

"The fact that the world stirs our imagination in sympathy tells us that this creative imagination is a common truth both in us and in the heart of existence."

"THE POET'S RELIGION" IN CREATIVE UNITY

"The modern age has brought the geography of the earth near to us, but made it difficult for us to come into touch with man."

"EAST AND WEST" IN CREATIVE UNITY

"With the unchecked growth of Nationalism the moral foundation of man's civilisation is unconsciously undergoing a change. The ideal of the social man is unselfishness, but the ideal of the Nation, like that of the professional man, is, selfishness. This is why selfishness in the individual is condemned while in the nation it is extolled, which leads to hopeless moral blindness, confusing the religion of the people with the religion of the nation."

"THE NATION" IN CREATIVE UNITY



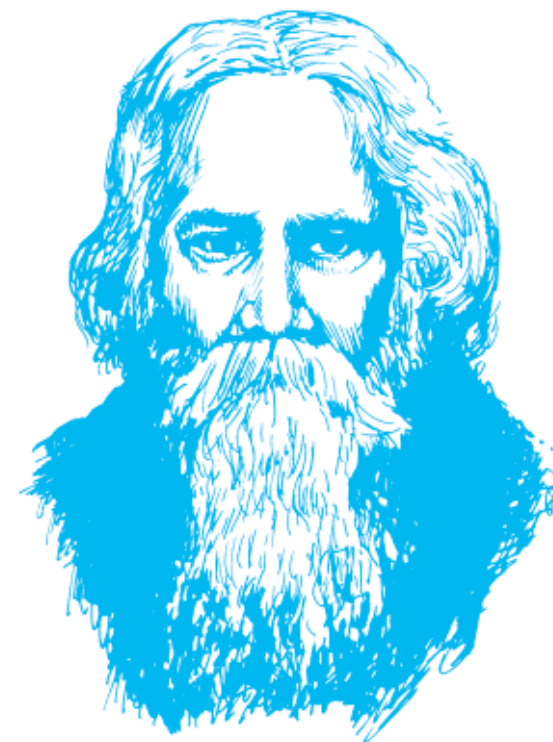
राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING

NCERT

Memorial Lecture Series

First Rabindranath Tagore Memorial Lecture – 2008

BY N.R. MADHAVA MENON



1861-1941

"What India has been, the whole world is now. The whole world is becoming one country through scientific facility. And the moment is arriving when you must also find a basis of unity which is not political. If India can offer to the world her solution, it will be a contribution to humanity."

"NATIONALISM IN INDIA" IN NATIONALISM

"Today we witness the perils which attend on the insolence of might; one day shall be borne out the full truth of what the sages have proclaimed: 'By unrighteousness man prospers, gains what appears desirable, conquers enemies, but perishes at the root'."

"CRISIS IN CIVILISATION" IN CRISIS IN CIVILISATION AND OTHER ESSAYS

"In India, the history of humanity is seeking to elaborate a specific ideal, to give to general perfection a special form which shall be for the gain of all humanity; — nothing less than this is its end and aim."

"EAST AND WEST IN GREATER INDIA" IN GREATER INDIA

"Science being mind's honesty in its relation to the physical universe never fails to bring us the best profit for our living. And mischief finds its entry through this backdoor of utility, and Satan has had his ample chance of making use of the divine fruit of knowledge for bringing shame upon humanity. Science as the best policy is tempting the primitive in man bringing out his evil passions through the respectable cover that it has supplied him. And this why it is all the more needed today that we should have faith in ideals that have matured in the spiritual field through ages of human endeavour after perfection, the golden crops that have developed in different forms and in different soils but whose food value for man's spirit has the same composition. These are not for the local markets but for the universal hospitality, for sharing life's treasure with each other and realising that human civilisation is a spiritual feast the invitation to which is open to all, it is never for the ravenous orgies of carriage where the food and the feeders are being torn to pieces."

"IDEALS OF EDUCATION" IN CRISIS IN CIVILISATION AND OTHER ESSAYS

NCERT MEMORIAL LECTURE SERIES

First Rabindranath Tagore Memorial Lecture
Regional Institute of Education, Bhubaneswar

19 July 2008

N.R. MADHAVA MENON



राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
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CONTENTS

Our Objectives	4
SECTION 1	8
On Rabindranath Tagore: The Man and His Mind	
SECTION 2	26
Rabindranath Tagore Memorial Lecture: 2007-08 Theme: “Realising Equality of Status and Opportunity: Role of Government, Judiciary and Civil”	

OUR OBJECTIVES

The National Council of Educational Research and Training (NCERT) is an apex organisation, assisting and advising the Central and State Governments by undertaking research, survey, development, training and extension activities for all stages of school and teacher education.

One of the objectives of the Council is to act as a clearing house and disseminator of ideas relating to school and teacher education. We have initiated the current Memorial Lecture Series in order to fulfil this role and to commemorate the life and work of great educational thinkers. Our aim is to strive to raise the level of public awareness about the seminal contributions made in the field of education by eminent men and women of India. We expect that such awareness will set off a chain of discourse and discussion. This, we hope, will make education a lively subject of inquiry while simultaneously encouraging a sustained public engagement with this important domain of national life.

The memorial lecture series covers public lectures commemorating the life and work of nine eminent Indian educational thinkers and practitioners.

Title	Venue
Gijubhai Badheka Memorial Lecture	Madras Institute of Development Studies, Chennai
RabindranathTagore Memorial Lecture	Regional Institute of Education, Bhubaneswar
Zakir Hussain Memorial Lecture	Regional Institute of Education, Mysore
Mahadevi Verma Memorial Lecture	Regional Institute of Education, Bhopal

B.M. Pugh Memorial Lecture	North East Regional Institute of Education, Shillong
Savitribai Phule Memorial Lecture	SNDT , Women's College, Mumbai
Marjorie Sykes Memorial Lecture	Regional Institute of Education, Ajmer
Sri Aurobindo Memorial Lecture	Presidency College, Kolkata
Mahatma Gandhi Memorial Lecture	India International Centre (IIC), New Delhi

We invite men and women of eminence from academia and public life to deliver these lectures in English or any other Indian language. Our intention is to reach to large audiences consisting in particular of teachers, students, parents, writers, artists, NGOs, government servants and members of local communities.

The Annexure 'A' (Memorial Lectures Series 2007-08) provides a summary of the nine lectures being organised under this Series of Lectures during the year 2007-2008.

In due course the lectures will be made available on Compact Discs (CDs) and in the form of printed booklets in languages other than English or Hindi in which it is originally delivered for wider dissemination.

Each booklet consists of two sections : Section one highlights the purpose of the memorial lectures and providing a brief sketch of the life and work of the concerned educational thinker and Section two gives the lectures in full, along with a brief background of the speaker.

Section 1 in this booklet has been contributed by Dr. Pratyusa K. Mandal, Reader in History, Department of Social Sciences and Humanities at the NCERT. In this the writer Dr. Mandal illustrates the life and works of Rabindranath Tagore in context of his time and draws upon his seminal ideas on education which were intricately intertwined with his own experiences as a child and later as a public figure of eminence. Much has been said and

written comparing Rabindranath's educational ideas with that of other makers of modern India. Avoiding any such comparison as odious and unnecessary, Dr. Mandal has instead focused on bringing out the unique features of Rabindranath's ideas that is quite in fitting with the avowed objectives of this memorial lecture.

Professor N.R. Madhava Menon is delivering the first Rabindranath Tagore Memorial Lecture on 19 July 2008 at the Regional Institute of Education, Bhubaneswar. The theme of his lecture is "Realising Equality of Status and of Opportunity : Role of Government, Judiciary and Civil Society".

In his lecture Professor Menon discusses how equality has many meanings and dimensions and has emerged as a basic human right instead of a mere goal or ideal. It is a value lying at the foundation of the Indian Republic. He describes how despite centuries of institutionalised practices of inequity and discrimination in society, the Constitutional measures have been able to accomplish a lot of equity in domains of public employment, political participation and educational opportunities. Care needs to be taken to ensure that generating equity in Indian Society methods taken in the wake of the country's Independence do not result in fresh inequalities or further divide society on the lines of those very categories which the constitution seeks to eliminate. This is a challenge which the Indian Constitution has to grapple with and in which the Government, the Judiciary and the Civil Society have to playing a crucial role. In his words, "I propose to examine briefly in this lecture this role. The idea is to find a Constitutional balance in an apparently emotive issue without undermining the goal of "Fraternity assuring the dignity of the individual and the unity and integrity of the Nation" (Preamble to the Constitution of India).

The theme being expounded in this lecture looks at the role the judiciary and the executive have so far played (during the last six decades) in implementing the right to equality in all its dimensions. It advocates an activist

approach and pleads for the setting up of an Equal Opportunity Commission to identify neglected, disadvantaged groups for special treatment in the matter of education, health, employment, housing and such other basic needs which alone will provide them with the abilities to compete on an equal footing with others. In the Lecture, the need for civil society to understand the Constitutional philosophy and accordingly change attitudes towards the groups less privileged has also been highlighted. It reminds everyone of the warning sounded out by Dr. Ambedkar at the time of the adoption of the Constitution of India: "If we continue to deny equality in our social and economic life for long, we will do so only by putting our political democracy in peril".

Professor Madhava Menon became an advocate at the young age of twenty and later went on to become the first law teacher in India to receive a *Padmashree*. Recognising his contribution to restructuring of the legal profession by way of improving the system of legal education in the country and making exemplary contribution to public service at the National Law School of India University, Bangalore the degree of Doctors of Laws (LL.D.) (Honnois Causa) way back in 2001: "Revolutionising Indian legal education has been the life's mission of this true *Karma Yogi* who achieved what was widely considered an impossible task—establishing an institution of excellence in Indian legal education. Dr. N.R. Madhava Menon single handed wrought fundamental change in Indian legal education and established a model that is today sought to be emulated across our country and in several other countries in the region".

