in Orissa.
  - 12 policemen killed in Chhattisgarh by the land mines planted by Maoists.
  - 2009-
  - 15 police officers killed in Maharashtra in shootout with Maoists.
  - 30 policemen and 11 special police force killed in a n ambush with the Maoists in Chhattisgarh.
  - 17 police officers gunned down by Maoists in Maharashtra.
  - 2010-
  - 25 policemen killed after Maoists overrun security camp in West Bengal.
  - 10 police men died in Orissa when their vehicle crossed over the landmine planted by Maoists.
  - Maoist rebel killed 75 policemen in a jungle ambush in central India, the worst ever massacre of security forces by Maoists.

#### Assault of all time-

On 6 April, 2010 Naxalites launched the biggest assault in the history of the Naxalite movement by killing 76 security personnel. The attack was launched by up to 1,000 Naxalites in a well-planned attack, killing an estimated 76 CRPF policemen in two separate ambushes and wounding 50 others, in the jungles of Chhattisgarh's Dantewada district. On 17th May, Naxals blew up a bus on Dantewda-sukhma road in Chhattisgarh, killing 15 policemen and 20 civilians. In third Major attack by Naxals on 29th June, at least 26 personnel of Indian Centre Reserve Forces (CRPF) were killed in Narayanpur district of Chhattisgarh.

**Conclusion:** The ruling by the High Court in Patna (Bihar) refers to crimes committed during the Nepali civil war (1996-2006), when dozens of Maoist guerrillas used India as a place of refuge. Eleven of them were arrested in 2004 in the Indian State of Bihar on the border with Nepal.

After the end of the war and the rehabilitation of the Maoist movement, Indian authorities released the prisoners on bail. However, since then they have not served any time and have instead continued to destabilise India by funding an Indian Maoist

movement that has been behind a series of attacks inside India itself.

Maoists as declared by the prime minister is the biggest threat, these people fight for the rights of the tribal people and in doing so take away the rights of other common civilians. Maoists movement is one of the most important example in context of Social contract, as their 'state of nature' is not worth living and they are not ready to abide by the rules and duties suggested by the government.

**The Kashmiri Rebellion:** Group rebellion of Kashmir is one of the most important rebel to be discussed. Riots, massacre and killings that was carried out in the Kashmiri rebellion can never be washed away from the mind of the people.

The entire Kashmiri rebellion, such as it were, is being fomented from this evil behemoth called Pakistan. The Kashmiris themselves, loyal patriotic Indians, have nothing to do with it and even hate the Pakistani invaders. A messy war ensued, the end result of which was that Kashmir was split in half between Pakistan and India. India placed Kashmir under a lockdown of military rule, a dictatorship, that lasted for decades. Peaceful protest was crushed for decades by the Indian state in the Dictatorship of Kashmir and real elections were banned for fear that Kashmiri nationalists would win. During this time, all politicians in Kashmir were appointed by India. Finally, some controlled elections were allowed, but only India's handpicked candidates were allowed to run. After decades of repression, some small Kashmiri independence groups began to be formed. At one point, there were more than 50 different armed groups fighting the Indian state. They were Muslim, but they tended to be pretty secular within the Kashmiri tradition.

During the period of 1989 and 1999 a dangerous crisis occurred, the separatist insurgency claimed lives of around 60000 people, the common attacks were grenades, land mine, shooting targeting passengers train and buses.

There was mass rape of Kashmiri Muslims, death squads roamed the streets, homes were routinely invaded and either shot up or searched for captives who were disappeared never to be seen again. Kashmiris were rounded up in huge detainment camps. Entire neighborhoods would undergo lockdown, and hundreds of young men would be handcuffed to the ground while hooded informers roamed through the group, pointing out insurgents. It was a typical Hellish insurgency.

**Conclusion:** The region was relatively stable until 1989, it was the time when Kashmiri independence movement turned militant. The militants were called 'freedom fighters', 'rebels', 'separatist', 'extremists', and sometimes 'terrorists'.

Whatever be the name, these groups were against the system, they wanted an independent state, could not gel up with the government and hence the social contract failed, they promoted independence of Kashmir by violent methods, typically associated with guerrilla groups.

Fair calls Kashmir a demonstration of the "failure of the Indian state" to address the Muslims' disadvantaged status in India. The Sachar Committee offered several recommendations to boost Muslims' standing, including increased educational opportunities, but the report and its proposals were tabled indefinitely at the end of November 2006.

Consequently, Kashmir is now one of the world's pre-eminent garrison states. While the insurgency has died down, street protests have become the latest form of resistance in the past few years. The scene has an Intifada feel about it. Huge throng of Muslim youths fight it out in the streets with Indian forces on at least a weekly basis. The 'state of nature' or the pre social condition matters a lot in case of a social contract. The population was 90% Muslim, but there were also Buddhist and Hindu minorities there. They practiced a tolerant, syncretistic form of Islam far removed from Islamic fundamentalism. The different communities had traditionally gotten along.

The people of Kashmir wanted to join Pakistan, but the ruler of Kashmir was a Hindu prince. The prince wanted to join India simply because he was a Hindu. No one seemed to be able to make up their minds about what to do, hence the rebel broke out.

#### Critical Evaluation Of Social Contract Theory:

- The corollary of this theory is the doctrine of natural rights.
- This made individualism an invincible political fact breathed vitality into the creed of 'laissez faire'.
- This explained the nature of sovereignty.

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