

**National Seminar**  
**on**  
**Democracy and Rights Discourse in India: Norms, Institutions and Practices**  
(28<sup>th</sup>-29<sup>th</sup> July'2017)

**Organized by**  
**Department of Political Science**  
**University of Delhi**  
**Under the UGC Special Assistance Programme**

**Conveners**

- 1. Prof. Ashok Acharya, Dept of Political Science**
- 2. Dr. Bijayalaxmi Nanda, Miranda House**
- 3. Dr. Nupur Ray, Kamala Nehru College**

**Concept note:**

Introduction:

The trajectory of democratic politics in India constitutes interconnections and interfaces between ideas of social equality that integrates principles of demand for equal opportunities with demand for respect and dignity and social movements in which egalitarianism is a key value and thorough which a new social justice imagination emerges through interventions of Dalits, women and working class ( Omvedt,1993).

The working of a democratic system operates at four different levels: a) ideology, b) institutions, c) civil society, and d) culture. While ideology provides a framework of normative values and beliefs about democracy and correlated market structures, the structure of institutions includes the framework of laws and constitution, party system and market structures.

One of the integral components of democratic system is the commitment to upholding rights in a democratic framework. Having said that, while rights and democracy are upheld in the same breath, there are disagreements on the visions, approaches, directions and even goals.

India, the world's largest democracy can still boast of an active civil society, a cherished judiciary and a functional state but a sudden rise in the infringement of rights of citizens have posed some new questions to the discourse of democracy and the protection of rights today.

The democratic world today exhibits a theatre of competing claims of rights. The idea of rights is a very seductive one and continues to have its hold over human imagination. But taking the 'rights path' in an institutional, structured democracy is strewn with obstacles and challenges. This seminar therefore explores the various facets of rights in terms of its universal and relativist contexts within the democratic framework. The discomfort with engaging with rights has emerged from a deep seated confrontation between the ideologies which exist within democracy today. There is very little agreement about what rights are, why rights are used within constitutional provisions and provide framework for moral

theorizing, or about how to reconcile various conflicts that arise due to struggle between contending rights? What should be the parameters for creating a hierarchy of rights or determining the priority of one right over another within democratic politics?

Amidst the explosion of rights ranging from human rights to rights of mountains and rivers, there is also a visible backlash to suppress rights at each and every level within the institutional democratic order. This backlash is the result of mostly two different schools of thought. The first is the idea that the claim of individual rights to deliver human development and freedom as argued in the liberal discourse is a myth. This school counters it with the duties and obligations talk. The impetus to reject rights altogether is based on a philosophical claim about the cultural embeddedness of moral values and a political claim about the authority to interpret such values on behalf of a collective. The second view considers the idea of rights as a step forward but not sufficient enough for the full realization of human dignity. It mainly denounces the state as a viable institution to establish rights and instead look for alternatives in social movements.

### **The Central Objective:**

The seminar aims to critically engage with the idea of rights as they exist within political theory and will delve into the debates and dilemmas within the democratic system in India. By probing into questions of caste, class, gender, region, religion and ethnicity it will explore the need to take a middle path that would bridge the concerns of the relativists and the universalists in order to achieve a modicum of justice, freedom and egalitarianism in society. The feminist lens on rights that engages critically with gender discrimination will be used as a viable tool to theorise rights for the marginalised and the unequal in society. It will strive to engage with the struggle for rights by marginalized and autonomous groups and examine how this process is linked to the role of the state, world economy and civil society. We also hope to engage with the notion of rights in a democracy and the significance of rescuing and retrieving it by relying on a shared commitment to difference, debates and disagreements in order to understand democracy.

