

INSTITUTE OF OBJECTIVE STUDIES, NEW DELHI

30th Anniversary Celebrations Programme

2-day National Seminar on

**Towards Equality, Justice and Fraternity in Contemporary India -
Creating a Better Tomorrow Through Law**

In collaboration with

Deptt. of English, Aalia University, Kolkata

On April 22-23, 2017 at City Campus, Park Circus, Kolkata

APPROACH NOTE

Humanity has always, in spite of its ebbs and tides, tried to create a better tomorrow. This struggle is waged at multiple levels – physical, rational, emotional and ethical. Nevertheless, in its final analysis, to follow the “straight path” is the cardinal principle for serving and improving the quality of life covering the whole humanity. This is possible through creating a balance among reason, revelation and reality. In the final analysis this reality leads to creation of balance. Man is basically a spirituo-moral entity. He acts above the level of utilitarianism and strives to achieve in terms of finding virtue, which is a feature of spirituo-moral existence and the endeavor is to achieve excellence in achieving goals and success in real sense of the term.

In this background, humanity has tried hard to achieve a better tomorrow, which does not dawn easy and automatically. In 1998, Kodak had 1,70,000 employees and sold 85% of all photo paper worldwide. Within a few years, their business disappeared as digital photography took over. It may happen to anybody. It is estimated that a lot of industries in the next 10 years would vanish from the scene as it would become obsolete and replaced by new technology. The process of technological obsolescence would further be accelerated with introduction of artificial intelligence. Hence, health, communication, education etc. would be revolutionised.

The present-day globalised world is dominated or, in a way, regulated by technology. Immediate past may be reviewed to peep into future projections. Technology has in-built obsolescence. Computers will become exponentially capable in understanding the world accurately and better. Legal profession is going to be reduced by 90%. Only specialists would survive. By 2030, computers will become more intelligent than

humans. In 2018, first self-driving cars would appear for public. Around 2020, the whole automobile industry would start to be disrupted. It is not the right place to dwell upon up-coming changes. Space technology, ICT, nano and other specialised branches would influence every citizen all over the world.

This background necessitates for India to play its cards carefully. The most astonishing factor in India is to push its citizenry into emotional and artificial environment of divisive ventures day in day out for achieving small-time political gains. Such forces are encouraged by the system in more ways than one. Development is being used as a slogan to settle scores. Political propaganda is on high priority even with media. Democratic institutions are in jeopardy. Every default is thrown into the lap of judiciary, which is groaning under its own weight. Pendency is at its peak. It is accepted by the present CJI that judiciary is under heavy pressure. Systemic support to judiciary is a case of research. The law, its enforcement mechanism, pendency, judicial dispensation etc constitute huge areas of concern. This whole system is being over-shadowed by legislative and executive interference. Whole legal system needs a serious scrutiny and studies into various aspects. CJI has spoken on public platforms about of ill health of judicial dispensation story covers scores of sector starting from appointment of judges to pronounce justice and its enforcement.

It is estimated that only 5% of cases are decided. Justice delayed, justice denied is an accepted dictum by all victims waiting for judicial pronouncements. The power of executive is at par with legislature and judiciary. On top of it all, there is no likelihood of immediate remedial measures. In such a situation, the question should be raised as to how far Indian systematic dynamics can provide desired results to create a better tomorrow, which is not only a political concept but a condition, a commitment and duty of every citizen of this great country.

Today BJP is in power at the Centre and the real threat of Hindutva has come now. It is feared that Gujarat model may be tried in all possible ways as was done in Muzaffar Nagar in 2013, though the elections were fought in the name of development and eradication of poverty. But there is hardly any development, rather there is a mad mobilisation at all points to convert India into a Hindu nation. Government is to be used for realisation of this dream. The real guiding force of even government machinery is RSS and its affiliates. Attention should be drawn to manifest aspects of the infamous Gujarat model. After electoral victory, governing system is being deployed for fresh mobilisation by converting channels of communication and propaganda on desired lines, even to the extent of violation of the spirit of Constitution of India. Indian legal system, culture, history and education systems are being reviewed from Hindutva-specific angles. Sources are being mobilised for rewriting history. It is an adventure to create a desired past. Institutions like the ICHR, NCERT, NITI Ayog etc. are working hard and are on the job. Through these

institutions, school and higher education are being organised on a set agenda. But people, particularly the intellectual world, is taking a serious note of these developments. Amartya Sen says, “The unadorned truth does not favour Hindutva view and the adorned falsity does not survive critical scrutiny”. It is believed that communal history generates communalism and communalism encourages communal history, both provide life and strength to each other. Now, the nation has to be on its highest alert and should start a struggle to save India as a civilisation and nation.

