

GITAM Foundation Endowment Lecture

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Let me at the very outset express my sense of humility in being asked to deliver the GITAM Foundation Endowment Lecture. Having served as a lawyer first, and then as a judge, for the past three and half decades, I have had to function within the rigorous confines of law, that allows an appreciation of wider perspectives, and linkages between various social phenomenon, only through the lens of particular set of circumstances that are presented to us. From a distance I have often envied the freedom that academic environment provides to let the mind roam, to explore the wider linkages between human knowledge and events in the physical, biological and social spheres. Equally importantly, the sense of humility is also on account of the belief that learning, as a process and as an end, is sacred: both for the individual, and the society at large.

I am reliably informed that Gandhi Institute of Technology and Management, or GITAM as it is popularly known as, had been established by a group of industrialists and philanthropists, over three decades ago, to serve the educational requirements of the people of India. I am sure that this university has, and will continue to live up to the philosophy and spirit epitomised by the great soul, Mahatma, who secured for our country its freedom from colonial rule in order to secure for all of its people a future in which human dignity would be the primordial value that shines through. Paulo Freire, a renowned educationist, has characterised education as “cultural action for freedom”, and I am sure that GITAM would always recognize that its principal role is to ensure freedom of the mind, from both oppression by others and shackles of greed from the inside.

It is always a difficult task to give advice to youngsters who have just entered their adult years and beginning their college studies. This is more so because there is a broad perception that youngsters today are far more aware of the wider array of choices available before them, and are more capable of exercising their choices with due care. Nevertheless, I believe that those of us who have retired can look back at our own lives and offer a perspective that the youngsters may find worthwhile to consider, if not actually put into practice.

Growing up to be an adult implies a socio-psychological step into a phase of life that brings with it the freedom of discretionary judgment as well as the attendant responsibilities for the consequences of actions. Even as you pass into a phase of your life that is marked by greater freedom to make your choices, increasingly you will also find that you would be less able to blame others.

I have often interacted with students, and noticed that there is a great deal of anger at the quality of education that is offered to them, and the general state of affairs in the wider socio-economic context. Indeed it is true that given the state of education in this country, both at the level of primary & secondary school and also at the level of universities & colleges, we ought to show a great degree of concern about how we are preparing our youngsters to face the future, and whether we have failed in our cultural obligation, nay necessity, to provide the best possible education. Nevertheless, we must also recognize that a large part of the anger stems from the fact that many of the youngsters have not been enabled to, and they themselves do not seem to want to, explore the many avenues for social and cultural critique and reconstruction that is possible, and indeed mandated as the duty of every citizen, by the Constitution of India. Those fundamental duties, to abide by the Constitution, to cherish and follow the noble ideas which inspired our national struggle for freedom, and others as enumerated in Part IV of the Constitution, though not enforceable by a Court of law, are nevertheless expressions of ideal citizenry in a republic.

Before giving in to anger, and before we critique the constitutional order we chose for ourselves, it would be appropriate for each and every one of us to actually pause, reflect and question ourselves as to whether we have tried our best to live by the ideals and values of the Constitution. I dare say that very few, if any, could honestly claim that they have lived up to those ideals, whether on account of the daily struggles for life, where one's own well being takes precedence, or on account of the intense politicisation, leading to vicious competitive politics, of every aspect of our social lives. When viewed from the perspective of the moral frame of the Constitution we would recognize that our anger soon loses any moral foundation.

We need to acknowledge the truth that given the social resources which our society has been able to generate and devote to education, those who gain access to portals of learning are the fortunate few, indeed the blessed amongst us. Given the number of our youngsters who are being left behind, who have no access to collegiate education at all, let alone a decent college education, those of you who are provided such opportunities are the privileged and favoured few. Apparently less than 10% of our youngsters, who have managed to complete their +2, gain access to college education. Increasingly better paying jobs and also the jobs involving discretionary positions in life will go to the better educated youngsters. Consequently, it can only be surmised that the society expects a lot from you in return. Giving into anger and social angst can be argued as being counter-productive even in extreme circumstances. Part of the responsibilities that the society places upon you, for having educated you, is the expectation that you would realise that giving in to anger, without having developed a proper understanding (i) of the social and economic circumstances that

confront the country, (ii) the problems and perversions that have entered the functioning of a constitutional democracy, and the (iii) means with which to tackle those issues within the framework of a constitutional democracy, would be unjustified.

