

## **REPORT ON NEETI TALKS on “RULE OF LAW AND HUMAN RIGHTS”**

On **6<sup>th</sup> May 2022**, at 10:30 am, “THE NEETI FORUM” (part of JSSLC, IQAC wing) had organized “NEETI TALKS” on the topic “RULE OF LAW AND HUMAN RIGHTS”, at the Silver Jubilee Hall, JSSLC and the speaker for the event was Hon’ble Mr. Justice K. Chandru, Judge (Retd.), High Court of Madras.

The faculty coordinators were Mr. Pranav Kumar Nair and Ms. Sneha Jagadish, Assistant professors and the student coordinators were Ms. Chandana V.S and Ms Navya Shree T.G. Mr. Pranav Kumar Nair, was the host of the day. Prof. K.S Suresh, Chief Executive of JSS Law College, Autonomous welcomed the gathering and introduced the guest speaker to the audience.

At 10:40am, Justice K. Chandru, began to share his knowledge and wisdom on the topic “Rule of Law and Human Rights”. Justice said that fifty years back he was hearing lectures on this topic and now we discuss the same. The question which arises is that if there has been any change?



Justice Chandru shared an instance where the tribals were ill-treated by special force which led to the human rights organization giving a complaint to The National Human Rights Commission and the NHRC appointed Justice Sadashiva to enquire into the same. Through this report we were able to unravel heart-wrenching stories of women being ill-treated even by electrocution in the name of recording statements. This Commission requested compensation to be granted for women who have been a victim to this and also other tribals who were affected in the process. It was found that 1/5<sup>th</sup> of the Indian population has been kept away from any kind of development and governmental schemes. His lordship gave an example of Veerappan and said that to catch him there are plethora of ways but in the name of catching somebody you try to punish somebody else. This retribution has been there since time immemorial. Therefore, looking back, what is the status of human rights and the level of index of rule of law is something to ponder about.

Further, His Lordship stated that, Rule of Law is opposed to rule of jungle. The rule of jungle also has some norms. He explained the dichotomy between people who call themselves as civilised by destroying nature and tribals as barbaric while they preserve nature. His lordship posed a rhetorical question that when you talk about rule of law, who decides the law? Unless the law is good, ruling terms of the law can never be good and therefore it is the law which decided the course of action for a better system. For example, the American Constitution which is over 200 years old states that, "All men are equal" while racism, slavery was abolished much later and women availed their voting rights only in the 20<sup>th</sup> century. Therefore, what was written 200 years back underwent change because the society advanced.

The society lived up to its standard from bringing all sections free from discrimination but still the words remain the same and therefore when we talk about rule of law- firstly, who makes the law is of utmost importance and secondly, who shapes the law. He gave another example regarding different schools based on skin tone i.e., the whites and blacks and since society evolved there are multi-racial schools and this was seen when Mr. Obama was elected the president of America two times in a row and then the result of case in the year 1965, *Brown v. Board of Education* case where the U.S. Supreme Court ruled unanimously (9-0) that racial segregation in public schools violated the Fourteenth Amendment to the Constitution.

In US it is 9 judges who decide a case but not always they are progressive with unanimous decision. It is either 5:4 or 4:5 as Hon'ble Justice Krishna Iyer calls it as a number game. We do have a number game but nobody sits as a number 9. In India, the maximum strength of the bench is 13, quoting the *Keshavananda Bharati case* where the ratio was 6:6 and the swinging vote which was given by Hon'ble Justice HR Khanna who stated that, "*You can amend the constitution including Fundamental Rights but cannot alter the basic structure*". The basic structure of the constitution which is a theory which was pushed in by a seeing vote in this case that change the *ratio decendi* to 7:6 became a landmark case.

Further, he also discussed the judgement of *Roe v. Wade* regarding abortion rights. He stated that every time the composition of the US Supreme Court changes the decision also changes. He stated that in India whenever a higher bench in the Supreme Court decides a case that becomes the rule of law as there is no other Court higher than it and therefore it is final. By interpreting the provision of the constitution, the courts make laws whilst contribute to the growth of law. In that sense rule of law means rule made by the parliament and interpreted by the courts.

Rule of Law once established becomes a right. In this regard his lordship discussed Article 22(1) which states about rights of accused, parody between theory and practise and discussed the case depicted in the movie "Jai Bhim". Further, sir mentioned that Criminals Tribe Act which was repealed after independence and now they are known as denotified tribes but still the mindset policemen has not changed and still regard them the same. Then his Lordship addressed about the implementation of Human Rights. He stated that rules are being designed not by rule making authority but people who are outside the purview of this. Example age fixation in juvenile justice act, voting age, marriageable age to 21.

As a concluding remark Justice stated that the role of lawyers is to defend the constitution at all costs. He quoted Dr. B.R. Ambedkar's historical speech at the constituent assembly which stated that, "*We have achieved political freedom but yet to achieve social and economic freedom and until this is achieved our country can never be a democracy*". Therefore, it is the responsibility of lawyers to achieve these freedoms.

Dr. S Nataraju, Principal JSS law College, Autonomous delivered the vote of thanks. Finally, the floor was open for interaction. Ms. Jhalak Darla acted as a mediocre to deliver the questions posed by the audience to the speaker.

*“Constitution is not what is written on it. It is what the judges say”*

– Justice K. Chandru

