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# A Song Unto Itself: How Rabindranath Tagore, Ram Gopal Varma and the Supreme Court of India Hear the National Anthem

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# A Song Unto Itself

HOW RABINDRANATH TAGORE, RAM GOPAL VARMA  
AND THE SUPREME COURT OF INDIA  
HEAR THE NATIONAL ANTHEM

**ANANYA VAJPEYI**

## I. A VOICE LIKE BENGAL

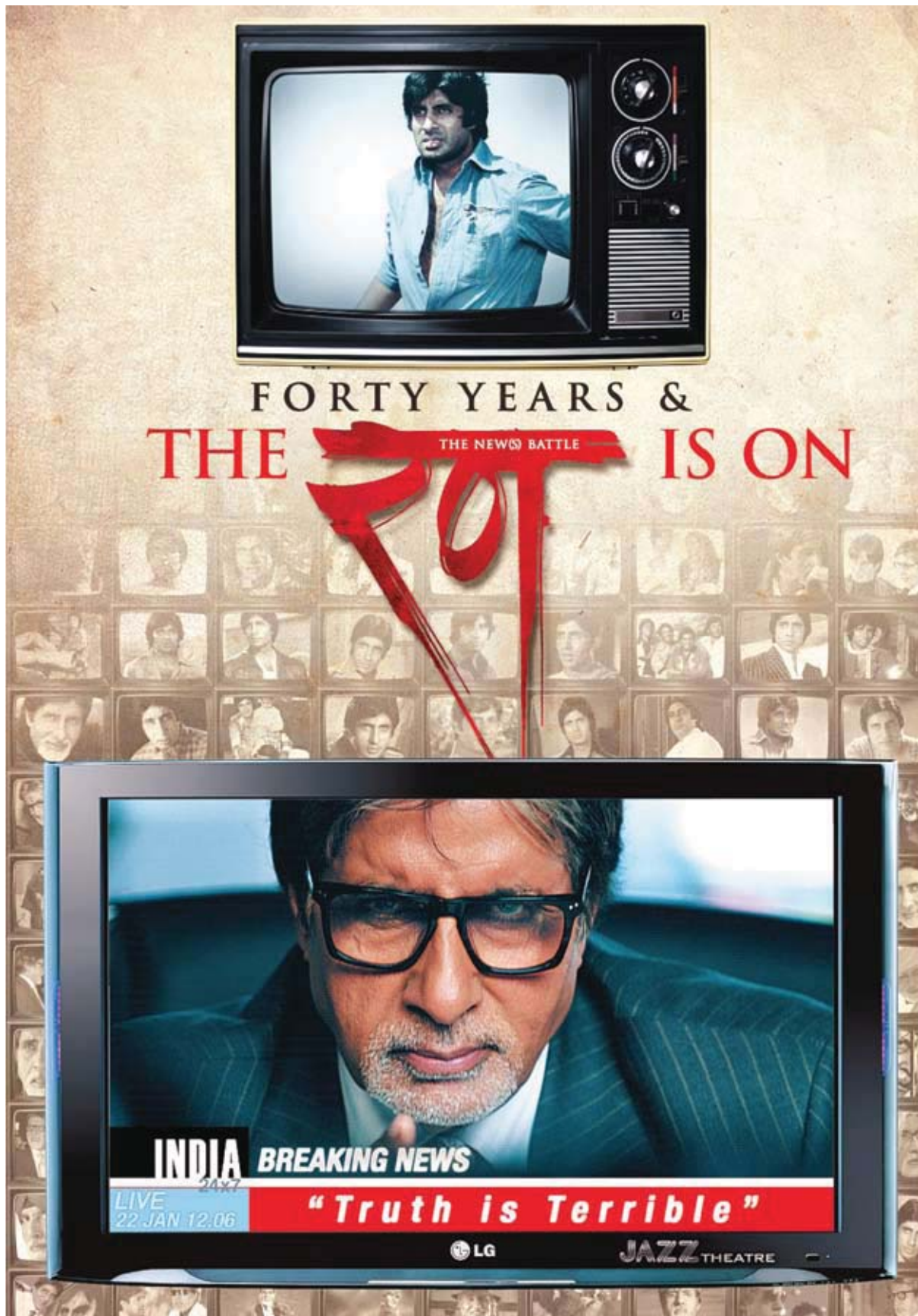
**E**VERY INDIAN SCHOOLCHILD KNOWS — or ought to know — that Rabindranath Tagore (1861-1941), India’s “national poet”, wrote our national anthem *Jana gana mana*. The song, 52 seconds long in the singing, was first presented by Tagore to a session of the Indian National Congress in Calcutta in 1911; in 1919 it was taken up by Principal James Cousins of the Theosophical College, Madanapalle, in South India, as a college prayer that he called the “Morning Song of India”. The song was debated throughout the 30s and 40s on a variety of occasions, attracting both support and criticism. In January 1950, two days before the promulgation of the Indian Constitution, it was formally adopted by the Constituent Assembly, under the stewardship of President Rajendra Prasad, as free India’s national anthem.