One of the principal problems has been that over the past few decades it would seem that a warped view has emerged about what the role of education ought to be in society, and more particularly higher education. There has been a uni-dimensional emphasis on grant of degrees, and skills that can be used in the market, to the exclusion of other goals of higher education: (i) making our youngsters auto-didacts, who would not only master existing knowledge, but also create new knowledge; and (ii) develop in them the values that would enable them to use that knowledge for social betterment.

It is true that in the modern context we expect education to result in development of skills that are required in the market, so that our youth can find employment, and the economy can grow. However, there is a fundamental problem here. If the frequent complaints of various industry associations that most of our college graduates leave the portals of higher education without any employable skills are anything to go by, then it would appear that we have not or are not able to fulfil even that end properly. The problem lies in the fact that modern knowledge is expanding rapidly, and no institution can hope to teach all of its students every bit of the existing knowledge; and obviously knowledge that would be developed in the future would remain beyond the pale of those who have already passed out. By continuing to view the role of education as only consisting of developing a pre-fixed quantum of skills and knowledge, without developing the skills necessary for students to become self-learners, and consequently life-long learners, we are ending up making the problem far worse.

The burgeoning of coaching centers to take competitive examinations, and the inordinate pressure exerted on youngsters to get into “professional colleges” and get themselves an engineering or a medical degree, has had a deleterious impact on the self-learning capacities of our youngsters. To the extent that rote memorisation has become the mainstay of the learning paradigm in schools, one of the crucial roles that school level education is to play, in developing the necessary corpus of knowledge, and critical thinking, amongst youngsters is becoming a casualty. This in turn has a direct impact on the nature of the learning process that the youngsters who are fortunate enough to join colleges engage in. It has been widely recognized by eminent educationists that collegiate level education ought to primarily be one of “self-learning”, wherein the lecturers and professors act as guides to students to explore, intensively, modes of validation of existing

knowledge and developing new frontiers. To the extent that learning by rote is the essential or only mode of learning at the school level, to that extent we can expect that students entering colleges are ill-equipped to become self-learners or auto-didacts.

If that be the fate imposed on youngsters who are fortunate enough to get access to college education in this country, then the fate of those who, due to social, economic and cultural factors, receive almost no schooling can be assessed to be very, very dire. It is now a well recognized proposition that social, political and economic development is critically tied to the extent to which human resources are developed, and the nature of skills that youngsters possess. The proportion of youngsters, entering the working age, is ballooning in India. This could potentially portend well for India. A larger proportion of working population has almost invariably implied rapid economic growth in history. Economists call this the “demographic windfall”. Such demographic changes occur over very large time spans, and the implication of that is that we cannot afford to miss this opportunity. In this context we necessarily have to be very worried about the fact that the educational system in India, at the primary school level and also at the collegiate level, is seemingly incapable of serving the needs of this country. In an increasingly globalised economy that the country finds itself in, whether as a result of specific policy choices or the inevitable evolution of larger global economic systems, it would mean that hundreds of millions of our youngsters would be left to fend for themselves without the necessary skills to compete.

We often find policy and opinion makers gloating over the fact that many Indians have done superlatively well in all walks of life, both here and abroad, and that some of them have become world beaters. However, while those facts are undeniable, let us pause and reflect upon their numbers. They would but constitute a very tiny proportion of the entire population. That is also an equally undeniable fact. In a country of 1.2 billion people, that such a small proportion would rise to the top, through extraordinary self-motivation, or on account of them being fortunate to have grown up in socio-economic circumstances that allows them to explore their creative talents, is only to be expected. But that cannot become an excuse to turn a blind eye to the fact that most of our youngsters are being under-served. Unfortunately, the entire debate about “quality education” seems to again turn on whether there are enough institutions that develop “immediately employable skills”, and viewing the educational sector as another profit, nay inordinate profiteering, avenue. There is a difference between running an educational institution in a commercially feasible sense, wherein the costs of providing the education, and the efforts at creating new knowledge, are met, versus greed to generate inordinate profits in disseminating knowledge. That would be the wrong way to go. History, that great theatre of human experience over time, teaches us that there

has never been a single centre of great learning that has ever been built on the profit motive. Whether it is an Oxford and a Cambridge in the United Kingdom, or a Harvard and a Stanford in United States, every society built its great centres of learning on one cardinal principle: teaching youngsters is a sacred task, and it ought to be informed by a degree of social conscience that cannot be sullied by the profit motive.