The seminar will be divided into three sessions each of which will relate to the theme under study and map the complex and contentious issues around it, first to serve as a guide and then to indicate some of the shifts in the contemporary debates. The first session **Theorizing Rights, Democracy and Social Inclusion** would explore the theoretical dimensions of the rights discourse that exist within a democratic state. The engagement with the idea of human rights and its critique from cultural relativists, the emphasis on duties and obligations and the need to rescue the rights discourse by maintaining a balance between universalism and differences will be the focus here. The importance of ensuring individual and group rights in order to protect the basic spirit of democracy will also form a thread. The concept of intersectionality and its significance in a world marked by diversity will provide a framework for the same. The debates and dilemmas in the theoretical terrain, especially in the context of the rolling back of the frontiers of the state

and the emergence of a world market economy, will be brought to the forefront. The second session **Democracy, Gender and other Identities: Issues and Contestations** will examine the idea of gender, the fluidity of the concept with its myriad dimensions of caste, class, disability and sexuality and the issues and questions that emerge in terms of challenges to democratic system. The third session **Competing Rights in a Democracy: Questions and Challenges** will examine the idea of competing rights especially in terms of the vulnerable sections of society whose rights exist fringes like rights of children, caregivers of the persons with disability, transgender communities and their trajectories of debates in right discourse in the Indian democracy. What are the concerns surrounding the issues of rights here? How does one reconcile the idea of right to freedom to the notion of strategic national interest and national pride within democracy? The issues of the marginalized and the concerns of the development will also be taken into consideration.

Overall the seminar will aim to provide the interconnections between the themes in order to draw attention to the significance of the dilemmas and debates around rights in a democratic society. The concluding session will strive to tie up the main concerns around the significance of why political, social, economic, cultural, and religious institutions and practices have to be informed and continuously interrogated and transformed by the rights discourse within a democratic framework with all its contradictions and challenges.

## Programme Schedule

### 28<sup>th</sup> July'2017

9:30 am- 10:00 am: Registration

10: am – 12:00 noon: Inaugural Session

10:00am – 10:30 am - Welcome Address:

Navnita Chadha Behera, Professor and Head, Department of Political Science, University of Delhi, Delhi

10:30am – 12:00 noon: *Democracy and Rights Discourse in India: Debates and Dilemmas*

Thomas Pogge, Leitner Professor of Philosophy and Founding Director, Global Justice Programme, Yale University, U.S.

Achin Vanaik, Professor, Department of Political Science, University of Delhi, Delhi.

Vidhu Verma, Professor, Centre for Political Studies, SSS, Jawaharlal Nehru University, Delhi.

*Chair:* Ashok Acharya, Professor, Department of Political Science, University of Delhi.

12:00 noon- 12:15pm: *Setting the context*

Bijayalaxmi Nanda, Associate Professor, Department of Political Science, Miranda House, University of Delhi, Delhi.

Nupur Ray, Assistant Professor, Department of Political Science, Kamala Nehru College, University of Delhi, Delhi.

-----12:15 am– 12:30 pm: Tea-----

12:30 pm- 2:00 pm: Session 2

*Interrogating Democracy in India: Diversity and Intersectionality*

Krishna Menon, Professor, Gender Studies, School of Human Studies, Ambedkar University, Delhi.

Anita Ghai, Professor, Disability Studies, School of Human Studies, Ambedkar University, Delhi.

*Chair:* N.Sukumar, Professor, Department of Political Science, University of Delhi, Delhi.

-----2:00pm-3:00pm: Lunch-----

3:00 pm – 5:00pm: Session 3: Roundtable Discussion

*Democracy and Rights Discourse in India: Emerging Trends and Perspectives*

K. K Subha, Assistant Professor, Department of Political Science, Miranda House, University of Delhi, Delhi.

Anita Tagore, Assistant Professor, Department of Political Science, Kalindi College, University of Delhi.

Sanjeev Kumar, Assistant Professor, Department of Political Science, Zakir Hussain College, University of Delhi.

Simple Mohanty, Assistant Professor, Shaheed Bhagat Singh College, University of Delhi, Delhi.

Skylab Sahu, Assistant Professor, Miranda House, University of Delhi, Delhi.

### 29<sup>th</sup> July' 2017

10:00 am – 11:00 am: Session 1:

*Democracy, State and Laws: Questions and Challenges I*

Flavia Agnes, Feminist Legal scholar and Director, *Majlis*, Mumbai, Delhi.

*Chair:* Harsh Mander, Human rights and peace worker and Director, Centre for Equity Studies, Delhi, India.