Stronger and planned efforts are needed for achieving a better tomorrow. Attempts are made to create synergy to march towards equality, justice and fraternity in contemporary India which is guaranteed under the Constitution of India. Hindutva machinations, quite obviously, make it impossible for the country to attain aspects of equality (like equality before law) and fraternity, two of the major national goals as laid down in the Preamble of the Constitution of India. Faced with discrimination in police stations during frequent riots and attacked by goondas in riots, victims see the hollowness of the claims of equality before law and fraternity (brotherhood). As Justice A. M. Ahmadi remarks, hate speech and communal violence undermine the constituted goal of fraternity.

It may be mentioned that Indian social, cultural and philosophical systems plead for creating harmony, peace and fraternity. Apart from historical evidence, there is ample evidence to prove that Indian heterogeneity has always been strength to the growth of Indian social, cultural, and even political life. It may also be noted that India in its post-independence phase has successfully shown its strength to create and practice unity in diversity. This dictum is not merely a slogan, but a reality of Indian life. Indian society has emerged and progressed on the lines of tolerance and respect for each other’s ways of life. This quality is supposed to be one of the most striking features of India as a nation and society. Indian liberal sections, along with marginalised groups, are in overwhelming majority and they keep these values in esteem.

The present-day world is aspiring for providing space to new thinking and modes of living. Such challenges call for mental and psychological acceptance of facts and belief in creating equality, justice and fraternity to create a better tomorrow. There is nothing new in believing this dictum. Rather, it must be taken up as a constitutional obligation on everybody. It may also be mentioned that Indian diversity does not allow any one group to rule and dominate. Recent developments in politics of India indicate the scope and possibility of operation for different ways for differing groups. A careful study of electoral techniques and dynamics may easily prove this point. This philosophy boils down to the old dictum of “creating unity in diversity”. Anything against this philosophy is negation of Indian philosophy, civilisation and the Constitution of India. However, this is a time of facing the challenge and fighting it

out with vigour and commitment. Majoritarianism in any form is injurious to Indian system, philosophy and culture. No politics can claim to survive without socio-cultural backdrop.

The Institute of Objective Studies, New Delhi may be credited for its role to strive hard to uphold such values. Anything against this spirit has to be contested within the legal framework. In this background, the IOS has decided to celebrate the 30th year of its existence and operations. This event at this point of time would ensure that we dwell upon “Towards Equality, Justice and Fraternity in Contemporary India – Creating a Better Tomorrow Through Law”. The organisers are conscious of the need to do justice with the themes and contribute to dwell upon these specific areas in detail.

Legal and judicial dispensation systems are related to the present and more so to future of nation and society. It is another medium of providing relief to people in need. The legal structure of India is credited with containing great ideals and laws for protection of marginalized sections. Through its Preamble, Fundamental Rights and Directive Principles the Constitution ensures fair play. This sector calls for immediate attention. As this country is big and diversified, the judicial system is an urgent issue to be reviewed. These dimensions are catching the attention of concerned quarters at national and international level. The people from legal fraternity can see the danger of pushing the nation into chaos and degeneration. This decadence has to be tackled at intellectual level first. Planning and reforms may follow. Another vital point must be kept in mind that the spirit of the basic structure of constitution has to be protected at all costs.

The IOS strives to create a society based on equal rights, goodwill, fraternity and cohesion. Such cohesion and harmony is possible only through combined effort to create a just order through legal instruments.

Participation to the seminar is solicited from intellectuals, human rights experts, social activists, and other concerned sections of the society.

Main Themes for Business Sessions would be:

1. Constitutional Guarantees of Minority Rights: Foundations, Promises and Assurances towards the Development of a Peaceful Society (Issues may be discussed with reference to Constituent Assembly Debates and later developments)
2. State Policies for Governance and Action: Assessment and Evaluation of Attitudes and Schemes in Minority Perspective.

3. Concerns about Minority Education Rights, Protection of Faith and Promotion of Culture: Current Status, Trends and Expectations from the State.
4. Administration of Criminal Justice: Issues Concerning Entrapping of Members of Minorities and Underprivileged Groups.
5. Vulnerability and Insecurity Faced by Minorities: State Responsibility for Prevention of Communal Violence and Promotion of Strategies for Harmony.

Additionally, the interested participants may address the following issues or any other relevant matter or concern with reference to the above-mentioned sub-themes for various business sessions:

- The Constitution makers' vision of secularism and pluralism as a functional concept
- No preferred citizens in the country on the ground of faith.
- Right to retain identities of faith and group
- Right to education and to retain and promote culture and faith
- Throwing open of all public offices for all belonging to any religion, reed or caste
- Prohibition of discrimination by executive or any state body or person in position on the basis of religion
- Respect for places of worship
- Protection of religious endowments
- Promotion and preservation of the rich harmony of Indian culture
- Freedom of religion as assured to all religious denominations
- Prohibition of state to promote any particular religion
- Expectation of an alert judiciary to contain the executive and legislature from overstepping their limits
- Any other issue relevant to the theme.