We hope these lecture series will be of use to our audience as well as the public in and outside the country in general.

ANUPAM AHUJA
Convenor

SECTION 1

On Rabindranath Tagore: The Man and His Mind

Pratyusa K. Mandal

Rabindranath Tagore is one of those few iconic personalities whom the people of India hold very close to their heart. A literary genius and a humanist, he did not leave any facet of life untouched until it bloomed into an unforgettable creation of supreme beauty and charm. A people's bard, his heart never stopped wrenching at the sight of human misery. For this he would compose and stage drama and stretch out a helping hand to bring succour to the needy. A thorough nationalist, he would not brook any narrow sentimentalism coming in the way of universal human values. An uncompromising lover of freedom, he would be resolute in raising his voice even against trifle attempts at its stifling. He was the muse who could transfix the garrulous currents of river Padma in a notebook sitting on its bank. He remains as yet a gem of a man to be surpassed in whatever he did. Not surprisingly, the greatest tribute to him came from none else than the Mahatma in his own lifetime, who called him 'Gurudev'.

THE TIME BEACONS

Born on 7 May 1861 to noble parents Rabi, as Rabindranath Tagore used to be affectionately called by members of his family and friends had exhibited astonishing signs of creative talents from his very childhood. Perhaps, the extraordinary circumstances of his birth were not least responsible for that initial germination and subsequent fruition of such creative potential.

Beginning with Raja Ram Mohan Roy's path breaking endeavours at socio-religious reforms from about 1828,

when he established the Brahma Sabha and in an organised way set out on a course of relentless campaign to rid the country of pernicious social customs like Sati and awakening his fellow men and women "from their dreams of error" through rightful acquaintance with the virtues of their scriptures. Bengal at the centre of a strong renaissance wave that was sweeping across the country had already galloped a long way to take the fervour on to its next higher plane by the time Rabindranath arrived on the scene.

That Ram Mohan had left a lasting imprint in the mind of Rabindranath is borne out by his own estimation of that towering prophet of modernism, a veritable bridge between the East and the West. In his resounding words, "Ram Mohan was the only person in his time, in the whole world of man, to realise completely the significance of the Modern Age. He knew that the ideal of human civilisation does not lie in the isolation of independence, but in the brotherhood of interdependence of individuals as well as nations in all spheres of thought and activity". This singular thought of essential "human unity" never took leave of Rabindranath's consciousness until he breathed his last in 7 August 1941. In the domain of educational thinking, likewise, he held on to the essence of Ram Mohan's earnest arguments for "a more liberal and enlightened system of instruction."

But unlike Ram Mohan, who had no precursor to look up to, Rabindranath in many ways represented the zenith of the nineteenth century renaissance spirit. Whereas in case of the former life began in Bengal and ended in Bristol, the latter journeyed throughout the world several times over and yet passed into eternity in the soils of his birth, in the present day city of Kolkata. At a philosophical level such truisms of life bear testimony to the missions of individual births.

SPROUTING OF THE SEED

Even as Rabindranath was about twelve years old, he accompanied his father, the illustrious *Maharshi*

Debendranath Tagore for a Himalayan sojourn at Dalhousie. It was the kind of magical place, where his natural contemplative mind would soak itself not only in the profundity of the Upanishadic philosophy and the highly aesthetic works of Kalidasa, but also in the wondrous world of phenomenal subjects like history, astronomy and modern science. Away from the "grind of the school mill", it was here that he forever understood concretely what true freedom holds for the efflorescence of the human personality. Despite being a stern disciplinarian that his father was, he would never stand in the way of any of his progeny's natural expression of being. Rabindranath would later reminisce: "Many a time have I said or done things repugnant alike to his taste and his judgement; with a word he could stop me; but he preferred to wait till the prompting to refrain came from within. A passive acceptance by us of the correct and the proper did not satisfy him; he wanted us to love truth with our whole hearts; he knew that mere acquiescence without love is empty. He also knew that truth, if strayed from, can be found again, but a forced or blind acceptance of it from the outside effectually bars the way in." And so, with a mountaineer's spike in hand, he would wander about "from peak to peak" bemused at the resonance he had with the spectacle of nature.

Back at home, he could still conjure up those exalting experiences when put to task by his Bengali tutor and rendered into lilting verse scene after scene from Macbeth in his mother tongue. Further, fatigued by the "dismal class hours" in school, he composed his first ever solo poem, *Abhilash* (Yearning) with the footnote in the family journal *Tattvabodhini Patrika* merely describing the author as a twelve year old boy. In any case, the composition heralded the coming to an end of his formal schooling two years later.

Freed from what he subsequently described as a "combination of hospital and gaol," that is the school, Rabindranath found ample time and opportunity to delve

deeper into the realm of creativity. There already was a certain nip in the air of Bengal and in the family home existed a perfect setting for his creative impulse to ascend to its full glory. When he was all of fourteen, he recited his first patriotic poem in the Hindu Mela, then organised annually in Calcutta with liberal patronage from the Tagores. Being an event with political overtones, anything uttered from its platform was bound to make ripples in the public domain. So, his poem was published for the first time under his own name in the then widely subscribed Anglo-Bengali weekly, the *Anand Bazar Patrika*. It happened at a time, when the novels of Bankim Chandra Chatterji, then being serialised in the literary journal *Bangadarshan*, were already "taking the Bengali heart by storm."

This public attention was to further usher him on the path of creativity far more intensely than he could have previously thought of. And in his doing so his brother Jyotirindranath and sister-in-law Kadambari Devi did not play a less significant role. What was most encouraging for the budding poet was the "stimulating companionship," which the duo offered him, shorn of any big brotherly stance, in gay abundance.

This is a theme, which Rabindranath would come back to again and again in his reminiscences. "But for such snapping of my shackles, I might have become crippled for life. Those in authority are never tired of holding forth the possibility of the abuse of freedom as a reason for withholding it, but without that possibility freedom would not be really free. And the only way of learning how to use properly a thing is through its misuse." Thus Rabindranath's first long narrative poem *Banaphul* (The Wild Flower) came out during this time describing the tragic tale of a young girl Kamala, who sought refuge in death being denied the love by the conformist society that she so sincerely longed for.

The nationalist stirring of the period coupled with Jyotirindranath's romantic idea of regaining the country's

lost freedom through secret society parleys also roused him to dabble with satirical writing. The new Viceroy, Lord Lytton's pompous Durbar held in Delhi in 1877 coinciding with the tragic occurrence of a heart-rending famine in rural Bengal provided him with the perfect material for his first such satirical composition, which he read out to a large gathering of people again on the occasion of the Hindu Mela in that year.

His next spell of creative expressions came in the form of his first short story *Bhikarini* (The Beggar Maid), a historical drama in blank verse *Rudrachanda*, another long narrative poem *Kavi Kahini* and several other articles and translations all of which were published in the new literary monthly *Bharati* started by his brother Jyotirindranath. These effusive creations, in the words of his biographer Krishna Kripalini, spoke eloquently "not only of his genius but of that literary period in Bengal when the old forms and values were dead or dying and the new ones had yet to take shape with this new star." As a matter of fact, within the horizon of Bengal's literary world nothing at this stage captured better a mystical understanding of nature harmonised as it were by an amazing degree of scientific temperament than his *Kavi Kahini*, which only matched his quintessential love for beauty. Subsequently this triune would stand him always in good stead. But such was his love for the allegorical Vaishnava poetry of medieval Bengal that he could not resist the urge to pour out "his own vague yearnings in the same mould." Hence the work that was produced under the name *Bhanusimha Thakurer Padawali*, created such a genuine excitement among orientalist scholars of the time that the author's name in the poem semantically alluded to an imaginary fifteenth century poet, was taken to be true.

THE SEED TAKES ROOT

Despite the renaissance fervour of those days, it was inconceivable for any one, and least of all the family patriarch, to expect that a career could be made out of

literary pursuits and still fit into the family tapestry. Rabindranath's grandfather Dwarkanath Tagore was a man of fabulous resources, who "lived lavishly and entertained regally." His father Debendranath Tagore "was even more remarkable" being known popularly as the Maharshi. Of his 13 elder siblings the eldest, Dwijendranath was "a man of gigantic intellect;" the second one, Satyendranath was "the first Indian to break into the stronghold of the Indian Civil Service," from the third, Hemendranath he learned his first lesson which remained firmly etched in his mind; the fifth, Jyotirindranath "a genius of uncommon versatility" was the source of his inspiration, his sisters, both Saudamini and Sarala excelled in arts and letters. And, he was the fourteenth child. Naturally, the Maharshi was concerned about his future and therefore readily agreed to his elder son Satyendranath's suggestion that Rabindra should accompany him to England, where he could harness his "impetuous talents" to become either a civil servant like his brother or, if not that, at least a barrister.

It was on his way to England, at his brother's official residence at Ahmedabad that on the banks of river Sabarmati "the lonely boy read voraciously of English literature and through English of European literature." From this intellectual engagement a stream of critical essays and free translations from European authors ensued, which were all published in *Bharati*. Besides, works of celebrated European poets like Goethe and Dante also prompted him to ponder over the way people in the West looked upon life. Some of these witty observations found place in his writings of this time. On the issue of love, on which the medieval bhakti lore had always had a major influence on him, he observed: "They say, love is blind. Does that mean that to see more is to be blind? For love sharpens the eye and enlarges the understanding." Likewise, on a certain perception of beauty, he observed: "Our ancients said that modesty is woman's best ornament. But women put on so many ornaments that there is little room left for this one."

At a more technical level, these writings formed what can be supposedly stated as the first nucleus of his prose compositions invariably though these compositions remained always "overshadowed by his reputation as a poet." One more notable creation from this genius during this period came in the domain of music, which "lasted till the end of his life" and in due course came to be popularised as Rabindra Sangeet all over Bengal.

