

FACULTY OF LAW UNIVERSITY OF DELHI



Title of the International Conference

Socio-Economic Justice after Seventy Years of India's Independence: Domestic and Global Challenges

**Venue of the Conference: Faculty of Law (New Building),
North Campus**



Key Dates:

Submission of Abstract: 30 September 2016

Communication of acceptance of abstract from Organizer's side: 7 October 2016

Submission of Full Paper: 10 November 2016

Seminar: 18, 19, 20 November 2016

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Identified Themes/Sub-Themes:

1. Right to Education
2. Right to Health, and Nutrition
3. Right to Sanitation
4. Right to Employment
5. Right to Equality, especially Women, Children & LGBT
6. Female Foeticide/ Pre-Natal Sex Determination
7. Right to Clean Environment
8. Right to Good Governance
9. Accountability for Black Money
10. Globalization and Its Impact on Poverty
11. International Law and Socio-Economic Justice
12. Reform of International Financial Institutions

Registration Fee

Registration Fee is payable by each of the authors of the papers individually and separately,

- i) Teachers/Academics/Govt. Officials/Advocates/NGOs/INGOs officials from India: Rs. 1500 and Rs 2000 for each accompanying person
- ii) Research Scholars/ post graduate/LL.B./Integrated LL.B. students from India: Rs 1200 each and Rs 1500 for each accompanying person
- iii) Teachers/Academics/Govt. Officials/Advocates/NGOs/INGOs officials

- from outside India (from SAARC countries): Rs. 1500 and Rs 2000 for each accompanying person
- iv) Teachers/Academics/Govt. Officials/Advocates/NGOs/INGOs officials from outside India (non-SAARC countries): \$ 250 and \$ 300 for each accompanying person
- v) Research Scholars/ post graduate/LL.B./Integrated LL.B./S.J.D./J/D. students from outside India: \$ 220 each and \$ 250 for each accompanying person

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Organizing Committee

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2. Dr. Mahavir Singh (Seminar Co-ordinator)
3. Dr. Gunjan Gupta (Member Secretary)
4. Dr. Anupam Jha (Seminar Secretary)
5. Ms. Meena Panicker (Additional Secretary)
6. Ms. Anju Sinha (Assistant Secretary)
7. Mr. Chanchal Kumar Singh (Assistant Secretary)

Call for Papers:

Papers on various sub-themes, along with an abstract of not more than 200 words are invited which may be sent in advance to any of the members of the Organizing Committee. Papers, if selected, may be published in an edited volume and would appear in the seminar proceedings.

Note: Due to paucity of funds, we are unable to provide travel expenses and accommodation to the delegates. However, we have blocked few rooms in University Guest Houses during the seminar for which prior intimation has to be given to the Organizing Committee. If a delegate is not accommodated in the University Guest Houses, we have some Boys & Girls Hostels which may also be

useful during the period. Otherwise, a range of budgetary accommodation in the form of hotels, lodges and home stays are available in close proximity to the venue.

The delegates would, however, be served conference breakfast, and lunch at the venue. They would also be provided with seminar kits at the venue.

Concept Note

Seventy years is not a very long period in the history of a nation but may serve as an appropriate moment in stock-taking the socio-economic developments in the country. India's tryst with destiny, nearly seven decades back in time, was a major event in the history of our people and now we reflect back to assess the development of social, economic and political trends in our lives. India has halved its incidence of extreme poverty, from 49.4 per cent in 1994 to 24.7 per cent in 2011 states the Millennium Development Goals (MDG) Report, 2015. But the catch is that the report set the limit for extreme poverty as those living on \$1.25 or less a day. The nation remains home to one-quarter of the world's undernourished population, over a third of the world's underweight children and nearly a third of the world's food-insecure people. Infant mortality rate has fallen drastically from 88.2 deaths per 1,000 live births in 1990 to 43.8 in 2012. The maternal mortality rate fell from 560 per lakh live births in 1990 to 190 in 2013. On the environmental front, India is one of the few countries that have reduced its carbon dioxide emissions in relation to its GDP. India emitted 0.65 kg of carbon dioxide per \$1 of GDP in 1990, which fell to 0.53 kg in 2010.