Tagore died aged 80 in 1941, well before independence in 1947 and almost a decade before the birth of the new republic in 1950. But his brief and lovely paean to the idea of India remained as one of his many gifts to the nation — gifts including Asia’s first Nobel Prize (for literature, in 1913), the university at Shantiniketan (founded in 1901), a visionary critique of nationalism (1917), and of course a body of poetry, fiction, drama, criticism, music and painting unparalleled in the history of modern India.

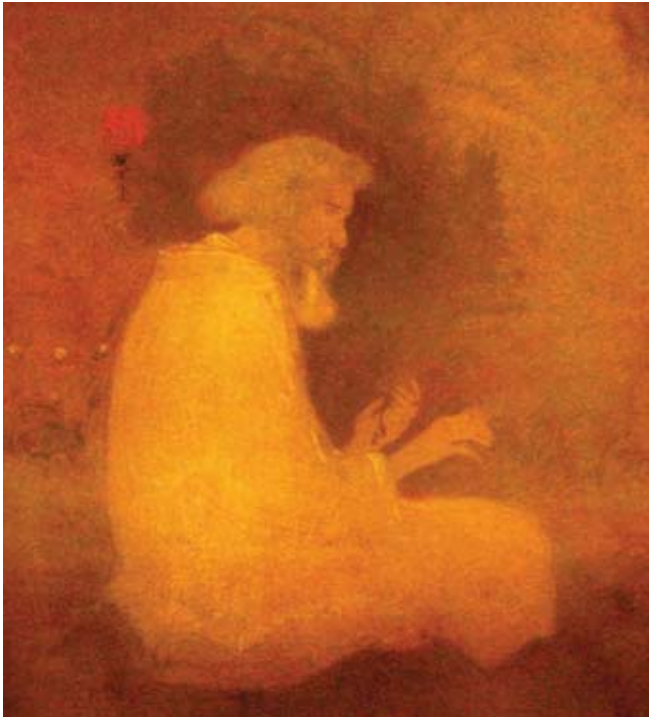
Nor did Tagore’s role as a founder remain restricted to India: in 1971, his song *Amar shonar Bangla* became the anthem of the new nation of Bangladesh. He must be the only poet in the world to be the author of the anthems of two nations, as Amartya Sen pointed out in an essay a few years ago. In post-Partition South Asia Bengalis — Indian and Bangladeshi alike — take Tagore to be a founding father. Modern Bengali identity is inconceivable without Tagore’s songs, poems and his original style of music, *Robindra-shongeet* (literally, “Rabindranath’s music”).

What endears “Gurudev” to the Bengali imagination is his lyricism, his sensitivity, his words, images and tunes that fuse together in a distinctive way, with an elusive loveliness that is hard to translate out of Indian languages into English. Even Tagore’s own translations of his poetry, though they won him a Nobel Prize, are unable to recreate in English the exact quality that makes him so deeply beloved, a poet whom Bengalis consider to be authentically and perfectly their own. If the Arab singer Umm Khalthoum was “a voice like Egypt”, then Tagore truly was “a voice like Bengal”. Recent poetic translations by scholars like Ketaki Dyson and William Radice have begun to capture the ineffable beauty of Tagore’s language and imagery, to convey something of his myriad moods.