-----11:00am – 11:30am: Tea-----

11:30am- 12:30pm- Session 2:

*Democracy, State and Laws: Questions and Challenges II*

Harsh Mander, Human rights and peace worker and Director, Centre for Equity Studies, Delhi, India.

*Chair:* Flavia Agnes, Feminist Legal scholar and Director, *Majlis*, Mumbai, India.

-----12:30pm – 1:30 pm: Lunch -----

1:30pm – 3:00pm: Session 3:

*Affirmative Action, Community Rights and State: Challenges and Contestations*

Mary E. John, Senior Fellow, Centre for Women's Development Studies, Delhi, India.

N. Sukumar, Professor, Department of Political Science, University of Delhi, Delhi.

*Chair:* Krishna Menon, Professor, Gender Studies, School of Human Studies, Ambedkar University, Delhi ( to be confirmed).

-----3:00pm – 3:30pm: Tea-----

3:30pm – 5:00 pm: Session4: Roundtable Discussion II

*Democracy and Rights Discourse in India: Emerging Trends and Perspectives*

Silky Tyagi, Assistant Professor, Department of Political Science, University of Delhi.

Karunakar Patra, Assistant Professor, Dayal Singh College, University of Delhi, Delhi.

Chetna Sharma, Assistant Professor, Department of Political Science, Kamala Nehru College, University of Delhi, Delhi.

Vaishali Narula, Assistant Professor, Department of Political Science, Kamala Nehru College, Delhi.

Tamanna Khosla, Research Scholar, Department of Political Science, University of Delhi.

Krishnamurari Mukherjee, Research Scholar, Department of Political Science, University of Delhi, Delhi.

Ekta Shaikh, Research Scholar, Department of Political Science, University of Delhi.

Archana Rath, Research Scholar, Department of Political Science, University of Delhi.

**5:00 pm- 5:15pm: Vote of Thanks**

## ABSTRACTS

### Achin Vanaik

Achin Vanaik's lecture '**Democracy and Populism: The issues and challenges**' looked at the inextricable link between democracy and rights by examining the recent trends of populism and narrow nationalism. According to him, populism is a postulated duality between the people and the elites. He stressed on the need for the reconceptualization of democracy. He critiqued the notion of nationalism based on narrow political interests and pointed to the need of to retrieve nationalism as an enriched and nuanced understanding to interrogate populist conceptions.

### Thomas Pogge:

Thomas Pogge's discussion examined the notions of justice by delving upon the procedural and substantive notions of it. He looked into the origin of the rule of law and linked it with the instrumentality of rights as the building blocks of the society. He stressed upon the importance and significance of human rights as a means to remove socio-economic inequalities. According to him, procedural justice cannot on its own deliver until rights are substantively available to all. He stressed on the inalienability of rights and democratic procedures and institutions. He strived to establish the availability of substantive rights as a precursor to democracy.

### Vidhu Verma:

Vidhu Verma's lecture **Gender, Rights and Justice Gap: Going beyond the Politics of Difference** explicated the global feminist and transnational feminist approaches to the rights discourse. She explored the limitations of both and engaged with the democratic institutional processes and practices and the ground realities in order to have an effective understanding of the rights discourse. She argued that the understanding of discrimination against women evolves with insights, perspectives, and empirical information on their subordination by different legal, social and religious traditions. Any discourse on rights needed to incorporate this understanding. According to Verma, the 'justice gap' in the democracy and rights discourse could be addressed through the reform of legal institutions within the state, being informed by the capabilities perspective and strengthened by transnational feminism in the process. This would eventually mean reconstruction of the notions of dignity, autonomy, bodily integrity and sexuality of women that are embedded in their religious and cultural norms.

### **Krishna Menon**

Krishna Menon's lecture '**The 'Right' Music: Caste and Classical Music in South India**' raised the issue regarding the question of inclusion and exclusion within democracy. Menon emphasizes that the world of music in South India is a microcosm of the larger society by the fact that all sections do not have equal right to access, participate and perform this music. She linked this phenomenon to the larger context of caste-based discrimination in India. She argued for recognizing cultural liberty as an important domain for providing a foundation for inclusive equality. She further pushed her argument to establish that the access of citizens to socio-economic rights across all identities is significant in the realization of cultural rights and liberties.