In September 1878, he finally sailed off to England with brother Satyendra, leaving far behind the roots of all his inspiration. Sea voyage for him was sickening. And, on arrival in London, sadly, what he found was a "dismal city", the like of which he had never seen before — "smoky, foggy and wet, and everyone jostling and in a hurry." This ominous observation coming from Tagore might have sent shock waves among many youth of his age aspiring to go to England in search of a better future. However, his *Yurop Pravasi Patra*, which he wrote from there for publication in *Bharati* captured a young Indian's candid observations on English life and manners of late nineteenth century and offer historically significant early specimens of literary prose in colloquial Bengali. Be that as it may, no sooner did he start appreciating the strength of English social life after staying there for a few months and particularly viewed from the perspective of a woman's role and status in it, he was called back home, mercifully for him to "the light of my country, the sky of my country." Thus that incessant lonely feeling of *pravas* came to an end.

THE BLOSSOM

Back at home in February 1880 Rabindranath poured himself out "in a cascade of songs" named *Sandhya Sangeet* (Evening Songs) and wrote his first musical plays *Kal Mrigaya* (The Fateful Hunt) and *Valmiki Pratibha* (The Genius of Valmiki) breaking down the longstanding barrier between the classical and folk idioms. Whereas the evening songs definitively bore "the unmistakable stamp of his genius," he did not shirk from even experimenting with a

few strands of western music in his two musical plays. As with every other experience of his life in this context too, he would later reminisce, "as the stream does not flow straight on but winds about as it lists, so did my verse ... Freedom first breaks the law and then makes laws which brings it under true self-rule."

Public adulation followed this creative flow as before and so followed his desire to come out more emphatically into the public domain. In a public lecture on 'Music and Feeling' in Calcutta he successfully defended his thesis that "the function of music was to express what the words fail to express." That apart, Rabindranath's human concern also began touching those burning issues of the time that caused noticeable distress around the world. Thus in a scathing treatise he laid bare the monstrosity of Britain's opium trade in the then China. His first complete novel *Bou-Thakuranir Hat* (The Young Queen's Market) of this time too harboured a similar thought process.

A natural inheritor of prodigious spirituality both at home and outside, Rabindranath also had his first brush with a luminous experience of the self around this time. Later in life *The Religion of Man* became a natural outgrowth of this intense experience. Besides, with spiritual awakening there also flowed literary creations of a different kind. Those were at once replete with a certain sense of exultation and "a rediscovery of the wonder of this world and the joy of living." *Nirjharer Swapnabhanga* (The Fountain Awakes) and *Prabhat Sangeet* (Morning Songs) bore the surer imprint of that new mood. It was, as it were, the obsession with rational explanation of phenomena that was a characteristic fixation with his age, which no longer troubled his creative impulse. At any rate, the enterprise to search for meaning in nature had always appeared to him as meaningless. As he would later put it: "If someone smells a flower and says he does not understand, the reply to him is: there is nothing to understand, it is only a scent ... That words have meaning is just the difficulty."

In the summer of 1883, at Karwar on the western seaboard, Rabindranath played out this contest between "spirit and life," between "truth and beauty," and "between reason and love" in his first ever poetic drama, *Prakritir Pratishodh* (Nature's Revenge). Thus, when he picturised in songs the myriad trysts of folk life in his *Chhabi O Gaan* (Pictures and Songs), glimpses of this metaphysical insight poured into his poetic narration. His outpourings in versatile prose also touched a vast array of issues ranging from the social to political and from the literary to philosophical.

Then there came *Balak*, another monthly magazine from the family stable, the pages of which were filled by his pen. This was a magazine for children. Not long before he had faced two most potent and yet opposing faces of life's truism — one was his marriage with Bhavatarini (renamed Mrinalini), and the other, his sister-in-law Kadambari's death under tragic circumstances. As he had earlier mused in his two most stirring poems, *Endless Life* and *Endless Death*, these two contrary events provided him with far deeper philosophical insight into the meanings of life and death — the process of embodiment and dissolution. Thereafter, as secretary of the Brahmo Samaj he wrote several essays dwelling on the theme 'Religion and Spirituality.' In those essays he could find the right space and context to objectively assess those myriad views and counter views, which surrounded the questions of whether western education augured well for the country or holding fast to the country's age-old heritage served it better. But in the end, as his biographer puts it: "His imaginative sympathy and understanding of human nature enabled him to appreciate the passionate partiality of both the outlooks and he himself entered the list only when he felt that justice and humanity were at stake." However, despite engagement with such disquisitory exercises, his sense of muse did not become torpid. Rather his poetic heart throbbed through many a sonnets and some translations of English and Japanese poems all of

which were published in a compilation named, *Kari O Kamal*.

His successive works came of his wider travels both within and beyond the shores of India and hence from a far larger canvas of human concern and civilisational enterprise. During this course he made his second visit to London in 1890 and in a letter to niece Indira wrote back: "Is man a mere machine made of metal that he should function in strict accordance with rules? So vast and varied is the mind of man, so many its hunger and so diverse its claims that it must now and again swerve and reel and toss. This indeed is what makes man human, the proof that he lives, the refutation that he is not a mere bundle of matter ... One who has never known the turbulence of life, in whom the petals of the mysterious flower within have not opened, such a one may seem happy, may seem a saint, his single track mind may impress the multitude with its power — but he is ill-equipped for the life's true adventure into the infinite." Undoubtedly he was aghast at the way humanism was being trampled down by the so-called civilisation. And, thus "tired of the place" and even "tired of the beautiful faces" there, he decided to return.

Upon his return was published his famous collection of poems, *Manasi* (Of the Mind). If in one of these poems he captured the fateful capsizing of a boat going to Sri Jagannath at Puri and taking with it the lives of 800 pilgrims, in another he lashed out at the "*Banga Bir*", the new-age heroes of Bengal who read all about the valiant acts of Cromwell and Mazzini but often chose at ease to rest at home with the deceptive thought that they "were as good as the best."

THE GRASS BENEATH

Rabindranath's acquaintance with the grist and grind of people's life and the social and economic ills which had the country in its grip grew far more intimate as he was entrusted with the task of looking after the vast family estates in north Bengal and Orissa. His dissections of these

ills were later published under the title, *Chhinna Patra* and were translated into English as *Glimpses of Bengal*. Naturally, his writings from here on were to carry a much more rigorous "impress of maturity" notwithstanding tentatively creative outpourings like the beautiful drama *Chitrangada*, which he composed in 1891. This dominant mood was also exhibited upfront in his actions on the ground and pretty much dismissed the over-bearing public perception of him as only a romantic litterateur.

Being true to the people he loved so much, Rabindranath began experimenting with community development in right earnest. And then there was no looking back. He was acutely aware of the erratic nature of Indian seasons, and particularly, that of the monsoon. He was also aware of the unpredictable nature of Indian agriculture and arising out of it, the swings in the hopes and despair of the Indian peasant community. He was certainly not unaware of the basic exploitative nature of the colonial administration. He knew that for the drudgeries of life to be lifted, age-old dependence on nature couldn't be converted into another kind of deprecating dependence – that is to look up to the State for succour. So the fundamental premise on which he based his community development programme came to be "self-help and enlightenment."

While the first had to do with the economic reinvigoration of the life of an ordinary peasant, the second assumed far greater significance in his scheme of things. It occupied "his lifelong passionate interest," an interest that led him to "working out his educational experiments in Shantiniketan." In the words of his biographer, Kripalini: "He strove to build up, through social participation and service, a living communication between the students of his school, the budding intelligentsia who might become the active leaders of tomorrow, and the peasants rooted in the soil, the solid core of Indian economy and society. So long as the core remained unchanged India would remain

static, whatever the seeming progress among the intelligentsia in a few big cities like Calcutta or Bombay."

Thus for half a century, from the day his father entrusted him the duty of looking after their family estates till he breathed his last, Rabindranath remained preoccupied with these twin tasks of uplifting rural life through the agency of Sri Niketan and bringing enlightenment to his people through the agency of creative education at Shantiniketan. Both these institutions were deservedly invested with not only what he received as Nobel Prize for his effervescent work *Gitanjali* in 1913, but also his unrestrained personal service and care as long as he lived.

It was not as if his passionate engagement with the life of Indian peasantry was all a mirage and there was nothing for the latter to offer him in return. On the contrary, in his engagement with them he found a form of literary expression that was as yet unavailable in the country. And it was the short story. As his biographer writes, "though the short story is now very popular with Indian writers, no one can be said to have equalled him in his art, much less surpassed him." In all fairness, from *The Post Master* to *The Kabuliwallah*, his stories portrayed so many oft-ignored though very fascinating characters from different planes of life that one wonders if these were real characters. Besides, in the dross of peasant life also Rabindranath found ample material to immortalise them in canvas.

However, for him the "joy of writing one poem far exceed(ed) that of writing sheaves and sheaves of prose." No wonder, the weight of experience in between brought a certain mystical sensibility to suffuse his poetry of this time. *Sonar Tari* (The Golden Boat), *Chaitali* (The Late Harvest) and *Nadi* (River) bear testimony to it.

These were also the days of surging nationalism. But every patriotic rumbling in India used to be mercilessly crushed by the ever-so-suspicious foreign regime. In 1898 a Bill against Sedition was brought in the Council to gag

the rising chorus of nationalism. But forever a champion of personal freedom and political liberty, Rabindranath could not have reconciled to the idea of this Bill becoming an Act. Therefore, with a deep sense of outrage, he called for its immediate withdrawal in a public lecture entitled, *Kantharodh* (The Throttle) at Calcutta. Besides, he also helped raising funds for the defence of Lokmanya Tilak in a case that accused him of sedition. Then his natural instinct for the humanitarian cause too led him to assist Sister Nivedita in organising relief for the plague affected people of Calcutta.