While the economic impact of the failures of our educational system, which can be reasonably be seen to be socio-cultural failures, has often been noted, broader public debate does not sufficiently reflect upon the potential impact on the polity of this nation, and the project of constitutional democracy.

An equally important effect of an underperforming educational system, amongst other things, would be with respect to the quality of public discourse about the problems confronting our nation and societies. On account of the failure to inculcate critical and auto-didactic modes of learning we end up leaving our youngsters woefully ill equipped to engage in a reasoned and reasonable arguments about choices to be made as collective entities. The learning by rote methodology leaves us with little ability to deconstruct proposed solutions, especially where there are vast distributional issues involved as between the benefits that are expected, who gets them, and the costs to be incurred, and who bears them. What this does is that it induces a blind acceptance of policies as being universally good, especially where the policy design and implementation is likely to effect us beneficially. This in turn leads to a refusal to acknowledge the fact that the costs may be disproportionately being borne by others in the society, and development of the perception that those who protest the policies being designed and implemented are anti-social, or even anti-national. The core problem is the inability to transcend the narrow sectarian interests and understand the others view point, thereby reducing the level of tolerance exhibited in public debate. It probably ought not to surprise anyone that the nature of public debate in India has assumed, often, the shape of a shouting match – there is less of debate, because people are unwilling or incapable of questioning their own assumptions of what is right or wrong, and more of name calling.

Humanity has grappled with the role of “knowledge” in politics from times immemorial. Plato believed that pure reason will definitely lead us to a categorical body of knowledge that is complete, and that everyone who has access to that categorical body would both agree with each other as to what that body of knowledge is and also follow it, because that would be the just and the good life. However, starting with Hume, and then majestically culminating in the works of Immanuel

Kant, we have also come to realise that all knowledge is fallible, and that it is only a provisionally accepted truth, which in light of new experiences and circumstances ought to lead us to revise our notions of the truth. While often cast as polar opposites of each other, it would be more fruitful to recognise the two as balancing propositions. Not seeking knowledge, even if it leads us only to provisional truths, would disable action, both individual and collective. It would demolish the very prospect of collective and cooperative action. However, the belief that all truth is provisional also seems to lead to the conclusion that there exist no common grounds for any agreement whatsoever. The post-modernist turn that degenerates into pure critique, and indeed the infeasibility of any form of consensual agreement, also makes collective action impossible, because it posits that there are no moral grounds to proceed.

Today, as we scan the daily headlines, we see public discourse proceeding on both those two extreme fronts. On the one hand we see a group claiming that it has all the answers, and that the niceties and necessity of democratic discourse, channelled through institutions of a constitutional democracy ought to be set aside in creating new institutions and new laws, irrespective of whether they comport with the constitutional values and ideals. On the other hand, we also see a discourse being enacted in our political institutions, wherein competitive politics, and claim to power in order to plunder the nation, ride supreme. If the first one exhibits the monotonic mind, that believes that the knowledge one possesses is infallible, the second one seems to be founded on the belief that there can be no moral foundations of political action and discourse, and hence every venal action is permissible so long as ultimately people keep electing them. In this struggle between the dogmatic, and hence the dictatorial, and the relativists, and hence the amoral, on the other, it would appear that we have forgotten that we have constituted ourselves as a Constitutional democracy, and the history of how we did so.