### **Anita Ghai :**

Anita Ghai's lecture '**Women and Disability: Issues of Care**' drew attention to the debates and dilemmas around the caregivers of persons with disability and the need to deconstruct the rights discourse in this regard. She appealed for the inclusion of legislative provisions with focus on the intersections of gender, disability and caregiving. Owing to the socio-cultural milieu of the Indian society, most persons with disability, especially girls, get taken care by their mothers. The vulnerability of such caregivers due to their dependence on patriarchal benevolence is never considered within the disability rights discourse. The tension lies in the fact that the rights and entitlements of the caregiver, often the mother in Indian case, gets neglected due to focus on the person with disability. Her discussion highlighted the absence of a theoretical perspective as well as policy initiative that recognizes 'care' and caregivers as bearer of a certain set of rights and entitlements that could enable them in their commitments in a democratic framework. She advocated for this space to be created within the rights discourse.

### **K.K Subha**

K.K Subha in her presentation '**Cultural Identity in a Liberal Democracy: The Telengana Experience**' examined the nuances of regionalism in India, cultural identity and its implications for democracy and rights. She elaborated about the movement for statehood for Telengana, the local histories and the events and moments that led to the realization of statehood. She spoke about the normative framework available for identity rights in liberal societies and how Telengana is a good example of understanding cultural identity and their demands for recognition and respect. She argued on the importance of conceiving democracy in contestatory terms in order to identify avenues which extend the opportunities for citizens to hold governments to account. She also made an appeal for a rethinking of the entire State Reorganisation Policy in India based on the issues and concerns raised by her.

## **Anita Tagore**

Anita Tagore's presentation titled '**Law, Rights and Politics: Dilemmas and Responses**' looked into the context of constitutional rights that gets subverted in the process of judicial decision-making and adjudication. The main argument of her talk was located in understanding the judicial discourse on rights of women in the context of violence in intimate relationships. She discussed two issues that involve intimate relationships - domestic violence and marital rape- to substantiate the responsiveness of the state/court through its decisions. She further addressed the larger question of limits of procedural justice and substantive moral dilemmas that emerge in statutory interpretation by the courts within a democratic framework. She argued that the institutionalization of 'otherness' in production of counter-subjectivities in law reflects on the inconsistencies between constitutional morality and legal adjudication in the larger discourse of rights in India

## **Sanjeev Kumar**

Sanjeev Kumar's presentation titled '**Addressing Vulnerability: Challenges of Disaster Governance in India**' raised an important concern that during the past 25 years there has been a growing realisation that the majority of disasters are not merely the outcome of interactions between humans and the technological and environmental systems. The realisation of the fact that disasters are also the result of interactions among humans themselves, has led to the shift in the understanding of disaster away from the hazard-causing agent to the complex of social, cultural, political and economic factors that produce different levels of *risk/vulnerability* for different people across time and space. In the course of actual disasters, these *vulnerabilities* play themselves out in the lives' of people who attempt to cope and to recover their losses. In the field of disaster research *vulnerabilities* is addressed as a key challenge of *disaster governance and* considerable shift is noticeable in attempts at understanding the issue of disaster as a social phenomenon. India has also recently evolved a comprehensive legal and institutional framework for disaster management through the (Disaster Management Act 2005) and the National Policy on Disaster Management (NPDM 2009). He argued to mainstream disaster management into the developmental planning process.

Despite its holistic visions he argued that the current framework of disaster management in India continue to remain instrumental and technical. A sustainable policy framework for addressing exclusion and marginalization of the vulnerable is missed out largely in the technocratic managerial interventions of the state in most cases of disasters including the Gujarat earthquake (which set the tone for a larger disaster management agenda for the country) and often is claimed as a successful model of disaster intervention to be replicated in other places. The presentation brought the paradox of post -disaster recovery to the forefront by citing case studies from the rural reconstruction in Bhuj and by explaining the urban planning model initiated in Bhuj town which has introduced new forms of vulnerability.