However, these were smaller renderings at the service of his motherland in comparison to what he did during this period of crisis in terms of his contribution to the cause of national resurgence through his *Kathas* (Ballads) and *Kahanis* (Tales). In the years to come this engagement with the cause of national freedom was only to grow, be it on the issue of the Partition of Bengal in 1905 or the tragic massacre of innocent men, women and children at Jalianwalabagh in 1919 or for that matter during the Non-cooperation and Civil Disobedience Movements of the 1920s and the 1930s. But what he essentially championed was not of a variety that can be confused with any self-serving or jingoistic sentiment, as he was a living witness to all those horrendous sins that had been perpetrated by nation states across the world in the name of self-love. His sense of India, to quote a few lines from a hymn he sang through his principal protagonist in *Gora*, was of a more inclusive, exulted kind.

It read:

“Awake my mind, gently awake
In this holy land of pilgrimage
On the shore of this vast sea of humanity
that is India.
Here I stand with arms outstretched
to hail man — divine in his own image —
and sing to his glory in notes glad and free.
No one knows whence and at whose call

came pouring endless inundations of men
rushing madly along — to lose themselves in the sea:
Aryans and non-Aryans, Dravidians and Chinese,
Scythians, Huns, Pathans and Moghuls —
all are mixed, merged and lost in one body.
Now the door has opened to the West
and gifts in hand they beacon and they come —
they will give and take, meet and bring together,
none shall be turned away
from the shore of this vast sea of humanity
that is India.”

THE MIND THAT MATTERS

As a child Rabindranath's natural curiosity to know the world in which he lived had suffered immeasurably at the hands of those who tried to educate him. In a household that was humming with all kinds of activities, it was but natural for the fourteenth child of a generously expanding joint family to be relegated to the sidelines of its attention. He had thus been left almost to the care of what he later termed as "servocracy." The one who was appointed to feed him would be happy if he ate less and the other in charge of keeping him engaged would in the first opportunity make good while leaving him alone in a room. It was not that he grudged the lack of family attention. For him it was indeed a blessing in disguise. He could then revel at the marvels of the nature's ways "through the venetian shutters of the window he would gaze below" and play with his own imaginations. The only problems he had to put up with were however the tyrannical elementary lessons, which the tutor at home was ever so eager to impart him. Going to school like other children from the family thus appeared to him as a possible option that could bring outings from home. But the first school, Oriental Seminary, where he went to as a toddler, left him with only bitter memories of physical disciplining and how not to study. All that he would remember of this early experience later was about "how much easier it is to acquire the manner than the matter".

The second school, which he went to, likewise turned out to be abysmally abnormal in its treatment of children, though ironically it was named Normal School. Whereas the first school excelled in various "ingenious methods of punishment", this one specialised in a routine that had little to cheer about. There was no respite even at home from megalomaniac tutors. They came one after another like scheming characters in a play as it were to change his world of consciousness. The only joyous experience through all these miseries was his initiation into the actual world of learning by his elder brother Hemendranath, who insisted on grooming the children's inherent potential through their mother tongue. The net result of it all was not only that he realised how fruitful this approach was as a child, but also that how worthwhile it was socially and culturally after he had advanced well into his life and had begun experimenting with children's education at Shantiniketan. As he wrote later in his remarkably candid style: "Learning should as far as possible follow the process of eating. When the taste begins from the first bite, the stomach is awakened to its function before it is loaded, so that its digestive juices get full play. Nothing like this happens, however, when the Bengali boy is taught in English ... While one is choking and spluttering over the spelling and grammar, the inside remains starved, and when at length the taste is felt, the appetite has vanished."

Then there came the most exciting experience of his childhood while accompanying his father to the high Himalayas, particularly those first few days, which they spent at Shantiniketan on their way. Left largely to his own, there grew in him the natural instinct to compose verses and join the Maharshi in reading "select pieces from Sanskrit, Bengali and English literatures" during the day and reciting hymns in the evening. Such was the keenness in adhering to this routine even at Dalhousie that upon his return he could sing extempore the whole of the Valmiki Ramayana in Sanskrit at the request of his mother at her "open-air gatherings on the roof-terrace in the evening."

The long term effect of it was such that despite the insistence of the elders at home to tie him down to the school regimen, he dropped out of it altogether. In the words of his biographer: "The tutors soon found to their cost that while it was easy to take the horse to the water's edge, it was not easy to make it drink."

Rabindranath's childhood experiences in the company of his father had a very soothing and lasting impact on his mind. It had welled up in him the visions of young disciples chanting Vedic hymns in the presence of inspired *rishis* in those ancient hermitages, which nestled quietly in the midst of nature. With five children and in the prime of his life now, he thus resolved to realise that vision in his father's retreat at Shantiniketan. In this attempt, to use his biographer's words again, he sought to "replace the soulless and mechanical system of education which the British rulers had imported from their Victorian slums by a new and creative one in which both teaching and learning would be pleasurable."

Very receptive to the creative impulses from his childhood, he was quite eager from the very beginning to encourage his pupils in the school to develop natural abilities in an ambience of tender felicity and learn by doing things themselves rather than relying on teachers, who in turn must not indulge in hurling lessons at them from high platforms "like hailstorms on flowers."

Rabindranath always knew nature to be the best teacher. Therefore, moving away from the contemporary practice of erecting walls both metaphorically as well as practically around children, he earnestly began the practice of holding classes in the open with trees to provide the shade and the distant horizon to provide the ingredients of learning for children. In an environment so surcharged with the raw elements of nature, education could take place both in arts and sciences naturally.

Education for Rabindranath had to be rooted in the soil where it germinates and hence a symbiotic relationship had to be nurtured between what is being learnt in the

school and what is there to be learnt from outside it. Ruing the fact that contemporary educational institutions in the country in their keenness to imitate the West had been encouraging a culture of "foolish display" of borrowed etiquettes and knowledge, he passionately emphasised on the utility of extension activities and community service. This for him formed the basis of all education — a creative continuum between life and learning. And therefore his clarion call to the people was to prepare for a system of education that "should be in full touch with our complete life, economical, intellectual, aesthetic, social and spiritual," and in which institutions should be located "in the very heart of society, connected with it by the living bonds of varied cooperations." He did not have the slightest doubt that "the best and the noblest gifts of humanity cannot be the monopoly of a particular race or country." Therefore, he would urge everyone to "give up for ever the habit of swearing by Europe," and find out "what ideal has long been admired and cherished by our countrymen and what means should be adopted to inspire the heart of our people."

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SECTION 2

REALISING "EQUALITY OF STATUS AND OF OPPORTUNITY": ROLE OF GOVERNMENT, JUDICIARY AND CIVIL SOCIETY

Abstract

Equality is a foundational value of the Indian Republic. It occupies a place of pride in the Constitutional scheme of guaranteed rights and Directives for governance addressed to the State. Despite centuries of institutionalized practices of inequality and discrimination refusing to disappear completely from society, the Constitutional measures to overcome the same have accomplished a lot at least in public employment, political participation and educational opportunities. A lot more needs to be done by the State as well as civil society if the Constitutional vision of a just, fair and harmonious social order is to be constructed in the near future.

Equality has many meanings and many dimensions. It does guarantee equality before law and equal protection under law. This means that the State cannot discriminate citizens only on the basis of race, religion, sex, caste, place of birth etc. Laws and practices are declared void if they do discriminate unless they are based on reasonable classification aimed to ameliorate the conditions of deprived sections of society. As equality can prevail only if all are equally placed which untouchability is not the reality, the legal system has adopted preferential measures in favour of the disadvantaged as a method to promote equality. These measures, though apparently discriminatory, are Constitutionally sanctioned not only to compensate past discrimination but also to put unequals in a better position vis-à-vis the privileged groups. Hence the justification for reservation and affirmative action in favour of the under-privileged.

The Indian Constitution also puts a positive obligation on the State to reduce disparities in status, opportunities and income which inhibit enjoyment of equality by the deprived

sections. To the extent the State has acted on the Directives contained in Part IV of the Constitution in organising governance, it could provide conditions which not only removed disabilities but created abilities on the part of the disadvantaged to avail life's chances equally with their privileged brethren. Equality of opportunity is a dimension of equality which is essentially dependent on the quality and character of governance.

A third dimension of the right to equality vis-à-vis the State is the Constitutional requirement for interdiction by the State through appropriate measures if non-State parties indulge in prohibited categories of discrimination or exploitation. In other words, though fundamental rights can generally be claimed only against agencies of the State, there are situations where inequality on the part of private persons are also Constitutionally proscribed. Unfortunately, forced labour, child labour etc. are examples in this regard.

The theme expounded in this lecture looks at the role the judiciary and the executive governments have played during the last six decades in implementing the right to equality in all its dimensions. It advocates an activist approach and pleads for the setting up of an Equal Opportunity Commission to identify neglected disadvantaged groups for special treatment in the matter of education, health, employment, housing and such other basic needs which alone provide them the abilities to compete on an equal footing with others. Simultaneously, the need for civil society to understand the Constitutional philosophy and change attitudes accordingly towards groups less privileged is highlighted. It reminds everyone the warning sounded by Dr. Ambedkar long ago at the time of adoption of the Constitution to the effect that "... if we continue to deny equality in our social and economic life for long, we will do so only by putting our political democracy in peril".

"On 26th January 1950 we are going to enter a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to deny equality in our social and economic life? If we continue to

deny it for long, we will do so only by putting our political democracy in peril"

B.R. AMBEDKAR, Architect of the Constitution

Equality as an ideal influenced the evolution of human societies everywhere and at all times. Equality as a concept was however articulated differently in different places and times. This, in turn, determined the organisation of socio-economic relations till it became part of the universally recognised basic human rights in the middle of the last century. Today, right to equality is acknowledged as the organising principle of democratic governance and social organisation all over the world.