Bollywood director Ram Gopal Varma’s sensibility could hardly be more distant from that of Tagore. Violent, garish, racy and crude, his cinematic oeuvre is a far



For Ram Gopal Varma's forthcoming *Rann*, words of the national anthem were changed and the segments spliced. It led to legal objections against the film.



A painting of Rabindranath Tagore from the Bengal School.

cry from that of Satyajit Ray, the master of modern Bengali cinema who studied at Tagore's university in Shantiniketan. Ray crafted films that approached the condition of literature, with original artwork, music and cinematography that won him recognition as one of the world's greatest movie directors in the 20<sup>th</sup> century. The India of Tagore and Ray, and the India of Ram Gopal Varma might as well be on different planets, like colonial Calcutta and post '92 Mumbai. Audiences may prefer one style or the other, but few would disagree that in Ray and in Varma, they are looking at entirely different conceptions of human emotion, of the social and political realities of Indian modernity, and of the moral order of the world. And it is not clear, just because Varma's canvas is grittier, that his is in fact the more trenchant analysis of class, of desire, of violence, of urban life, or indeed any of the so-called "realities" of the new India he supposedly lays bare. Exposition – true expository power – comes from acuity of vision, not from madly tearing away at things so as to reveal what might lie below the surface.

For his forthcoming Hindi film "Rann" (literally, "War"), Varma took the national anthem, *Jana gana mana*, and, playing on the alliteration between the words, added "rann" onto the refrain. Actually what his title soundtrack did was more complicated than that: it retained enough of the anthem's lyrics and tune so that it remained recognisable as itself, but changed enough words and spliced segments in such a way that it could also be construed as a different composition. As he probably ought to have anticipated, Varma came up against legal objections – the Prevention of Insults to National Honour Act of 1971 does not permit tampering with national symbols like the flag and the anthem. Both the national flag and the national anthem are identified as

key "ideals and institutions" of the Indian Constitution. Accordingly, it is considered a duty of every Indian citizen to protect and preserve these intact.

Varma's film did not make it past the Censor Board for months, and he eventually realised this was a battle he could win neither in the courts, nor in a media trial of any kind. A few days ago (probably not wanting to push the release of the film from 2009 to 2010), Varma finally announced that he had removed the offending song, and replaced it with another song of the nationalist repertoire, *Vande Mataram*, originally penned by the 19<sup>th</sup> century Bengali novelist Bankimchandra Chattopadhyaya in his novel *Anandamath* (1882).

*Vande Mataram*, though it is not the national anthem, is also constitutionally protected, thanks to its long association with anti-colonial nationalism, especially Swadeshi politics, from the 1890s to the 1950s. On Jan 24, 1950, the Constituent Assembly recognised *Vande Mataram* as India's "national song", distinct from the national anthem and yet on par with it. In 1997, at the 50<sup>th</sup> anniversary of India's independence, the government commissioned A.R. Rahman to make two videos for television, one of *Jana gana mana*, the other of *Vande Mataram*, that both, equally, were meant to represent India in a particular way. (They are easily found online: both somehow perch on the razor's edge between profoundly moving and absurdly kitschy evocations of the motherland. They elicit, through the magic formula known only to the masters of Bollywood, the exact same measure of tears as of laughter). But Varma has taken the latter song as is, without any lexical or musical alteration, and thus seems on the right track to rehabilitating his film and seeing it through to its release in Indian cinemas.

Varma's sole blundering foray into an alternative Tagorean universe ended in him beating a retreat. Try to imagine a clean-shaven terrorist, armed with a cell phone, an AK-47 and a mysterious post-9/11 rage directed at no one in particular, bewildered and backing away after he has burst into a secluded arbour where Charulata, Tagore's famous heroine as depicted by Satyajit Ray, is humming a tune, picking flowers, and playing at poetry with her besotted brother-in-law on a golden Bengali afternoon. Somehow hiding in the bric-a-brac of this Victorian picnic, swinging gently and hypnotically on a swing in a timeless secret garden, calligraphed in elegant Bengali letters on reams of paper his and hers, is the steel frame of the Constitution. Varma retreated and fled only after his brush with Tagore unexpectedly turned into an encounter with the founding articles and the very rivets of the modern Indian nation-state – indeed with its "ideals and institutions", adversaries as daunting as they come.