### **Simple Mohanty**

Simple Mohanty in her presentation titled '**Dilemma in Kashmir: A Human Rights Perspective**' took up the much discussed Kashmir issue and examined the debates and dilemmas related to people's participation and securitization of the region. She deconstructed the Kashmir imbroglio from the prism of the rights discourse in the Valley, counterpoising it with the state-security-nationalistic discourse predominant in Jammu. She also looked at the dilemmas in terms of the ideological chasm between Jammu and Kashmir and reconciliation with the seemingly competing and conflicting rights of all other stakeholders including Kashmiri Pandits, Ladakhi and Buddhists. She made a case for a human rights approach in order to get a middle ground between the two keeping in mind the multiple areas of deprivation and disadvantage that exist in the region.

### **Skylab Sahu**

Sahu in her discussion on '**The Trajectories of Work, Sexuality and Citizenship: Rights of Transgender in India**' Critiqued the Indian state and its approach to rights of sexual minorities in India. She pointed out that despite India's landmark "third gender" judgment earlier this year, human rights remain difficult for many sexual minorities. The Court ruling has been widely welcomed as a progressive step. However, the legal situation is not straightforward for this group and other sexual minorities. Although self-determination of gender identity and sexual orientation have been included in the category of basic human rights, same-sex sexual relations by consenting adults remains a criminal act. Additionally, some sexual minorities feel that the Supreme Court verdict will benefit only traditional trans feminine communities. The ruling, however, is being interpreted differently by sexual minorities other than *hijras* and by other courts. This is because of explicit mention in the Supreme Court judgment that while all persons irrespective of their gender identity are equal in the eyes of the law, specific rights and entitlements granted by the court apply only to male-to-female transgenders or *hijras*. These are some of the questions and concerns raised by her as she analysed discrimination towards sexual minorities in India, from the perspective of existing laws. With the Supreme Court's Constitution bench set to examine afresh the challenge to Section 377 IPC, the presentation argued that reassessment of ideas of privacy and tolerance become imperative in order to fight discriminations that emanates from our binary thinking.

### **Flavia Agnes :**

Flavia in her lecture titled '**Triple Talaq - Gender Concerns and Minority Safeguards within a Communalised Polity: Can Conditional Nikahnama Offer a Solution**' critically examined the interplay

of gender, religion, state and judiciary by the case study of the recent debates about triple talaq in India. She explained that using of the trope of the triple talaq by a right-wing state and other groups have reinforced stereotypes about the Muslim community. She, in her invoking style, traced the trajectory of this entire debate and analyzed the various strands of the arguments presented before the Supreme Court. By placing legal developments against the political backdrop, she comprehensively addressed the interplay between gender, community and law in the present context with triple talaq as the focus. Her lecture explicitly brought out that dichotomy between flawed 'perceptions' around 'triple talaq' with an intention to criticize and persecute another minority and at the same time lack of efforts and activism to make Muslim women aware of their legal rights.

### **Harsh Mander:**

Harsh Mander in his stirring lecture on '**Democracy and the idea of Empathy in India**', raised some serious concerns that seem to be detrimental to the core ideas of democratic values in contemporary times. He narrated two acts of hate crimes in India and in US that emerged out of resentment against members of minority community. He made an appeal that as a citizens of modern day democracies, it is pertinent to reclaim preserve and cherish the values of empathy and fraternity as core values of any democratic framework that would bind the ideas of rights, obligations and empathy together. He pointed out that in present times of divisive forces, we should seek values and principles that unite us beyond all differences and diversities. The most integral and significant binding force, according to Mander is our constitution and the Preamble with its core principles of liberty, equality, justice and fraternity.

### **Mary John:**

Mary John's lecture on '**Politics and Subject of Representation**' by using the example of reservation of seats for women in parliament enriched the debates around class, caste, religion and gender interconnections. She critiqued the women's movements for not being alert to the sensitivities of these interconnections. She therefore argued for a nuanced and intersectional approach for women's inclusion in parliament structured through an understanding of the power relations mediated through class, caste and religion on gender. By drawing our attention to this discourse, John strived to raise concerns around intra-group inequalities and discrimination. In her lecture, she made a claim for the acceptance of the 'quota within quota' proposal for the same. Her main argument was that as much as one could advocate the need for women's reservation in the parliament, the challenge for feminists is to make this space as inclusive as possible and make sure the marginalized voices of dalit women, women from OBC and minority religions are not left out in the process.