At the time of our independence, many of those who led us there, had such stature and affection of the people, and indeed possessing of such great intellect, they could have sat down, by themselves and drafted out the Constitution. However, they were also committed democrats, who knew that a constitutional democracy would survive if and only if it is founded on strong institutions to work the constitution, and manned by people who have faith in the constitutional values and ideologies. Consequently, they formed the Constituent Assembly, and debated for nearly three long years every para and word, in an atmosphere of great respect for divergent view points. I will submit that there has never been, and probably never will be, a greater demonstration of reasoned and reasonable debate. Within the context of public discourse that informs our political sphere, I think I

would be remiss if I were to not point out that our Constitution, contrary to what its critics propound, is a masterly document to promote reasoned and reasonable debate.

The primary mechanism that the framers of our constitution chose was to explicitly state that all collective action, envisaged under the watchful eye and guidance of the State, was to be subject to the rigour of testing on the anvil of fundamental rights, along with directive principles of State policy that were to be foundational in governance. Contrary to what some political theorists propound, the fundamental rights as enunciated in our Constitution are not just negative rights against actions of the State, but are also informed by positive obligations of the State, to undertake measures that would promote a more productive deliberative democracy: greater equality of status and opportunity, and complete justice, social, economic and political in all walks of life, coupled with the promise of tolerance for different belief systems. The framers of the Constitution were acutely conscious that in a country with the kind of diversity that we have, and with the endemic inequalities, of status and opportunity, and vast swaths of humanity in our nation being subjected to gross and unconscionable social and economic deprivations, the prospects of a deliberative democracy – in which every individual has his/her innate dignity protected and groups of them can live in fraternity – would be very bleak.

It is not a surprise then, that Dr. Babasaheb Ambedkar, also warned us that without bringing about social, and economic equality, the mere grant of political equality would not suffice to ensure the continuance of a constitutional democracy, that is ever strengthened through reasoned and reasonable debate about choices being effectuated in the social, economic and political spheres. One of the principal reasons why political freedoms are not sufficient, to realise the promise of equality of status and opportunity, is that there is an ever present danger of elite capture of the judicial, executive and legislative spheres of state action and to that extent it was foreseen that the discourse between the elite and the historically dispossessed who form the majority of the population would turn away from the ideals of reasoned and reasonable debate about social choices.

For too long we have belaboured under the false impression that economic growth is primordial and that for its sake we can forsake all other constitutional goals. However, even a cursory glance at the Constitutional structure and text ought to make it clear to any discerning person that economic growth is but one of the means to achieve the broader set of constitutional goals. Where the pursuit of economic growth derogates from other constitutional values and goals, especially to a large extent, then the Constitutional framework necessarily has to intercede to

prevent constitutional failure. Consequently, our Constitution has always been interpreted to mean that it does not prioritize either a dictatorial socialist system of organisation of the polity and the economy nor a fascist neo-liberal paradigm in which whatever consequences result as a consequence of the functioning of a laissez faire free market are to be deemed to be acceptable. This has been the principle means through which a balance has been struck between the market and the State, so that the primordial task of eliminating rampant inequalities and social discrimination can be pursued.

In fact the history of our constitutional jurisprudence can be viewed as a debate between the Supreme Court and the Executive and Legislative branches with regard to how and where the balance ought to be struck. In the early years of the republic, while a strictly legal positivist approach would appear to have been followed by the Supreme Court, the fact remains that even though the Court had struck down many socio-economic legislations on the grounds that fundamental rights were affected, once the constitutional amendments were put in place, the Courts accepted the very same socio-economic legislation as acceptable within the constitutional order. However, when the provisions of the Constitution were sought to be used to completely eviscerate fundamental rights of their meaning, of both political and socio-economic rights, the Courts again stepped in to declare that the identity of the very Constitution by which legislatures were being formed could not be changed.

It is this theme of our constitutional history that Granville Austin wrote about in his seminal book, "The Indian Constitution: The Cornerstone of a Nation". In recent times there have been a lot of remarks, in popular media, that the Supreme Court of India is an activist court, prone to judicial over-reach, and is stepping into the executive domain. I believe that the criticism is unwarranted and also ill informed, both intellectually and ethically. Further, such a claim is only possible if one were to assume that the Indian Constitution is a neutral document or that it ought to be treated as one.