As the Indian republic turns 60, in January 2010, it is worth asking: Are India's national symbols, its flag (the tricolour emblazoned with the *dharmacakra*), its anthem (*Jana gana mana*), and its emblem (the Asokan lion-capitol) merely enshrined in the dead letter of the law, or are they actively important to Indian citizens and the Indian courts? Do we regard them as dangerous (i.e., meddling with them means getting in legal trouble), or as significant (i.e., they

really stand for ideas that we continue to value as fundamental elements in our conception of India)? What is it that we think we are preserving and protecting from the depredations of the likes of Ram Gopal Varma – is it the form of the anthem, or its meaning? When we say we care about *Jana gana mana*, what exactly is it that we are claiming to honour and to cherish? What is it that makes Tagore's short and simple homage to and prayer for his country a song apart, and one we can genuinely hold dear?

## II. "THE POETICS OF UNION"

**I**N 2005 THE SUPREME COURT OF INDIA (SCI) gave its decision in the matter of writ petition No. 16, *Sanjeev Bhatnagar v Union of India*. The bench consisted of the hon'ble Chief Justice R. C. Lahoti and hon'ble Justice P.K. Balasubramanyan. The petitioner wanted the word "Sindh" to be struck from the anthem, since according to him after Partition the province of Sindh is no longer a part of India (but is rather a part of the state of Pakistan). The SCI dismissed the petition and fined Sanjeev Bhatnagar – himself an advocate – for filing it in the first place and for claiming that he did this in the public interest. A number of Sindhi groups in India vehemently opposed the petition, a fact duly noted by the Court.

The judgment given by the hon'ble justices Lahoti and Balasubramanyan deserves a close and careful reading. It defends the sanctity of the anthem on so many grounds, and for so many different reasons, that we find ourselves in the course of a few pages forced to think about everything from the ideology of nationalism to the practice of literary criticism. It addresses questions as abstract as "What is India?" "What is a classic?" and "What is poetry?" to problems as concrete as "Which are the states of the Indian Union?" "What is the precise history of Tagore's *Jana gana mana*?" and "What is the legal status of India's national symbols as defined and protected by the Constitution?" To my mind the judgment is breathtaking in the scope of both its intellectual and its moral intervention in the delicate matter of the text of the national anthem. If the bench's pronouncements are indicative of the level of engagement with and commitment to the founding vision of the republic that may still be discerned in India six decades after the fact, then we are, as a polity, in pretty good shape.

*Sanjeev Bhatnagar v UoI* leads the highest court in the land to reflect on the nature of India's national anthem as a literary artefact, to analyse the relationship between this piece of poetry and patriotic love, and further, to meditate on the very essence of the nation. The Court finds *nation-ness* to lie not in territorial boundaries and cartographic particulars, but in a non-material shape that is unmistakably delineated by the nation's own poet, Rabindranath. However, just because this outline of the republic is abstract doesn't mean that it is any less worthy of being defended than are the physical borders of the nation-state.

Taking our cue from the SCI, let us look at the anthem in the original (i.e., in a sort of Sanskritized Tagorean hybrid of Bengali and Hindi), followed by a translation in English.

*Jana-gana-mana-adhinayaka*  
Jaya he  
Bharata-bhagya-vidhata!

*Punjab-Sindh-Gujarat-Maratha*  
*Dravid-Utkal-Banga*  
*Vindhya-Himachal*  
*Yamuna-Ganga*  
*Uchhala-jaladhi-taranga*

*Tava shubha name jage*  
*Tava shubha asis mange*  
*Gaye tava jayagatha.*

*Jana-gana-mangala-dayaka*  
Jaya he  
*Bharata-bhagya-vidhata*  
*Jaya he, jaya he, jaya he*  
*Jaya jaya jaya jaya he!*

O sovereign of the hearts of all the peoples and tribes,  
O dispenser of India's destiny,  
Victory to you!