### **N Sukumar :**

N. Sukumar pointed out the nature of discrimination faced by students of marginalized castes and communities in prestigious educational institutions and university campuses. He examined that while traditional discrimination against Dalits persists in the country, new institutional structures and mechanisms that evolved in the post-colonial period have also contributed to it. Ideas of stigma lead to the discounting of the worth of Dalits. He also elaborated with examples and through case studies how in the actual world of reservations insidious and strategic forms of discrimination are practiced against Dalits.

### **Silky Tyagi:**

Silky Tyagi in her paper '**The Justification of Rights-Holders and the Idea of Recognition/Respect in India**' questioned the idea of India being one of the largest Democracy provides constitutional and legal rights to its citizens of various identities and groups: ethnic, caste, religion, cultures and sub-ethnic communities. However, with wide range of rights and their existing justification we find that various right holders are not respected in terms of their moral recognition as part of an entity. This has led to large number of abuses of human rights occur as a consequence of a mind-set of 'superiority' and 'privilege'.

She positioned the above challenge by invoking Joseph H. Carens argument of social obligation or duty as a socialist ideal which is absent from contemporary liberal political theory and amidst all apprehensions, he considered this social duty as a necessary condition if all individuals are to enjoy equal freedom. He argued that it will not restrict freedom as it creates high level of production in an egalitarian society wherein they might freely choose to impose this duty on themselves as they freely choose to impose taxes on themselves to provide other collective goods. Secondly, as she pointed out what Iris Young (1990) and Nancy Fraser (1998) suggested that the society of equals should create conditions of mutual respect and thereby overcome hierarchical divisions. She asserted the idea of equality in terms of the kind of relations that got established, though, not denying the idea of distributing resources, well-being or capability but as a corollary to the ideals of the former.

### **Chetna Sharma**

Chetna Sharma's presentation was around the theme of '**Negotiating for Rights in Indian Democracy**'. She argued that the Indian state extended its network of power upon the communities by way of legally defining their place and imposing an institutional bulwark upon them. Position of a group determined by the state severely affect the scope for ownership of land, appointment in government services, entitlement to funds for development and power to elect representatives of their choice. Presence of different ethnic groups surface in form of suspicion among nativist because claim of one group is challenged by counter claim of other. In the process groups negotiate with what they have inherited that includes their location at

a defined place, its specific meanings, defined identity that determines place in society and policies of state. Her discussion made an attempt to probe what happens when different groups negotiate with state to stake their claims in context of territorial autonomous structures that reflect dominant group as the sole repository of political power.

### **Vaishali Narula**

Vaishali Narula in her lecture '**Democracy and the knowledge Societies: Discourse on higher education**' argued that human history has for long cherished the idea of liberty, equality and fraternity with the values of social justice, freedom and choice. For making of our beliefs and ideology into reality we established institutions. These institutions along with preserving the beliefs of democracy were to govern themselves with a set of norms as a way to help us realize our endeavours. The institutions of democracy have been governed by ethics, trust and norms. But as the role of the state transformed the old-hegemonous doctrines began to be challenged with a shift in the ideology and beliefs began to be examined in a more empirical manner. But as we moved towards empiricism we began to focus on the behaviour of political actors and political bodies and subsequently there was a shift towards individual choices and freedom. She argued that the functioning and the working of the institutions of higher education and the notion of accountability with quality cannot be straitjacketed in a uniform fold via external agencies for quality establishment or through parameters of quality. This need to be examined with respect to the nature of the institutions which determines their governance. There is a need to examine the shift from comprehensive to culmination outcomes and the ambivalence which surrounds responsiveness and responsibility in higher education.