The Constitution of India constituted India into a Sovereign Socialist Secular Democratic Republic key to which was the ushering of the socio-economic revolution in the country based on fundamental rights, directive principles and fundamental duties mentioned in Parts III, IV and IV-A of the Constitution respectively. Most importantly this democratic order seeks to further the cause of justice, socio, economic and political apart from the causes of equality, liberty and fraternity. The cause of socio-economic justice is important to the Republic when seen in the light of centuries of discriminatory and dehumanizing practices employed by our own kind against members of the community, involving the questions of caste, class, sex, gender, profession and place of birth amidst others. Besides the immediate experience of colonial rule informed the decision of founding fathers to ensure that Constitution itself guarantees certain basic and minimum guarantees which would ensure that no government in the future will could deprive its people of their basic rights. This basic framework informed the working of the Constituent Assembly and the resulting fruit of all the effort in the form of provisions for equality before law, reservation for backward classes, and abolition of untouchability and freedom of religion. That, however, is not the summation of the social justice trends in India. Supreme Court of India has been playing a very active role in broadening the horizon of socio-economic justice by ever expanding the scope of 'right to life' under Article 21 by judicial way of judicial interpretation as well as intervention. The Republic today stands on the

firm foundation of socio-economic justice and democratic participation in a glowing tribute the vision of our founding fathers. This new jurisprudence, uniquely suited to Indian conditions may be called 'social jurisprudence'. It has often achieved a balance between political rights and socio-economic rights. In this exercise the socio-economic rights have been given greater importance in some cases. This achievement has been described as 'singular' in itself by Granville Austin in his seminal work on Indian Constitution.

On the other hand, the Constitution of United States of America originally recognized only civil and political rights. Gradually they also sought to recognise some rights as core rights, which are also called subsistence rights or rights to minimal economic security. These rights include 'unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, and minimal preventive public health care'. These rights are justified by Professor Louis Henkin who observed that:

'In the United States, rights are essentially freedoms.... Neither the Constitution nor the economic, social, political system of the United States entrenches economic and social rights in the spirit of the Universal Declaration of Human Rights and the Covenant on Economic and Social Rights'.

If this view of the Constitution of the United States of America is true, it is much truer of the Constitution of India which explicitly recognizes these rights. The Supreme Court of India has impliedly accepted the theory of 'unenumerated rights' in its interpretation of Article 21. These subsistence rights do not conflict with traditional liberties. On the contrary, they enhance these liberties. For, traditional liberties arose out of protest against oppressive political institutions, while the subsistence rights arise out of protest against oppressive social and economic institutions. The concept of human rights is complete only when there is acknowledgment of socio-economic rights along with traditional liberties. As a matter of fact, the Supreme Court of India accepted this principle when it laid down in *Minerva Mills Ltd. v. Union of India* (AIR 1980 SC 1789) that there is harmony and balance between fundamental rights and the directive principles of State policy and this harmony and balance is a basic feature of the Constitution. The Supreme Court upheld traditional liberties i.e. fundamental rights when there is political threat to these rights. Similarly, the Supreme Court has to uphold subsistence rights when there is social and economic threat to these rights. Political threats to traditional liberties may be conscious or otherwise. But, the social and economic threats to subsistence rights being conscious these rights command greater attention from the judiciary. As the Supreme Court ensures the enjoyment of fundamental rights by warding off political threats, similarly the Court has also to ensure enjoyment of subsistence rights by warding off social and economic threats. This is the new role of Indian Supreme Court. It is through this role, the new jurisprudence is being evolved.

The agenda of socio-economic justice is brought to the forefront by the development of international legal regime consisting of Universal Declaration of Human Rights, 1948 and International Covenant on Socio, Economic and Cultural Rights, 1966. The impact of international bodies and organizations in this arena is no less significant. Various international fora like World Bank and IMF have been playing a significant role in the determination of and realization of the mandate of social and economic justice for the masses. UN, WTO, WHO and other international organizations have developed policies to address a wide range of global issues such as Severe Acute Respiratory Syndrome (SARS), terrorism, nuclear proliferation and trade liberalization, but ordinary citizens are largely excluded from participating in the global governance of these issues. There is effectively no global level social contract involving international agencies, nation-states, and citizens.