Punjab, Sindh, Gujarat and Maharashtra,  
Dravidian country, Orissa and Bengal,  
The Vindhya and the Himalaya Mountains,  
The Yamuna and the Ganga Rivers,  
The crested waves of the sea

All praise your auspicious name  
All seek your pure blessings  
All sing the saga of your victory.

O giver of prosperity to all the peoples and tribes,  
O dispenser of India's destiny,  
Victory to you!  
And victory,  
And victory, victory, victory to you!

(I have not reproduced Tagore's own translation, which the Court quotes, mainly because the English he uses is antiquated, and modern Indians do not relate to it very easily).

At first, the poem is deceptively simple. But straightaway we realise that it contains a bouquet of place-names – regions and rivers, ranges and oceans – that remind us non-specifically and immemorially of India, rather than a geographically exhaustive and historically accurate list of the properties that constitute any empirically given India, past, present or future. The word we translate with "India" is "Bharata", a traditional name for the subcontinent found as far back as the epics, especially the eponymous *Mahabharata*. Sheldon Pollock calls it "epic space".

The poem is addressed not to India (not to Bharata), but to a sovereign of the hearts of India's peoples and tribes (*jana-gana-mana-adhinayaka*), a dispenser of India's destiny (*bhagya-vidhata*), a giver of prosperity to India (*mangala-dayaka*) – who or what this entity is, the poet does not say.

Does he intend God? Does he intend the Nation? Does he intend a human or divine Ruler? The ambiguity as to who this sovereign entity might be is ultimately what makes the poem not just appropriate but in fact perfect as a national anthem. The seat and source of national sovereignty precisely fluctuates between the people, their rulers, the physical expanse of the country (albeit an expanse vaguely gestured towards rather than precisely mapped), the idea of the nation, and a transcendental, God-like power (who, crucially for a secular and multi-religious country like India, must be non-denominational).

The Court refuses to alter the text of Tagore's poem to exclude any region named therein (like Sindh) – or in fact to include any region not named therein (like Kashmir). In a sense because the *idea* of India is given priority over the *fact* of India, a place doesn't have to be named in order for it to *really* be a part of India, and conversely, if it happens to not be named it doesn't mean that the place is in reality *not* a part of India! This non-literal conception of what belongs within India is absolutely genius, because it allows anything we *think* is India to already always be in India, and *for there to be no logical way in which to signify non-inclusion*. (Kashmiris and Nagas, among other dissenting groups, have surely felt the brunt of this powerful syllogistic manoeuvre).

Note that if India had not been created on the basis of exactly such a syllogism, it would not have been possible to end up with the remarkable historical outcome of Partition, namely that India minus huge swathes of itself in the east and in the west and less millions of its people is still somehow, miraculously, immaculately India. The very same algorithm makes the hundreds of thousands of people who have left India to settle overseas, and their descendants, still and in perpetuity “Indian”, whether non-resident or hyphenated or emigrated. Paragraph 12 of the SCI judgment, which thoroughly gets this brilliant logic that is at work in Tagore's poem – and enters from there into the Constitution – deserves to be quoted in full:

12. A National Anthem is a hymn or song expressing patriotic sentiments or feelings. It is not a chronicle which defines the territory of the nation which has adopted the anthem. A few things such as—a National Flag, a National Song, a National Emblem and so on, are symbolic of our national honour and heritage. The National Anthem did not, and does not, enlist the states or regional areas which were part of India at the point of time when it was written. Nor is it necessary that the structure of the National Anthem should go on changing as and when the territories or the internal distribution of geographical regions and provinces undergoes changes. Very recently, Uttaranchal, Chhattisgarh and Jharkhand have been carved out by reorganizing certain states. Does it mean that the National Anthem should be enlarged, re-written or modified to include the names of these new states? The obvious answer is no. The National Anthem is our patriotic salutation to our motherland, nestling between the Himalayas and the oceans and the seas surrounding her. The mention