The fundamental issue in equality has been how different societies reacted to diversity and pluralism within themselves. If in the beginning the attempt was elimination of those different through tribal conflicts and ethnic wars, later it changed to subjugation and exploitation of the weak by the strong. Thus was born slavery, bonded labour, racism, untouchability and the caste system. The perception of equality during this period was "equality among equals" or "unequals shall not be treated equally" which legitimised segregation, discrimination and differential treatment. The adoption of the Universal Declaration of Human Rights under the auspices of the United Nations was an important step forward in conceptualising equality in terms of non-discrimination, fairness and justice (Articles 1,2,7). Equality emerged as a basic human right instead of a mere goal or ideal. The Universal Declaration of Human Rights proudly proclaimed that : All are equal before the law and are entitled without any discrimination to equal protection of the law" (Article 7). There are several other international agreements clarifying the right in the Universal Declaration. Both the Human Rights Covenants (International Covenant on Civil and Political Rights and International Covenant on Social and Economic Rights) reiterate the principles of non-discrimination as well as equality of opportunity for all irrespective of socio-economic status.

RIGHT TO EQUALITY HAS DIFFERENT MEANINGS IN DIFFERENT CONTEXTS

India's Freedom Movement was based on the platform of

equality of all human beings and it became a cherished value in the Constitution-making process. The Socialistic conception of State and Society got reflected in the Preamble and in the Directive Principles of State Policy. Equality and social justice inspired the Indian humanity and its leadership to structure a Constitution capable of social engineering through democracy and rule of law. Equality can be achieved only when there exists an equal possibility for everyone to fulfil his/her basic needs and attain one's inherent potential. These needs and potentials being different in different individuals, it is difficult to define equality uniformly with any one meaning. Therefore, the Constitutional endeavour has been to eliminate the unjustifiable differences resulting from religion, race, sex, descent, place of birth, residence, income etc. In fact, Article 38(2) prescribes: "The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations".

Equality as a right has, in fact, many dimensions. It obligates the State not to discriminate citizens on grounds only of religion, race, caste, sex, place of birth or any of them [Art 15(1)]. But mere non-discrimination will not bring about equality in a society long subjected to different types of inequalities. As such, the Constitution puts the state on a positive duty to remove historical inequalities and create a level playing field by adopting certain affirmative action programmes. If equality before the law and equal protection of the laws guaranteed by Article 14 were to be meaningful, there has to be equal opportunity for all citizens to avail of life's chances. This involves prohibition of privilege or special treatment based on the above-mentioned considerations of race, caste etc. It also involves the end of socially constructed disabilities which came in the way of the subjugated sections being able to avail equality of opportunity. Thus, the Constitution itself

abolished untouchability and made punishable its practice in any form. Still, the equality right of citizens suffering untouchability for long may not be realised unless certain preferential treatment, apparently discriminatory in their favour, is built into the Equality Provisions. Hence the provision for reservation in education, employment, membership of political institutions like legislative assemblies etc. becomes important in the realisation of equality of opportunities and outcomes.

Apart from reservation or quota for the "deprived sections", the Constitution envisages the State to adopt appropriate schemes and plans to uplift them in order to provide a level playing field in the competition for survival and development. These are nowadays generally referred to as "affirmative action" programmes. The object is clear and unexceptionable. The methods employed may have to be fair and reasonable to those left out of the affirmative action programmes. Equality generating methods shall not bring about fresh inequalities or divide society on lines of those very categories which the Constitution seeks to eliminate. This is the challenge Indian Constitution has set out to resolve in which the Government, the Judiciary and the Civil Society have been playing crucial roles, sometimes controversial and contrary to the Constitutional goals. It is this role that I propose to examine briefly in this lecture. The idea is to find a Constitutional balance in an apparently emotive issue without undermining the goal of "Fraternity assuring the dignity of the individual and the unity and integrity of the Nation" (Preamble to the Constitution of India).

The Indian Constitution is acclaimed as the social manifesto of over a billion people aspiring for equality and justice amidst vast differences in status, belief and culture. The Constitution provides in Parts III and IV the design for an egalitarian revolution by seeking to establish the conditions necessary for its achievement. The provisions in the Chapter on Fundamental Rights prevent the State from encroaching on individual liberty and declare that

the state is to deny no one equality before the law nor deprive liberty except in accordance with the law. Equality before the law involves equality in law (i.e., the law contained no discrimination between citizen and citizen) and equality of the application of the law (i.e., identical protection of rights of every human being which is interpreted to mean equal treatment of individuals who are equal in a given respect and unequal treatment of unequal ones). Thus equality in the application of law does not mean uniformity. Law can and should differentiate citizens on account of certain attributes which are relevant and reasonable. Unfortunately, the right does not specify the relevant attributes or features which can justify differential treatment for achieving equality before law. In the adoption of relevant criteria for determining who are equals and who are not, we discuss the kind of value we seek to advance in our pursuit of equality. Given the objective of enabling every individual to attain his/her full potential, equality is treated as a means towards that end and judged accordingly. Naturally, in some circumstances unequal treatment of individuals unequally placed may more efficiently promote achievement of the above objective.

JUDICIAL TREATMENT OF THE RIGHT TO EQUALITY

Broadly speaking, judicial decisions interpreting the right to equality (Art.14) recognised the need to have certain limitations in the application of the right. The first part of the right as articulated in Article 14 does rule out any special privilege for any authority or person. However, in reality, Constitution does give certain privileges to some government functionaries like President, Governors, MPs etc. A certain amount of 'inequality' is maintained between government officers and ordinary citizens. The restrictions or privileges under Statutes can be upheld as not violative of right to equality provided the persons to whom the same applies, form a separate and distinct class and such classification is a reasonable one based on intelligible differentia having nexus with the object sought to be

achieved. In other words, in determining the validity of apparently discriminatory statutory provisions, Courts have followed the principle that equal protection of the laws means the right to equal treatment in similar circumstances. If the discrimination is based on reasonable criteria, the Courts may uphold it. By "reasonable" we mean that the classification or distinction is not arbitrary. Thus, legislation which give a wide power to the executive to select cases for special treatment, without clearly delineating the policy, may be set aside as violative of equality. The classical test of reasonableness evolved by the judiciary consists of two elements, namely;

- (a) The classification must be founded on an intelligible differential which distinguishes those who are grouped together from others;
- (b) The differential must have a rational relation to the object sought to be achieved by the law under challenge.

Thus, the discrimination in favour of persons residing in backward areas was held valid (AIR 1998 SC 145). Legislation levying tax on cable television cannot be challenged merely on the ground that similar tax is not levied on Doordarshan which is not run for business purposes (AIR 1997 S.C. 1889). Though reservation in admission to educational institutions in favour of children of ex-servicemen is not of the categories mentioned in Article 15(4) of the Constitution, it was upheld on the ground of reasonable classification (AIR 1990 A.P. 247).

"Unequals are not only permitted to be treated unequally but also they have to be so treated", declared the Court in St. Stephen's College case (AIR 1992 SC 1630). The "creamy layer" in OBCs is to be treated on par with the forward classes and is not entitled to benefits of reservation. If the creamy layer is not excluded, there will be unfair discrimination and Articles 14 and 16(1) will be hit in as much as equals (forwards and creamy layer of backward classes) cannot be treated unequally. Again,

non-exclusion of creamy layer will be violative of equality since unequals (the creamy layer) cannot be treated as equals to the rest of backward class (AIR 2000 SC 498).

The doctrine of "equal pay for equal work" does not strictly come within Article 14 as an abstract doctrine though the doctrine is a concomitant of Art. 14. But if any classification is made relating to pay scales and such classification is unreasonable and if unequal pay is based on no classification, then Article 14 will be attracted to set aside such treatment and equal pay may be directed to be given for equal work (AIR 1990 SC 334).

Enunciating the principle of gender equality, the Court upheld the validity of Section 6(9) of the Hindu Minority and Guardianship Act, 1956 and held that mother could act as natural guardian of minor even when father was alive (AIR 1999 SC 1149).

Articles 15 and 16 enunciates the principle of non-discrimination against citizens. Discrimination against one person necessarily involves discrimination in favour of the other. Discrimination also means classification among persons or things and also reservation for some of the members of a group or a class. If any such classification or reservation is based on any of the grounds mentioned in Article 15(1), i.e., religion, race, sex or place of birth, it would be violative of Article 15(1).

The uniqueness of the Constitutional approach to equality lies in its recognition of the social reality and making provision to overcome the inherent inequalities prevailing in social life. The general and abstract principle of equality laid down in Article 14 is spelt out in its application for certain situations in greater detail in Article 15 and 16. However, it is significant to note that Articles 15 and 16 are limited to citizens, while Article 14 extends to all persons. Another important provision in the said Articles is the one related to constitutionality of special provisions which the State might make for women, children, scheduled castes, scheduled tribes and socially and educationally backward classes of citizens. In other

words, while Article 14 prohibits the state from denying to any person equality before the law and equal treatment in the application of the law, Article 15(1) and 16(2) directly protects the citizen against discrimination on the grounds only of religion, race, caste, sex and place of birth. The object is to guard citizens against caste, religion and sex-based discrimination widely practiced in India. It is to be noted that the prohibition contained in Clause (2) of Article 15 would be attracted only if the "places of public resort" are either maintained wholly or partly out of State funds or dedicated to the use of general public. It follows that a private tank, well or a bathing ghat, does not come within the purview of Article 15(2)(b). Nevertheless, the spirit of the Article is against discrimination even in private sphere. This is borne out by the fact that discrimination practiced in public places even by private individuals is prohibited by the Article

Special Provision for Women, Children and Backward Classes

"Equality postulates not merely legal equality but also real (substantive) equality. The State is under an obligation to undertake measures to make it real and effectual. A mere formal declaration of the right would not make unequals equal. To enable all to compete with each other on an equal plane, it is necessary to take positive measures to equip the disadvantaged to bring them to the level of the fortunate advantaged".