Significance of the topic

At the same time many issues, questions and controversies have cropped up that remain unanswered or partially answered or confined to academic discussions shorn of legislative activity and judicial activism. This Conference will aim at bringing to the forefront many of these discussions and seeking to find a constitutionally sanctioned solution the challenges posed by the fast changing world order of our times. An attempt shall be made to explore all socio-economic and psychological dimensions of our struggles towards the achievement of the true socio-economic revolution of rights in India through lego-political means.

The Conference proposes to address the issue regarding access to free and compulsory education and legal developments in regard to realization of the dream of universal primary education for all. In this regard we would like to focus on the developments in the implementation of Right of Children to Free and Compulsory Education Act, 2009 and its impact on the private schools in the country. We keenly await the participation of academic community on the issues of basic health-care, nutrition and sanitation, and lack thereof, in our towns and cities. Right to health and nutrition have all been recognized as part of right to life by the Supreme Court but their implementation has been tardy and unwholesome in our experience. The Conference intends to bring forth legal strategies towards the realization of this dream. Availability of clean drinking water is major thrust area for the Conference. Focus shall also be laid on the need for clear and concerted efforts at reduction in poverty at all levels and the role of financial inclusion schemes in achieving the objective. In this regard one looks forward to a critical assessment of government's plans, programmes and policies with a view to adopt an integrated approach to access to basic welfare schemes run by the Central and State Governments.

The question of justice for women is another thrust area of this Conference. The need to combat female foeticide and 'Saving the Girl Child' is a key area of deliberation today. Another area of concern is the impact of personal laws on the achievement of the sanguine goal of gender justice in contemporary India. With

Supreme Court initiating a *suo moto* PIL in the matter of impact of discriminatory personal laws on women in communities bound by their personal laws. The need for enactment of Uniform Civil Code is once again under consideration of the political, academic and judicial community especially with a view to ensure that gender justice is not defeated at the altar of personal laws. Working women face situations of sexual harassment and assault every day making thereby their right to work a casualty of our unjust social dynamics. We aim to explore various dimensions of this violence and legal remedies for the resolution of the issue. No less important is the situation of women fighting rape, sexual assault and other misogynistic practices in everyday life, be at home or outside. This calls for an immediate therapeutic response from the society, more so from our legal fraternity.

The theme of environmental protection is another focus area of our effort. Protecting the environment itself throws up the issue of balancing of the interests of the weaker sections with the needs of the environment. It is at these times that our true commitment to the principle of sustainable development is put to test. The apocalyptic fears associated with climate change are genuine and are most likely to affect our downtrodden and disadvantaged the most. This conference will adequately focus on the legal developments in India and abroad in the field of environmental jurisprudence. The question if Paris Agreement on Climate Change at COP-21 will help India, or not? is another key debate that we seek to further. At the national level our attention shall be closely focused on the working of National Green Tribunal and other developments in environmental jurisprudence of the country.

The question of reservations for socially and educationally backward classes of Indian society is a key area of debate and discussion with wide ramifications for Indian people. The fact of largest number of constitutional amendments having been carried out in related articles of the Constitution is itself a testimony to the importance and dynamic character of the debate. The question of atrocities on and against the weaker sections of the society is of prime importance to the entire community as a whole because the goal of social justice is incomplete without our disadvantaged and dehumanized brethren gaining full and effective participation in the community. Focus shall also be laid on the practices like manual scavenging and denial of temple entry to members of Scheduled Castes which persist despite, and much against, the constitutional mandate of the Indian state.

The need for transparency, accountability and combating corruption is a major theme in socio-economic justice today. Absence of transparency and accountability in governance structures leads to a failure in the delivery of basic services like education or healthcare. People lose their faith in the law and order agencies due to large scale of corruption. The contemporary challenge that is posed to everyone is to conquer the menace of corruption in India. We, therefore, seek to address the loopholes in laws and their implementation to ensure that adequate

weapons/methods can be utilized or designed to surmount the evil of corruption or lack good governance?

Another development that we seek to address and assess is the impact of globalization and privatization on the human rights of the citizens with special reference to the rights of the working classes, especially in the unorganized sector. Economic reforms, no doubt necessary, have brought in new and major challenges to practice of human rights and their practitioners. The impact of foreign capital and private enterprises on labour welfare is a key area of study.