of a few names therein is symbolic of our recollection of the glorious heritage of India. ‘Sindh’ is not just a geographical region. It refers to the place and to its people. *Sindhis* are spread throughout the country and they derive their name as having originated and migrated from Sindh. ‘Sindh’ also refers to the river ‘Sindhu’ or ‘Indus.’ It also refers to a culture, one of the oldest in the world and even modern India feels proud of its having inherited the Indus Valley Civilisation as an inalienable part of its heritage. River Indus (*Sindhu*) finds numerous references in the Indian Classical Literature including Rig Veda.

### III. “THE POEM AT THE END OF THE MIND”

**B**UT JUSTICES LAHOTI AND SUBRAMANYAN, on a hermeneutical tear, don't stop there. Next they state that the song is “*a reflection of the real India as a country – a confluence of many religions, races, communities and geographical entities*” (emphasis mine). Thus the “real” India – read, India in essence, in actuality, in truth – is about *putting together a collage of identities as a principle of its constitution, not about constructing a compendium of specific identities, finite in number, which may then be said to be its constituent parts*. India is about diversity, not about aggregation. A protean mélange is ever-changing but perduring, whereas a strictly defined aggregate may be disaggregated, to put it somewhat tersely, almost mathematically. Further, the anthem is about the *sentiment* it arouses – patriotism – not about the territories it enumerates. It captures that which makes India India, namely the *ethos* of India – “unity in diversity” (also, incidentally, a Tagorean phrase that becomes one of the corner-stones of the Congress-led postcolonial state).

Further still, the anthem is a “classic”, which means that by definition it is “immortal and inalienable”. (The hon'ble justices subscribe to a view of literary genre that would gladden the heart of any classicist, for sure!) To “mutilate” the anthem is not just illegal and unconstitutional – it is an insult to Rabindranath, whose status as a “great poet” means that we cannot just make what we like of the text he has written. Even the Constitution may be changed through the mechanism of the amendment, but the words of the national poet, words that have attained the stature of a “classic”, cannot be altered after the fact. In case the classical authority of Rabindranath Tagore is not enough, the bench drives home its point by reminding us of how much Mahatma Gandhi, “the Father of the Nation”, loved this poem, calling it on one occasion (8<sup>th</sup> May 1946, Tagore's birth anniversary) a “devotional hymn”. Composed by Tagore, endorsed by Gandhi, and adopted by the Constituent Assembly, *Jana gana mana* has the stamp of the founders of the republic. It is not within the power of posterity to mangle this text in any manner whatsoever.

At this point I would go out on a limb and hazard that the bench's zeal in fixing the text of the anthem in the form first articulated by its author, and raising the stature of the

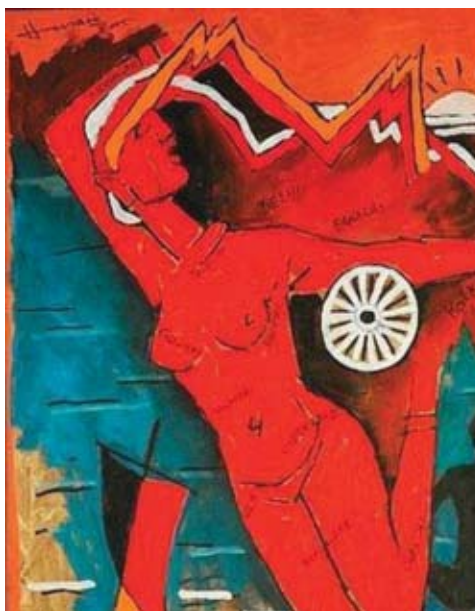
author himself so that he almost begins to rise above history, escaping from the realm of facticity and contingency – after all Tagore died just 6 years before independence – into the realm of the “classical”, is highly reminiscent of certain types of philosophical exegesis in the Sanskrit systems, whereby the Veda is sought to be immured to historical change or human intervention. The hon’ble justices seek to render to the national anthem inviolable. For centuries, orthodox Brahmin exegetes made the cool, coherent, logical, relentless but also simultaneously irrational argument that the Veda may not be subject to modification by human agency.