Supreme Court in Indira Sawhney v. Union of India (1992) 3 SCC 215

As against the general prohibition against discrimination [Article 15(1) & (2)], Clause (3) of Article 15 authorised the State to confer special rights in favour of women which are denied to men. It implies that while the State can discriminate in favour of women, it cannot do so in favour of men against women. Thus, a law providing for maternity relief to women workers is justifiable

discrimination. Again, reserving one-third of the total seats for women in elected bodies (Article 243 D and J) is protected. The "special provision" which the State may make under Article 15(3) can be in the form of either reservation or affirmative action.

Clause (4) of Article 15 contains another exception to Clauses (1) and (2) enabling the State to make "special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes". This clause was added by the Constitution (First Amendment) Act, 1951 as a consequence of the decision of the Supreme Court in *State of Madras v. Champakam Dorairajan* (AIR 195 SC 226).

SPECIAL PROVISION IN FAVOUR OF BACKWARD CLASSES

The expression "backward classes" though not defined, the Constitution in Article 340 empowers the President to appoint a Commission to investigate the conditions of socially and educationally backward classes. On receiving the Report of the Commission, the President may specify the classes to be considered backward. The Supreme Court ruled that 'backwardness' could not continue indefinitely for any class of citizens and States could decide whether citizens had ceased to belong to backward classes category (AIR 1997 SC 3505; AIR 1993 SC 477).

"Special provision for advancement" is a wide expression which may include many more things besides mere reservation of seats in colleges. It may be by way of financial assistance, free medical, educational and hostel facilities, scholarships, free transport, concessional or free housing or exemption from requirements mandatory for other classes. All these should be for advancement of these classes and not otherwise if they are to be constitutionally justified.

In the interpretation of Clause (4) of Article 15, at least four major issues have arisen which continue to crowd the dockets of Courts. These are:

- (i) what shall be the criteria to determine a class to be declared socially and educationally backward;
- (ii) what can be the extent or quantum of reservation authorised by this Clause;
- (iii) how to exclude persons who have ceased to be backward from availing the benefits;
- (iv) can such "preferential discrimination" be extended to the private sector also when they operate in spheres like education, health, employment etc.

Appreciation of the evolution of judicial approaches in the interpretation of equality and non-discrimination in the sphere of education and employment is important to understand the executive-legislative-judiciary relationship in developing a social order as envisaged by the Indian Constitution.

RESERVATION : CHALLENGES AND RESPONSES

The first challenge to preferential policy of reservation in higher education came in the very first year after adoption of the Constitution. In *State of Madras v. Champakam Dorairajan* (AIR 1958 SC 226) the Supreme Court invalidated a Government Order (Communal G.O. of 1927 of the State of Madras based on demands of the Justice Party) reserving seats for non-Brahmin students in the State's medical and engineering college admissions. A Brahmin girl who would have been admitted on the basis of her high marks and was denied because of the reservation for non-Brahmins, challenged it on the basis of unfair discrimination based only on caste and religion. The court taking a narrow view of Article 15(1) conferring rights on individuals rather than on groups found the G.O. violative of the equality principle. The debates in the Constituent Assembly and the compromise effected there did not make an impact in the mind of the judges. Nor did the prevailing inequalities in higher education.

This judgement of the Supreme Court was promptly overruled by Parliament which enacted the Constitution

First Amendment Act 1951, adding a new provision [Clause (4) to Article 15 which expressly provided an exception to the equality guarantee of 14 and 15(1)].

Since 1960 when several States acted on the basis of recommendations made by committees appointed by them to identify backward classes within their jurisdiction for preferential treatment in education and employment under Articles 15 and 16, these were again challenged before the court in the famous case of *M.R. Balaji v. State of Mysore* decided in 1963 (AIR 1963 SC 649). The State of Mysore had reserved 68 per cent seats in medical and engineering colleges for backward classes as determined by a committee on the basis of the average of the student population in the previous three years of high school all over the State. The State Government decided that all castes with an average of 7 per thousand or less in higher education class should be treated as backward classes for sharing the reserved seats in professional colleges. The Supreme Court turned down the entire scheme and held that the caste of a group of persons cannot be the sole or predominant factor though it may be a relevant factor for ascertaining whether a particular class is backward or not. Classification based on the caste of the citizen, the court said, may perpetuate castes themselves. Court also said that reservation cannot be allowed to exceed reasonable limits. 68% reservation was declared clearly unreasonable. The judgement did highlight the importance of economic criteria to determine backwardness. The court further declared that while taking care of interests of backward classes, State should not neglect advancement of the rest of the society.

Despite indications to the contrary in *Balaji* and successive judgements, political parties in some States continued to promote the use of caste as the determinant factor in determining backwardness. As if to moderate this trend, in 1968 the Supreme Court in *State of Andhra Pradesh v. P. Sagar* (AIR 1968 SC 1379) said that since Clause (4) was an exception to 15(1), once it was shown

that, *prima facie* a classification infringed the right in Clause (1), the burden was on the government to show that it was protected by the exception in Clause (4). (This standard seems analogous to "strict scrutiny" doctrine in American equality jurisprudence). The government's main argument was that its expert officials, and a Sub-Committee of cabinet had satisfied themselves that the classification was based on proper criteria and not solely on caste, and that the court should accept their findings. The court rejected this argument and held that the issue was justiciable and the materials on the basis of which the backwardness issue was decided must be available before the court to decide on the constitutional requirement.

In 1976 the basic approach in interpreting Articles 15 and 16 seemed to have undergone a shift with the Supreme Court's decision in *State of Kerala v. Thomas* (AIR 1976 SC 490). There were suggestions, particularly in the opinion of Justice Mathew, that the "exception" clause (4) in both articles should not be read as an exception to the general principle of equality but rather as a particular kind of equality, substantive rather than formal equality. Denial of equality of opportunity arises only if the person who complains of discrimination is equally situated with the person or persons who are alleged to have been favoured. "Equality means parity of treatment under parity of conditions" declared Chief Justice Ray in *Thomas Case*. Equality of opportunity for unequals can only mean aggravation of inequality. Thus equality of opportunity can be gauged only by equality in result.

By 1985, with the Supreme Court's decision in *Vasanth Kumar v. State of Karnataka* (1985 Supp. SCC 714), the meaning of 'backward' had become deeply uncertain. A Bench of five Judges of the Supreme Court gave five different opinions. For Chief Justice Chandrachud backwardness should be comparable to those of SCs and STs. For Justice Desai economic criterion should be the only and the decisive test of backwardness. For Justice Chinnappa Reddy class poverty, not individual poverty, was the primary test. There appeared to be a majority of judges

who favoured a bundle of criteria including caste, economic condition, occupation and comparability to the condition of SCs and STs but the exact criteria was far from clear.

This failure of the five-judge bench in Vasanth Kumar to agree on a single test of backwardness led to the rare formation of a nine-Judge Bench of the Supreme Court in 1992 to decide this and other related issues in the now famous Mandal case (*Indira Sawhney v. Union of India*, AIR 1993 SC 477).

The Mandal Commission considered equality of opportunity as a libertarian principle rather than egalitarian, in as much as it allows the same freedom to everybody, the privileged and the disadvantaged, in the race of life. The Commission stated: "People who start their lives at a disadvantage rarely benefit significantly from equality of opportunity, because unless they are distinctly superior in skills or upward-mobility techniques, they can never catch up with the more fortunate.....Equality of opportunity is also a social principle, because it ignores the many invisible and cumulative hindrances in the way of disadvantaged; in fact, unless the children of the poor are taken from their parents at birth and brought up in middle class homes, most are condemned to inequality of opportunity". The Commission therefore was pleading for "equality of results" argument to denounce reservation for backward classes. The Commission stated: "The conscience of a civilized society and the dictates of social justice demand that "merit" and "equality" are not turned into a fetish and the element of privilege is duly recognised and discounted for when "unequals" are made to run the same race" (Mandal Report Vol. I at p.23).

The Court, *inter alia*, declared as follows:

- (1) Caste-based criterion to determine backwardness is legitimate.
- (2) Total reservation cannot exceed 50%.
- (3) Government should exclude the creamy layer from among the deserving people.

In rejecting the economic criterion as the test of backwardness and in giving importance to the caste factor for purposes of Article 16(4), the court was perhaps guided by social realities as revealed by the Mandal Report and the intention of the Constitution makers to compensate for the handicaps from which certain sections of the society suffered in the past. The reparation argument, though subdued and weak, did find a place in the court's opinion. Similarly, the social justice argument of empowerment found favour with the court as it was felt that the backward classes are entitled to a fair share in the administration. Articles 15(4) and 16(4) are intended more for ameliorating caste disabilities rather than for distributive justice. The latter object can be achieved by invoking Article 14 itself.

The issue now being debated is the scope of reservation in private unaided educational institutions. In the *Inamdar* Judgement, the Court felt that it is not fair or constitutional for the Government to insist on reserving half the number of seats for persons identified by the Government; nor is it fair to interfere in the processes of admission based on merit in unaided private educational institutions. The issue generated a lot of controversy and has come back in the court for judicial resolution. In the recent judgement of the Supreme Court (2008), the Court has upheld with some limitations of the Constitution (93rd Amendment) Act, 2005 introducing Clause (5) to Article 15 and the Central Educational Institutions (Reservation in Admission) Act, 2006 which, *inter alia*, enabled the State to extend reservation for backward classes to private educational institutions aided or unaided by State excluding minority institutions. There are many unresolved issues still to be adjudicated which may come up in future litigation.

The issue often raised by the feminists often condemn the reasonable classification model which in reality denied them equality in result or substantive equality. Though there have been revolutionary changes in judicial interpretation of gender equality, they have been mostly on putting down gender-based discrimination rather than

empowering women with special rights to cope with disabilities. Occasionally, Courts have been pro-active in extending substantive equality to women as in Shah Bano [AIR 1997 (b) SCC 241]. In fact, in Visakha, (AIR 1997 SC 3011) the Supreme Court recognised the inequality involved in sexual harassment at work places and even went to the extent of legislating guidelines to protect women's equal rights at work places.