When the framers of our Constitution debated, wrote and ratified it, they were obviously informed about larger movements in philosophical thought about how a country ought to be governed. They sent experts to visit many countries, and studied their experiences. Based on such a thorough study, they framed the Constitution, with elements that are both rigid as well as flexible. A recent empirical study about stability and life spans of all the written constitutions reveals that Indian Constitution exhibits practically each and every element that contributes to stability. The average age of a written constitution has been around 17 years, and nearly 90% of them have not gone past 50 years.

What does one mean by the statement that a “constitution has survived”? It could have multiple meanings. In order to delineate those meanings one would need to understand what a “constitution” is. It is certainly a political document, because it reflects the compromises effectuated by people as a nation, at the constitutive moment when they are organising themselves as a nation-state, about the mode and manner in which the country is to be governed, as well as the goals to which the country is to aspire for. It also distributes authority, legislative, executive and judiciary, mandating the duty to uphold the Constitution upon all the organs and agents of the State. Hence, it is also a legal document, and it is a well established principle of constitutional interpretation that any state action that transgresses constitutional limits is to be struck down as unconstitutional. The measure of success of a Constitution then is to be seen in whether the people who have constituted themselves as a nation state continue to repose faith in the constituting document and the institutions it has created as the means to resolve their differences in, and continue to effectuate collective action through.

That the Indian Constitution has survived is primarily evidenced by the fact that by and large the people of this country have sought to resolve their differences through the institutional framework erected by the Constitution, and have continued to retain faith in democratic politics. The survival of India, as a democracy and as a country is no mean achievement. Few scholars, as this old civilisation and its inheritors constituted themselves into a nation-state, gave it chances of remaining as one for too long. As the Chief Justice of the High Court of Guwahati, I had the opportunity to visit even the remotest parts of the North East. One thing which struck me, and indeed gladdened my heart as it would anyone else, was that in even the remotest of outposts we were invariably greeted by a “Jai Hind.” Not namaste, not good morning , or any equivalent in any local dialect. But a full fledged “Jai Hind” delivered passionately. India has been transformed from being a land of hundreds of political formations and deepest of social divisions; and the idea of India as a nation has survived and even thrived in the minds and hearts of our people. In that sense, we can certainly say that the constitutional order has succeeded.

A closer look at who votes reveals the fault lines. It is the poor of this country, the socially dispossessed and the deprived who have voted, in election after election, in massive numbers and proportion of the total voting public. In a large measure the credit for survival of India as a nation and as a democracy must surely go to the people of this nation, and the institutional complex erected by the Constitution that has been able to provide checks and balances on the exercise of power, and so long as the State functioned in accordance with its values the people of this nation

were given a perceptible degree of hope, especially the dispossessed and the disempowered, of the possibility of a dignified life, if not for them in their lifespan, at least to their descendants.

However, when we look at the matter of other constitutional goals, in the socio-economic sphere, things do not appear to be as rosy as we would have liked them to be, and there are many reasons to be extremely disturbed. Amartya Sen, in his book *The Argumentative Indian*, notes that with respect to matters concerning equality and justice, while what we have not achieved is not an immeasurable failure, we have “measurably underachieved”. It is this facet of non-performance of the Constitutional order that ought to worry us. This is so because the longer such “measurable underachievement” continues, the greater the risk that the hope that people repose in the constitutional order would be withdrawn. In a certain sense, some of the signals of that hope receding may already have emerged.

As I remarked earlier in this speech, India’s population has increasingly become younger in composition. It is also better informed, and politically more assertive. If a vast majority of them begin to believe that the “hope of a better tomorrow” is nothing more than a chimera, a false promise that will not translate into real development, for all the people in some foreseeable future, then it could lead to an explosive situation.

Over the past few decades, a new paradigm of policy and popular discourse has emerged which eschews the need to continue to maintain this project of hope for the poor and the dispossessed. It claims that the only hope lies in rapid economic growth, whatever be the costs, so that eventually everyone else can be lifted. The argument that there ought to be a greater pie so that everyone can have a greater share, and that it would lead to greater political stability is only trivially true and believable if and only if one were to also believe that the existing pie itself is way too small to be more equitably distributed, and that economic growth, by itself, would eventually lead to a more equitable distribution. That this paradigm is being increasingly questioned is reflected in the vast pockets of disaffection. According to some official counts nearly one third of India’s land mass is affected by serious violent agitational politics. It is equally reflected in the fact that in response to voices of dissent, policy makers, power wielders and the elite have begun to advocate a muscular state craft in which all voices of dissent are to be suppressed ruthlessly devoid of any respect for constitutional limitations.