In the Vedic case, the argument is profoundly irrational, because it is built on the premise that the Veda does not have a human author in the first place. (Which is not to say that it has a divine author – I cannot go into why this is so, but the claim that the Veda is *apauruseya* amounts to dissociating the text from any person (*purusa*) as such, any individuated consciousness, any well-spring of the will, any locus of authorial agency, any author, human or divine is all the same). Here, Tagore’s historical existence and his authorship of the anthem cannot be denied within the framework of modern rationality, but note how he is subtly lifted to a plane above that of ordinary mortals, a plane populated by the exalted founders of the nation – the likes of Mahatma Gandhi and President Rajendra Prasad – and not by its mere citizens, like the misguided petitioner, Sanjeev Bhatnagar. The relevant statement by President Rajendra Prasad reads as follows:

“The composition consisting of the words and music known as *Jana Gana Mana* is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song *Vande Mataram*, which has played a historic part in the struggle for Indian freedom, shall be honored equally with *Jana Gana Mana* and shall have equal status with it. I hope this will satisfy the Members.” – *Constituent Assembly Debates, XII* (24<sup>th</sup> January, 1950).

Interestingly, President Prasad’s statement holds that the national anthem is “subject to such alterations in the words as the Government may authorize as occasion arises”. Effectively the SCI’s 2005 judgment in *Sanjeev Bhatnagar* does not authorise any alterations to the text of the anthem, at least not on the given occasion.

Determined not to leave any stone unturned, the hon’ble judges finally spell out their theory of poetic language, again remarkably close to a certain school of Sanskrit literary theory, in this instance the Kashmiri *dhvani-siddhanta*



**MF Husain’s ‘Mother India’(2006) continues a tradition of representing the nation started by Abanindranath Tagore’s ‘Bharat Mata’ (1905).**

(theory of poetic suggestion). The nature of signification proper to poetic language, according to the bench, arises from at least two features peculiar to, or at least heightened in, this kind of language: one, its metricality (what they call “structure” or “flow”), and two its suggestiveness, its propensity to suggest rather than indicate (which they try to get at by saying that poetry is “symbolic” and pushes words far beyond their “dictionary definition”).

In other words, Tagore meant to suggest India to our minds and endear it to our hearts, twin aims he successfully achieves, whatever the map of India might look like in the world outside of poetry. When we read, sing or hear the anthem, what is the meaning that arises in our understanding? *That meaning is India. India is that meaning.* India is the poem at the end of the mind (to quote another poet, the American Wallace Stevens). No Sindh may be added to or subtracted from this India. After amazing feats of literary interpretation

and philosophical exegesis, after peering into the history and delving into hermeneutics, the bench drily and sternly concludes:

18. We are satisfied that the petitioner is not entitled to the relief prayed for. The petition is wholly devoid of any merit. The petition is not in public interest. It is a petition which should never have been filed. (...) To discourage the filing of such like petitions which result only in wasting the valuable time of this Court, we direct the petition to be dismissed with costs quantified at Rs.10,000/-.

After a judgment like *Sanjeev Bhatnagar v UoI*, Ram Gopal Varma didn’t stand a chance with his attempts to tamper with the national anthem for his film *Rann*. If he had done his legal homework, he would have known this from the get-go. It is a separate matter whether Rabin-dranath Tagore himself would have agreed or disagreed with the song that Varma wanted to use as the title track for the movie. Some months ago I heard its lyrics on the Internet, and they spoke of an India at war with itself, an India whose sovereignty seemed depleted and defeated, an India whose nameless and once-powerful caretaker—her *bhagya-vidhata*—had fallen into a state of torpor and indifference. Varma’s other anthem for our India spoke of its regions awash with blood, its rivers running with poison, its people and tribes dying of conflict and neglect.

I would wager that if this had been where his country was at, then Tagore would have been the first to face the bitter truth, and to give it words as only he could. But that must remain one of the many unknown unknowns of history. ■