The equality guarantee vis-à-vis minorities, disabled persons, HIV infected people, children, Dalits, Adivasis and the elderly is still a matter to be resolved satisfactorily. Diversity and social justice are competing values seeking accommodation in equality jurisprudence. The Judiciary have a long way to go to find an acceptable balance to maintain equality in an unequal society.

The Role of Government in the Protection of Right to Equality

"The State shall, in particular, strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocation"

Article 38(2), Constitution of India

We have seen that the sweep of the right to equality extends not only to equal protection of law and non-discrimination but also to preferential discrimination in favour of deprived sections which may include reservation as well as other affirmative action measures aimed towards ensuring equal opportunity for all in availing life's chances. Judiciary has settled several issues in relation to reservation and circumscribed the role of Government in this regard. However, Government's power to resort to other affirmative action measures for advancement of backward classes are not adequately explored by Governments apparently because of the financial and political costs involved in such

measures. In fact, the entire set of Directive Principles of State Policy in Part IV of the Constitution provide the basic framework to improve the status of deprived sections in order to enable them to compete on equal footing with others. In fact, the Directive Principles expand the scope of the right to equality beyond political equality to include equality in the social and economic spheres. This is done by imposing a positive duty upon the State to secure a set of social, economic and cultural rights essential for all-round human development ensuring dignity and equality (Articles 37 and 38).

The continued presence of dehumanising inequalities in status and treatment has led to alienation of certain classes of citizens and emergence of extremist tendencies. Such inequalities are not only contributing to the denial of life chances to some people but also result in creation of inequality — generating conditions among future generations. Human development reports, National Sample Surveys and Surveys of Commissions set up to protect the interests of weaker sections are full of reports of denial of equality to such groups which tend to increase disparities across social groups and communities. This is arguably the most serious challenge faced by the Idea of India as a nation reflecting unity in diversity. Poverty and deprivation have become much less bearable when they can no longer be thought of as shared problems. If differential incidence of poverty and prosperity is patterned in ways that coincide with caste, sex or other social identities, then the situation becomes explosive. Although, India has had a long history of major programmes targeted at particular social groups seen as specially disadvantaged, these efforts need to be expanded and focused if they are to meet the challenges of the present. This is the task of the executive and legislative wings of the State as they involve policies and budgets.

Deprivation and exclusion are complex processes which warrant multi-pronged approaches directed to the creation of parity of conditions through legislative and

executive action. This is the affirmative action agenda which is in addition to the reservation strategy that appears to be the pet theme of most political parties. The Supreme Court has repeatedly invited the attention of the Government to this unfinished agenda where the situation is "little done, vast undone".

"Equality of opportunity is not simply a matter of legal equality. Its existence depends, not merely on the absence of disabilities, but on the presence of abilities. It obtains in so far as, and only in so far as, each member of a community, whatever his birth or occupation or social position, possesses in fact, and not merely in form, equal chances of using to the full his natural endowments of physique, of character, and of intelligence"

*Supreme Court in State of Kerala v. N.M. Thomas
(1976) 2 SCC 310*

A Committee appointed by the Government of India recently recommended the setting up of an Equal Opportunity Commission to promote equal opportunities to deprived sections through affirmative action programmes particularly in the field of education and employment. The report found at least three infirmities in existing forms of dealing with disproportionate deprivation and group discrimination. These include outmoded methods of diagnosing the problem (of deprivation), the limited range of available solutions now being offered, and lack of an evidence-based, integrated and systematic approach to the problem of inequality of opportunity. Membership of a group alone is no longer a sufficient criterion for identifying deprivation because of emergence of sub-groups claiming relatively greater disadvantage and because of the existence of multiple axes of disadvantage. Equally important is the hitherto unforeseen sources of systematic inequality like "development displacement" resulting in loss of livelihood opportunities. Context-sensitive, evidence-based policy options need to be evolved for addressing the problem of inequality in opportunities. The Equal Opportunity Commission is a device designed

to take on these very needs. When set up, it will act as a storehouse of expertise on the design, implementation and evaluation of evidence-based equal opportunity initiatives. By actively involving itself in redressing existing and emergent inequalities of opportunity, it will act as a forum to which the Government, aggrieved groups and other concerned bodies can turn for advice and action. The Report on Equal Opportunity Commission submitted to Government in February, 2008 concluded by hoping that the proposed body will strive to act as a path finding institution charting affirmative action policies and programmes in tune with the positive dimensions of the right to equal opportunity and Directive Principles of the Constitution towards an eventual future where gross inequalities of opportunity are truly absent in all walks of life.

"Equality of opportunity has two different and distinct meanings. There is a conceptual distinction between a non-discrimination principle and affirmative action under which the State is obliged to provide a level playing field to the oppressed classes. Affirmative action in the above sense seeks to move beyond the concept of non-discrimination towards equalising results with respect to various groups. Both the conceptions constitute equality of opportunity"

*Supreme Court in Nagaraj v. Union of India (2006)
8 SCC 212*

The role of the Government in the matter of equalising opportunities for the deprived sections is therefore clearly articulated in the positive obligation contained in the Directive Principles of State Policy. An institution to assist it in this regard is the Equal Opportunity Commission which, when set up, will inform policies with credible data, will help avoid arbitrariness in executive action and direct targeted action on such areas where inequalities are more pronounced. With the market forces not being favourably disposed to ideas of equity and equality, it becomes the duty of the State to be proactive in the matter of

equalisation of opportunities for disadvantaged people. With the economy looking up and all the political parties subscribing to the ideal of inclusive development, the time is opportune for a change in the conventional style of administration of the Social Justice Agenda.

"Freedom is not enough. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'you are free to compete with the others', and still justly believe that you have been completely fair We seek not just freedom but opportunity. We seek not just legal equality but human ability, not just equality as a right but equality as a fact and equality as a result.....To this end equal opportunity is essential, but not enough....Ability is not just the product of birth.....Ability is stretched or stunted by the family that you live with, and the neighbourhood you live in, by the school you go to and the poverty or richness of your surroundings."

President Lyndon Johnson of USA in defense of the Civil Rights Act, 1964

Right to Equality and Civil Society

Although the Fundamental Rights primarily protect individuals and minority groups from arbitrary State action, there are provisions in the Constitution designed to protect the individual against the action of other private citizens. Thus, the practice of untouchability in any form is prohibited and the enforcement of any disability arising out of untouchability is declared an offence punishable in accordance with law (Article 17). This provision has been held to be a very significant provision from the point of view of equality before the law. It respects the dignity of the individual. It was held by the Supreme Court that whenever a fundamental right is violated by a private individual, it would be the Constitutional obligation of the State to take necessary steps to interdict such violation and ensure that such person is made to respect that right.

Merely because the aggrieved person could himself protect or enforce his invaded fundamental right, the Court said, did not absolve the State from its Constitutional obligation (AIR 1982 SC 1473).

Article 15(2) lays down that no citizen shall suffer any disability in the use of shops, restaurants, wells, roads, and other public places on account of his religion, race, caste, sex, or place of birth. And this is a right enforceable not only against State but also against citizens as well.

Similarly Articles 23 and 24 guarantee the fundamental right against exploitation. The protection contained in these articles is available not only against the State but also against private individuals (AIR 1982 SC 1473; AIR 1983 SC 328). The term traffic in human beings has been held to be a very wide expression including traffic in women for immoral or other purposes such as making them *Devadasis* or *Jogins* (AIR 1990 SC 1412). A stipulation under a contract of personal service, making refusal to render service, punishable as an offence, was held to be violative of the right under Article 23(1) as it amounted to *begar* or forced labour. However, imposition of civil liability for the non-performance of the promise to render personal service made voluntarily in a contract of service, had been held not violative of the right (AIR 1952 Cal. 496). Compelling unwilling labour is forced labour as per the decision of the Court in PUDR case (AIR 1982 SC 1473). However, hard labour imposed on convicted persons is not forced labour (1998 SC 3164). Similarly imposing compulsory service for public purpose is excluded from forced labour provided there is no discrimination on the ground only of religion, race, caste or any of them.

Again, the prohibition against employing children below fourteen years of age is a protection available against everyone, whether State or private individual.

Thus the State, in addition to obeying the Constitution's negative injunctions not to interfere with citizen's liberties, is expected to fulfil several positive obligations to protect the citizen's rights from encroachment by society. Liberty

is thus no longer to be the privilege of the few but available equally to all citizens. This goal is further stated in the Directive Principle to ensure that State create such conditions to let all persons enjoy the rights equally without discrimination. Given the vast numbers who are in the disadvantaged category and the complex nature of disabilities they have been experiencing, it is not possible for the State alone to establish equality as a social reality. Discrimination is an attitude of mind often developed because of cultural indoctrination and social habit. Entrenched attitudes and conventional mindsets constitute a major difficulty in bringing about social change. History is replete with instances of how well-intentioned initiatives have brought more misery than good when authoritarian methods were employed in implementation and balance of interests were not maintained in administration. In other words, social engineering through legal and democratic processes has to necessarily acknowledge group identities and class loyalties while pursuing incremental and consensual change in the desired direction. This does not mean that guaranteed fundamental rights can be denied to any group of citizens. With evidence-based advocacy and democratic persuasion, it should be possible to wipe out irrational attitudes and anti-social behaviour provided the State agencies supported by law make a sustained campaign for equality. This is the need of the hour. It will be unfortunate if political parties carry the campaign to increase their influence by deepening the divisions and abandoning the consensus model of social change. It is for the leadership to guard against such divisive tendencies and carry the movement for equality forward by education and example.