In a certain sense we seem to be again arriving at an inflection point that demands articulation of constitutional values, of political and socio-economic rights of the citizens, in order to protect, maintain and uphold the project of hope that the Constitution essentially is. When a dictatorial socialist world view attempted to eviscerate fundamental rights of all meaning and content, the Supreme Court of India was able to find within the constitutional text the majestic values espoused in its decision in *Keshavananda Bharati*. When a fascist neo-liberal world view informs the governance model, and as revealed by the shape that the governance systems take, and threatens those fundamental rights, of any content, both negative and positive, the constitutional text can be relied upon to articulate constitutional limitations against acts of omission and commission of the State and its agents. This is the very essence of Indian constitutionalism.

Obviously the judiciary ought not to articulate a political ideology or a world view of its own that is alien to the Constitution. Its primary task is to articulate the constitutional vision, based on the text and constitutional history. The argument that the judiciary can never question and set aside a policy decision is misplaced and a false one. Policy is not framed in the air, and its consequences are not limited to mere theoretical abstractions. Its consequences are real, and those real consequences can and do, many times, have extremely deleterious impact on fundamental rights of citizens. The freedom of the executive and legislatures to frame policy is not unlimited; the domain of that freedom is limited by the walls of constitutional permissibility. It is the duty of the judiciary to enforce those limits; and while doing so it is also the duty of the judiciary to emphatically articulate the constitutional vision and values. The sterile language of legal positivism cannot adequately conceive the vastness of the task, the extent of misery suffered by vast swaths of our people, and the attendant dangers to fraternity amongst groups and national integrity that arise from a disregard of the foundational goals of the nation-state enshrined in the Constitution.

The second criticism levied against the judiciary whenever it holds acts of omission or commission of the State to be unconstitutional is that an unelected judiciary setting aside the decisions of an elected legislature and executive is fundamentally anti-majoritarian, and consequently anti-democratic. This criticism is also misinformed because the very notion of a constitutional democracy is underpinned by the assumption that electoral politics become possible, or if they emerge *sui generis* sustainable, if and only if the power of the people vested in them are used within limits acceptable to most, if not all the people. The danger to the feasibility of democracy lies in the very possibility that majoritarian mandates are viewed as *carte blanche* to suppress minority views and aspirations. Moreover elite capture of the decision making institutions can lead the exercise of the power of the people towards ends that are contrary to the interests of

the people. Constitutions are written in order to specify those limits so that democratic politics become possible and sustainable. In that sense, constitutionalism is to be viewed not as anti-democratic, but as essential foundation for the thriving of a democracy. There cannot be any doubt that to the extent that political institutions, and the cultural sphere, articulated the constitutional vision of dignity and fraternity, more and more people joined the democratic process, asserting their rights to participate in the decision making processes, and trusted that the processes within the institutions erected by the Constitution reflect adequately the aspirations of the people.

Our Constitution is both long and extremely complex. Nevertheless, there is a way of conceiving it in a manner that facilitates agreement, collective action and sustenance of hope. It makes the ontological assumption that people are willing to sacrifice and set aside their own self-interest in order to achieve greater social welfare, especially for the most deprived. Two visions have informed political theorizing, in the West, about nature of man, and the limits to possible political institutions that can and ought to be formed. The first one views human nature as essentially and primordially selfish. Such an ontological specification consequently views any attempts by collective bodies, such as the State or other social formations, to order social interactions with even small expectations that humans can and ought to also take into consideration communitarian interests, as doomed to failure, and in fact even evil, because they run counter to human nature. The link between such a view of human nature and its limits and laissez faire free market proponents ought to be apparent. The other model of socio-economic organization, communism, is also based on the same assumption of primordially selfish human nature. It concludes that any socio-economic organization that is based on giving precedence to it would necessarily be unstable, and that a stable order can only be created through severe limitations on personal liberties of individuals.

