

UNIT – III

Law, disobedience and satyagraha

Unjust law · Civil disobedience · Gandhi · Revolution

Explanatory Lecture Slides

Political Science — State and Political Obligations · Minor-I-3 · Semester III

POLITICAL SCIENCE — STATE AND POLITICAL OBLIGATIONS

Topics covered in this unit

01

When may one disobey

02

Define civil disobedience

03

State Gandhi's conditions

04

Distinguish revolution, crime, and satyagraha

05

Place the Indian constitutional protester

06

Read Aquinas / Fuller / King in one paragraph

How this unit is organised

01

Unjust law

02

Civil disobedience

03

Gandhi's rules

04

Not revolution

05

Indian protester

06

King / Aquinas

Unjust law

Aquinas: a perversion of law. Fuller: a law that fails inner morality. Hart: still law, but may be disobeyed on moral grounds — say so.

- Indian: a law void under Art. 13 is not law. A law that is valid but cruel is the hard case (Emergency statutes; colonial sedition).
- A lawyer's first duty is the Art. 13 path; satyagraha is the leftover moral path.

Unjust law

LEGAL REPLY

- Challenge it. Art. 32, 226.

MORAL LEFTOVER

- When courts and votes have closed.

Civil disobedience

Public, non-violent, principled breach of a specific law, with willingness to accept the penalty, aimed at changing that law.

- Rawls's definition is exam-friendly.
- Not a secret crime, not a riot, not a tax dodge dressed as conscience.

Civil disobedience

MUST

- Public.
- Non-violent.
- Accept penalty.
- Last resort-ish.

MUST NOT

- Secret.
- Selective private gain.
- Attack on persons.

Gandhi's satyagraha

Truth-force. Convert the opponent; do not humiliate. Means = ends.

- Great Trial 1922 is the set piece (also English paper).
- Salt, Champaran, mill-workers — pick one.
- Criticism: slow; assumes a morally addressable opponent; Ambedkar's caution on caste self-rule.

Gandhi's satyagraha

RULES

- Truth.
- Ahimsa.
- Openness.
- Suffering.

LEGAL ECHO

- Peaceful assembly Art. 19; accept remand.

Revolution distinguished

Revolution overthrows the system of obligation; civil disobedience appeals to it.

- 1776/1789/1947 are founding revolutions. A farmer at a toll plaza is not 1947 unless the paper asks you to be silly.
- Locke's right of revolution is a last lock on the door, not a weekend plan.

Revolution distinguished

REVOLUTION

- New grundnorm.

SATYAGRAHA

- Old grundnorm, better statute.

The Indian protester

Art. 19(1)(a)(b), reasonable restrictions, Shaheen Bagh / farm-protest case-law in one careful line (public roads, essential supplies).

- A 16-mark should not become a news editorial.
- Name: Ramlila Maidan (2012) on police and assembly if you remember it; else stick to the Articles.

The Indian protester

PROTECTED

- Peaceful assembly.
- Speech.

NOT PROTECTED

- Violence.
- Indefinite blockade as a right without remainder.

MLK and the letter from jail

An unjust law is no law — Aquinas in a Birmingham jail. Useful comparative 6-mark.

- Same structure as Gandhi: public, non-violent, accept the cell.
- US: civil rights statutes followed. India: temple entry, sati, Art. 17 followed other struggles.

MLK and the letter from jail

SHARED

- Unjust law.
- Open breach.
- Penalty.

LOCAL

- Cite Indian facts first.

Revolution distinguished

Revolution overthrows the system of obligation; civil disobedience appeals to it.

- 1776/1789/1947 are founding revolutions. A farmer at a toll plaza is not 1947 unless the paper asks you to be silly.
- Locke's right of revolution is a last lock on the door, not a weekend plan.

Cases a KSLU answer should name

CASE

The King-Emperor v Gandhi

Ahmedabad 1922

Satyagraha in a courtroom.

CASE

Ramlila Maidan Incident, In re

(2012) 5 SCC 1

Sleeping protestors, police, and Art. 19 — use carefully.

CASE

A.K. Gopalan to Maneka

Maneka (1978) 1 SCC 248

The legal path against an unjust procedure — take this before the jail path.

Provisions & materials to quote

Art. 13

Unconstitutional law is void.

Art. 19(1)(a)(b) & 19(1)(c)

Protest and its limits.

Art. 32

The first reply to unjust law.

s.141–160 BNS / old IP

When protest becomes an offence.

Art. 51A(a)(b)

Abide by the Constitution — and also strive for noble ideals; the tension of this unit.

10 / 16-mark frames from this unit

Q1

When, if ever, is civil disobedience justified in a democracy?

Q2

Explain Gandhiji's concept of satyagraha as a theory of political obligation.

Q3

Distinguish satyagraha, revolution and ordinary crime.

Q4

'An unjust law is no law.' Discuss with Aquinas, Fuller and Indian constitutional law.

Unit recap

- 1 First: Art. 13 and 32. Then: satyagraha.
- 2 Civil disobedience is public, non-violent, and pays the penalty.
- 3 Gandhi: convert, do not crush.
- 4 Revolution changes the grundnorm; satyagraha does not.
- 5 Do not confuse a riot with satyagraha.