### **Karunakar Patra :**

Karunakar Patra's talk on '**Quality of Representation**' began with an observation that the idea of representation in the political process has a historical significance. The modern democracies in the liberal world practiced the representative model of taking democratic decisions. Democratic practices require representation, what David Plotke calls it accurately 'representation is democracy'. Apart from the importance of representation for democracy, which almost has a wider agreement among political theorists, however there is a little agreement as to the quality of democratic representation. There are extensive literatures on the evaluation of democratic institutions and proper behavior of representatives, but theorists writing on representation have overlooked the possibility of substantive and distinctively democratic standards from distinguishing good representative institutions from bad ones. In the light of this context, he analyzed the quality of political representation. It would verify on basis of norms and values that a fair democratic institution should practice to produce fairness in the deliberative outcome of common wellbeing of the common masses.

## **Tamanna Khosla:**

Tamanna Khosla in her presentation ‘**Totalitarianism, surveillance and state of ‘Orwellianism’: The Need for individual rights and True Form of liberal Democracy**’ commented that the present state of world has become largely Orwellian democracy be it in west or west have been equally under threat. In 1984 Orwell described a totalitarian government that controlled thought by controlling language, making certain ideas literally unthinkable. Several words and phrases from 1984 have entered popular language. Newspeak is a simplified and obfusatory language designed to make independent thought impossible. Doublethink means holding two contradictory beliefs simultaneously. The Thought Police are those who suppress all dissenting opinion. Prolefeed is homogenized, manufactured superficial literature, film and music, used to control and indoctrinate the populace through docility. Big Brother is a supreme dictator who watches everyone. She analyzed the modern day democracies in this light especially in the context of Indian state.

## **Dr. Krishnamurari Mukherjee**

Mukherjee in his paper **The Politics and Ethics of Development: Revisiting Niyamgiri** examined two overarching but inter-related interrogations: firstly, how do we evaluate practices of development? Such an interrogation enables to throw light upon whether practices of development have vitiated the demands of justice or not, and if they have what are the fundamental reasons for the same. And secondly, in what ways can development be made into a fair enterprise?

With regard to the extant literature that has evaluated India’s development discourse two broad types of argumentation can be discerned. In the first place, conventional understanding of development seeks to appraise India’s enterprise of development in terms of macro-economic growth. Such an understanding essentially argues that a lack of high economic growth rate engenders development related injustices. The second set of argumentation is more multi-faceted in nature. Accordingly, they argued that development in India is unfair because it produces situations such as displacement; degradation of the natural environment; and unequal distribution of capability enhancing indices such as health, education and so on.

While both the abovementioned frames of reference have merits, they fail to unravel the root cause behind the rather unhappy picture of development in India. He examined the practices of development in India and their attempts to address the said lacuna. By wielding a reflective-analytical methodology upon a specific case of development practice in India (indigenous peoples’ engagement with development), that is, the case of Niyamgiri in Odisha it shall strive to establish the following thesis: the present paradigms of development in India fails to adhere to the diktats of justice because it misplaces the symptoms of unfairness for its causes.

### **Ekta Shaikh**

Ekta in her presentation '**Understanding social exclusion of Indian Muslims and promoting inclusive atmosphere for them through Deliberation**' pointed out that due to lack of deliberation within the population, there is a growth of stereotypical opinions, misconceptions, antagonism and dissonance among the different communities regarding each other leading to masked exclusion and victimization of Muslims. By encouraging deliberation within the population, misconceptions about Muslims can take a step back and foster inclusion. The paper explored the way Muslims are suffering exclusion, highlight advantages of deliberation, the way deliberation makes civil society dynamic and encourages marginalized sections of society to utilize their agency and exercise the right to participate in decision making processes in order to put forward their interests and deliberate upon the mutual interests.