Another strand of enlightenment thought viewed human nature as inherently capable of empathetic resonance to the misfortunes of others, and socio-economic organisations ought to be ordered in a manner that emphasises the same. The greatest example of the feasibility of that proposition was the freedom struggle led by Mahatma Gandhi. For decades he articulated the belief that human beings, even under gravest provocations, can resist violence by tapping into their own inner reserves of love for fellow human beings. Think of it. This was a country that was mired in an ocean of poverty, where ignorance and disease was rampant. Most of those generations of people and leaders had very little, and yet they sacrificed the little they had, and followed the Gandhian path, howsoever imperfectly, but certainly to some measure. That is what led to the greatest success of this nation as a people in its history. If there were a greater demonstration of the feasibility of forming a national purpose, and an inexhaustible national resolve, I am not aware of it.

Much has been made of the fact that specific programs advocated by the Mahatma have not been included in the Constitution, and those that have been included have been marked only by tokenism. However, as one reads through the Constitution, and conceives the Preamble, Fundamental Rights, and the Directive Principles of State policy, and the remaining parts of the Constitution that sets forth modes and forms of governance, not as discrete unrelated parts, but as explicated elements in a concrete whole, the chief belief of Gandhian mode of conceiving human beings, as empathetic individuals, shines through. For the Mahatma, neither the rabid laissez faire free market model, nor the inherently violent communist order were natural or inevitable. He believed in the human capacity to create a social order based on their inherent capacity to empathise with others and that any other mode or organization is doomed to failure. At its foundation, when the Preamble talks about achievement of dignity of the individual, and fraternity amongst groups of them, it is that Gandhian ontological specification that it speaks about.

Many scholars, academics and politicians doubt the feasibility of such a vision guiding a national project. They claim to be realists, and they claim to be guided by pragmatic considerations of what can be worked on the ground. I believe that they are fundamentally wrong and Mahatma Gandhi was right.

About half a decade ago, a young lawyer narrated a stark distinction that he perceived in the manner in which human beings respond to social tragedies. Apparently, on January 26, 2004 he was on his way to Bihar to adopt a young infant who had been abandoned by her mother at a road side tea stall. That was the day that a tsunami hit, amongst other places, south eastern coast line of India. Upon reaching Bihar, and while receiving the child in adoption, he also began to actually perceive the magnitude of the problem of discrimination against the female child, including the grotesqueness of female infanticide and female foeticide. At the same time, he also narrated how many of his friends from Bangalore, mostly youngsters, who had of their own free volition rented vans, bought as many medicines, blankets, and food packets as their resources would permit and rushed off to lend a helping hand. For them, the idea that another human being was suffering and needed to be helped was instinctual. They were responding empathetically to fellow human beings. The contradiction that the young lawyer was trying to draw was between a tragedy that unfolds amidst our lives, on a daily basis, and is of such a gargantuan proportion as to make many millions of women disappear from our demographic reality over a decade, and our collective response of befuddlement, and indeed a desire to turn a blind eye to it, versus another tragedy, that is caused by

an accident of nature, also involving massive human suffering, and yet evokes amongst human beings a desire to help.

It is a contradiction worth exploring. Obviously, the fact that youngsters took off of their own volition to help out tsunami victims indicates the presence of an ingrained sense of empathy, and the capacity to react to the misfortune and suffering of others. Yet, seemingly an entire nation has turned a blind eye to the massive human tragedy unfolding, in the form of female infanticide and foeticide, wherein millions of fellow human beings are being prevented from coming into being or not being allowed to exist.

One of the great butchers of human history, Joseph Stalin, is supposed to have said: "One death is a tragedy. A million deaths a statistic." Obviously, Joseph Stalin made that comment as a part of his justification of the dance of death, both during World War II, and also in the post war USSR. Nevertheless, it reveals a fundamental truth: that when human tragedy becomes a part of ones daily life, almost like background noise, to borrow a new fangled phrase being used by youngsters these days, human capacity to tap into its empathetic core, and sustain a drive to help out others, an instinctual part of our very persona as human beings, gets diminished.