Institutions like the NCERT which wet the curriculum for school education must disseminate the egalitarian/ socialist philosophy contained in the Constitution. The youth, not knowing the Constitutional dynamics of social change, naturally argue against the policies of preferential

admission and employment to certain sections. They do not realise the consequence of past discrimination. Nor do they appreciate the scope and purpose of the equality guarantee to sustain a multi-cultural society in various stages of development. Only through evidence-based advocacy of the cause of the disadvantaged can the intelligent youth appreciate the justification for preferential discrimination. This must get into school textbooks. Today it is confined to law and jurisprudence books and debated in legal professional circles. Hence affirmative action measures of the Government have led to violent agitation and intense political campaigns in which some section of the youth were unknowingly involved. The parents and teachers did not adequately exercise their influence as they themselves were ignorant of the egalitarian philosophy underlying the equality provisions and affirmative action strategies.

Similarly in the economic sphere, the private sector need to imbibe the human rights discipline of the Constitution and voluntarily come forward to adopt policies which contribute to the promotion of equality in their respective enterprises. Inclusive development and social justice are imperative for sustained growth of the economy. This is part of corporate social responsibility in democratic societies. If they do not adopt such a corporate culture, the Constitution does permit the state to adopt coercive steps to compel compliance to the minimum requirements of basic human rights. Therefore there is no doubt that affirmative action or even reservation can bind the corporate sector as well. The only question is about the strategy and methods. Countries like U.S.A. and South Africa have made it part of the business organisation and management.

Finally, the media plays a very significant role in shaping the attitudes and behaviour of vast sections of the people. While sensationalism and controversies make good stories, it does a lot of social harm if not handled with great deal of sensibility and high degree of responsibility. In a multi-

cultural society where differences and divisions are common, it is easy to ignite passions and play upon the evil side of man. Responsible journalism demands the game to be played within the constraints of Constitutional governance under rule of law. If journalists do not learn the Constitutional philosophy and agree to abide by the demands of human rights culture, it can lead to dangerous consequences as our own past experience has shown. The Constitution has given the highest value to freedom of press and rightly so; but there are limitations to it which are supposed to be obeyed voluntarily. Let the increasing army of journalists and opinion leaders realise that they are the conscience-keepers of society and they shall not do or disseminate anything which hurt the nation's conscience as a secular, socialist, democratic State.

ABOUT THE AUTHOR

Padmashree Professor (Dr) N.R. Madhava Menon

Professor N.R. Madhava Menon was born in 1935 and brought up in Trivandrum (Kerala) as the eldest son of the Late Sri Ramakrishna Menon and Smt. T.G. Bhavani Amma. He had his school education in Sri Mula Vilasom Government High School, Trivandrum and graduated in Science from S.D. College, Alleppy. He then joined legal studies taking the B.L. Degree from Kerala University in 1955 and became an Advocate at the young age of 20. On the advice of his teachers in the law college, he gave up legal practice to become a full-time law teacher at Aligarh Muslim University from where he took his LL.M. and Ph.D. degrees with distinction in all subjects. Dr Menon specialised in criminal law and wrote his thesis on White Collar Crime for which he was awarded the doctorate degree by the Aligarh Muslim University in 1968.

In 1965, Dr Menon joined Delhi University and eventually became Professor and Head of the Campus Law Centre. Between 1973 and 1978, he went on deputation to the Pondicherry Government as Principal of the newly established Dr. Ambedkar Government Law College. On return to Delhi, Professor Menon joined the Bar Council of India to help the organisation to restructure legal education and assist in professional development programmes. He went to Columbia Law School as a Fulbright Scholar and later taught law as a Visiting Professor at Washington University Law School, St. Louis.

As a member of the Legal Education Committee of the Bar Council of India and later as the first Secretary of the

Bar Council of India Trust, Dr Menon influenced the shaping of legal education policies particularly in respect of the integrated 5-year LL.B. Degree Course facing many challenges from within and outside the profession. When the Bar Council of India floated the idea of a model law school in early 1980s, he took up the challenge and set up the Bangalore-based National Law School providing an innovative, integrated law curriculum which later became the mainstream legal education in the country and attracted attention of legal educators everywhere.

Soon after relinquishing office after a ten-year tenure at NLS Bangalore, Dr Menon was invited by the West Bengal Government to set up the National University of Judicial Sciences (NUJS) on the lines of the Bangalore initiative. He joined NUJS as the first Vice-Chancellor in 1999 and organised its infrastructure and academic programmes within a short period of five years (1999-2003).

The Supreme Court of India in 2003 appointed Prof. Menon as the first Director of the newly established National Judicial Academy, a training institution for higher judiciary in Bhopal. From legal education to judicial education, from instructing law students to imparting training for judges, the transition put Prof. Menon on a new path of scholarship and institutional development in support of the judicial system of the country. He relinquished office as Director, NJA in May, 2006 and settled in his hometown, Trivandrum devoting his time to voluntary services in the cause of rule of law and public legal education.

Appreciating the efforts of Dr Menon in restructuring the legal profession through improving legal education, the International Bar Association honoured him with the *Living Legend of Law* Award in 1994 followed by the Rotary Club of Bangalore conferring an Award for Vocational Excellence. The Bar Council of India presented a *Plaque of Honour* to Dr Menon for his contribution to the legal profession. The Commonwealth Legal Education

Association elected him as its President for a four year term (1994-98).

The National Law School of India University in 2001 conferred on Dr Menon the degree of Doctor of Laws (LL.D.) (Honoris Causa) and gave a citation which stated as follows:

".....Revolutionising Indian legal education has been the life's mission of this true *Karma Yogi* who achieved what was widely considered an impossible task — establishing an institution of excellence in Indian legal education. Dr N.R. Madhava Menon single-handedly wrought fundamental change in Indian legal education and established a model that is today sought to be emulated across our country and in several other countries in the region".

Recognising his contribution to public services, the President of India, Dr A.P.J. Abdul Kalam honoured Dr. Menon on the occasion of the Republic Day (2003) with *Padmashree*, the first such award to a law teacher in India.

Dr Menon has been a Member of the Law Commission of India, Member of several Expert Committees appointed by Government of India including the one on Legal Aid (1973), Civil Services Examination Reform (2000-01), Criminal Justice Reform (2002-03), Police Act Drafting Committee (2005-06), Chairman of the Committee on Draft National Policy on Criminal Justice (2006-07) and Member of the Task Force on Judicial Impact Assessment (2007-08). He is presently working as a Member of the Commission on Centre-State Relations set up by the Government of India in 2007. He also worked as Chairman of an Expert Group on the draft legal framework for an Equal Opportunity Commission for India.

He has been the Chairman of the Indian Statistical Institute, Kolkata and also Chairman of the Centre for Development Studies, Trivandrum. He is also the Chairman of an NGO called Menon Institute of Legal Advocacy Training (MILAT) based in Trivandrum working for advancement of legal development and training.

Author of five books on law and legal education, Dr Menon has published over a hundred research articles and seminar papers on a variety of topics on criminal justice, police reform, judicial reform, legal aid, legal professional, constitutional law, human rights, law and poverty and juvenile justice. Presently he is working on two books, one on clinical legal education and the other on judicial training. He is an Advisor to the Commonwealth Judicial Education Institute, Halifax, Canada and serves on the Board of Governors of the International Centre of Judicial Trainers, Israel. Dr Menon is a Life Member of several professional bodies like Global Alliance for Justice Education (GAJE), Indian Society of Criminology, Indian Law Institute, Indian Institute of Public Administration, Commonwealth Legal Education Association and Indian Academy of Social Sciences.

Memorial Lectures Series 2007-08

NAME	DATE	VENUE	SPEAKER	THEME	CHAIR
Mahatma Gandhi Memorial Lecture	January 17, 2007	India International Centre New Delhi	Prof. Christopher Winch, Professor, Educational Philosophy and Policy, King's College London, U.K.	Individuals Workers or Citizens; Reflections on the Limits of School Based Educational Reform	Prof. J. Forman Chan NEHU Shillo
Zakir Hussain Memorial Lecture	January 19, 2007	Regional Institute of Education Mysore	Dr. Radhika Herzberger, Director, Rishi Valley School, Chittoor, Andhra Pradesh	Religion, Education and Peace	Prof. J. Chauhan VC M Sukh. Unive Udaipur Rajas
Mahadevi Verma Memorial Lecture	August 17, 2007	Regional Institute of Education, Bhopal	Prof. Karuna Chanana, Former Professor at Zakir Hussain Centre for Educational Studies, School of Social Sciences, JNU	Women in Indian Academic; Diversity, Difference and Inequality in a Contested Domain	Prof. J. Barkha Unive

B. M. Pugh Memorial Lecture	March 11, 2008	Laitum-khrah Womens College, Shillong	Shri Ratan Thiyiam, Chairperson, Chorus Repertoire Theatre, Shillong	Theatre Language and Expression	Prof. Dean Humz NEHU Shillo
Marjorie Sykes Memorial Lecture	April 8, 2008	Jawahar Rang Manch Regional Institute of Education Ajmer	Ms. Medha Patkar, Social Activist	Socialisation vs. Politics of Education	Prof. Agwal Form Chan JNU
Sri Aurobindo Memorial Lecture	July 2, 2008	Dorozi Hall, Presidency College, Kolkata	Shri Manoj Das, Sri Aurobindo International Centre of Education, Pondicherry	Education for Faith in Future	Prof. Ghosh Princi Presic Colleg
Rabindra-nath Tagore Memorial Lecture	July 19, 2008	Regional Institute of Education, Bhubaneswar	Prof. N.R. Menon, Member, Commission on Centre State Relations	Realising Equality of Status and Opportunity: Role of Government, Judiciary and Civil Society	Princi Regio of Edi Bhuh

Gijubhai Badekha Memorial Lecture	August 2008 (scheduled)	MIDS Chennai	Shri U.R. Ananthamurthy	Learning to be a Writer in the School of Life	Chair MIDS Chem
Savitri Phule Memorial Lecture	August/September 2008	SNDT Women's College, Mumbai	Dr. Sunderaraman Director, State Health Resource Centre	Yet to be given by speaker	To be