Whether it be under dictatorial socialist regimes, or under fascist neo-liberal world orders, one of the principle means used to keep the people from expressing their outrage at the unconscionable misery suffered by vast swaths of humanity, which they surely must if their instinctual response is empathy for other human beings, is to normalise that suffering and sweeping it under the carpet away from critical cultural gaze. Either by assuming that the suffering of the poor to be insurmountable, or by suggesting that the poor deserve to be poor because they have been weeded out of the share of the social product because of societal evolution, vast injustices that are prevalent are sought to be normalised in our conception.

Amartya Sen, in his lifelong work has argued that given the technological mastery that human beings have accomplished, and the existing resource base, there is no reason to have such misery abound. His argument is that how the product of social action is distributed is not some natural or necessary outcome, but is a function of the particular values we choose, collectively, to order our socio-economic lives. Indian Constitution is essentially based on that ontological assumption, and mandates that collective action be directed towards the achievement of equality of opportunity and status, and social, economic and political justice for all. These were recognized to be sine qua non for ensuring dignity to all individuals, so that they and the groups that they belong to can live in a fraternal atmosphere. Indian Constitution also posits that ensuring minimal levels of

dignity for all the citizens, and thereby engendering fraternal relations amongst them is a necessary condition for the security and integrity of the nation.

We stand at an inflection point in history. Great technological and scientific advances promise the power to guarantee for all human beings a social existence marked by at least some minimal levels of dignity, such that each, and in groups, can seek to self-actualize their potential. Nevertheless, we need to fundamentally rethink as to how we want to organize our socio-economic orders, and the values by which we seek to distribute the social product. The model that popular culture seeks to prioritize, of unending upward spirals of consumption by the rich, eventually lifting the incomes of the poor so that they can consume at levels consonant with some acceptable notions of human dignity, is turning out to be false. Environmental stress, and indeed the possibility of a global climate change, raises fundamental questions about such a model of organisation of distribution. Consequently, we have to rethink in terms of both the levels of consumption that we should seek to aspire for, as well as the need to redistribute the social product, so that the social compact can be maintained.

It is that great challenge that most of you will face. Some of you will move forward to seek solutions in inventing machines that consume less energy, and yet others may look to find ways to extract more resources from the bowels of the earth at as low a cost as possible. Nevertheless, in all of those endeavours, your constant challenge would be the same: how do we make the present more humane for those who are dispossessed and disempowered. The challenging voices from those quarters are rising in volume and intensity. How you respond to those voices would ultimately be determined whether you continue to tap into a quality that defines your very human essence: empathy. I trust that you will always strive to live up to the expectation of that great soul, Mahatma Gandhi, whose name this institution has borrowed, that that human beings are capable of being true to their empathetic core. To teach our youngsters the means of being in touch with that core, and to always remain true to it, would be the greatest, and the true, role of education.

Towards the ending, let me recite to you the words of a great Indian, Swami Vivekananda:

“So long as the millions live in hunger and ignorance, I hold every man a traitor, who having been educated at their expense, pays not the least heed to them.”

If we were to not heed the voices of the poor, those living with very little and even lesser hope, we would ultimately be betrayers of our conscience, and our own humanity.

I have been offered a grant of Rs 5 lakhs by the GITAM Foundation. I must express my surprise at the choice and being humbled by it. It is a great honour that an educational foundation has chosen this humble servant of India for such a grant. I am the son of parents who were both humble and uneducated peasants. It was their exhortation, and the countless helping hands extended by others along my life which has enabled this peasant boy to serve this country. In that sense, whatever modest success I may have enjoyed in the service of my nation was only enabled by a community, comprising of individuals from all social backgrounds, which believed that a boy from a village background should also be educated. Consequently, it would be extremely ungrateful on my part to accept that grant for my personal use, especially when it comes from the resources of an educational institution. Hence, I humbly request the members of the GITAM Educational Foundation to use that amount to give scholarships to some youngsters from the socially deprived segments. There can be no better way to honour those who have helped me in my life than to ensure that a few more youngsters from the socially and educationally backward segments of our population are enabled to become a part of the hope and dream of India.