### **Archana Rath :**

Archana Rath in her presentation '**Reframing Child-Rights in India**' raised concerns around child rights and constitutional provisions within the democratic framework in India. The Constitution of India and legislative mechanism of the Indian state reflect a significant component of the institutional set up of the state, for the purposes of this paper. However, within the legislative discourse, there seems to be a lack of clarity in the understanding of child rights. This ambiguity provides space for exertion of child agency, above and beyond the norms of the institutions. Prevailing norms prescribe child protection, but practice shows agency in an environment where the child is forced to take seemingly adult decisions regarding working and earning a living in a hostile environment, outside the education system. In doing so, they inadvertently perform the rights guaranteed to them by Article 3 and 12 of the United Nations Convention on the Rights of the Child 1989, that is best interests and participation respectively. However, in this scenario, their fullest potential is not fully realised due to an absence of enabling conditions. Possibilities are thus created for redefining the balance between the institutions of child protection and the children themselves, so that children are truly able to avail their rights in accordance with national and international laws. She insisted on the need of exploring legal rights with regard to children in India. It must be kept in mind that it is the paternalist state that creates norms and institutions. She argued for the interest theory of rights, along with an emphasis on the agency of the child within a paternalist framework of the state. Thus, she asserted that the rights discourse in India is being redefined by the children themselves through acts of agency, within hostile environments, partially supported by the law.

## **Seminar Report**

The national UGC-CAS SAP seminar 'Democracy and Rights Discourse in India: Norms , Institutions and Practices organized by the Department of Political Science, University of Delhi culminated with the support of Prof. Navnita Chadha Behera and Prof. Ashok Acharya at the Department. The organisers of the seminar included Prof Ashok Acharya, Department of Political Science, University of Delhi, Dr Bijayalaxmi Nanda, Associate Professor, Department of Political Science, Miiranda House, University of Delhi and Dr Nupur Ray, Assistant Professor, Department of Political Science, Kamala Nehru College.

The inaugural session of the Seminar started with a welcome address by Prof. Navnita Chadha Behera the Head of Department, Department of Political Science, University of Delhi. She put forth the context and the relevance of the theme that the seminar aimed to deliberate upon the next two days. She also pointed out the importance of collaborations between the Department at University and undergraduate colleges which culminated in this national seminar. She invited all the speakers and participants formally and wished the organizers for this two day program towards the end.

This was followed by sharing the background of the seminar by Dr. Bijayalaxmi Nanda and Dr. Nupur Ray. They informed the audience that the seminar has emerged out of an edited volume 'Discourse on Rights in India: Debates and Dilemmas' put together by both that engages with some critical debates and dilemmas around various issues in contemporary rights discourse in India. Most of the speakers of the seminar have contributed to the book and thus the thematic division and issues chosen are broadly based on the book. They also expressed their sincere thanks to Prof. Ashok Acharya whose support and encouragement was crucial to organizing this event.

The Inaugural session was chaired by Prof. Ashok Acharya. The session began with Prof. Achin Vanaik, Professor and Former Head of Department, Department of Political Science, University of Delhi. Lecture. He looked at the inextricable link between democracy and rights by examining the recent trends of populism and narrow nationalism. According to him, populism is a postulated duality between the people and the elites. He stressed on the need for the reconceptualization of democracy. He critiqued the notion of nationalism based on narrow political interests and pointed to the need of to retrieve nationalism as an enriched and nuanced understanding to interrogate populist conceptions.

This was followed by Prof. Thomas Pogge, Leitner Professor of Philosophy and International Affairs at Yale University. In his discussion he examined the notions of justice by delving upon the procedural and substantive notions of it. He looked into the origin of the rule of law and linked it with the instrumentality

of rights as the building blocks of the society. He stressed upon the importance and significance of human rights as a means to remove socio-economic inequalities. According to him, procedural justice cannot on its own deliver until rights are substantively available to all. He stressed on the inalienability of rights and democratic procedures and institutions. He strived to establish the availability of substantive rights as a precursor to democracy.

Prof Vidhu Verma of the Centre for Political Studies, Jawaharlal Nehru University in her lecture explicated the global feminist and transnational feminist approaches to the rights discourse. She explored the limitations of both and engaged with the democratic institutional processes and practices and the ground realities in order to have an effective understanding of the rights discourse. She argued that the understanding of discrimination against women evolves with insights, perspectives, and empirical information on their subordination by different legal, social and religious traditions. Any discourse on rights needed to incorporate this understanding. According to Verma, the 'justice gap' in the democracy and rights discourse could be addressed through the reform of legal institutions within the state, being informed by the capabilities perspective and strengthened by transnational feminism in the process. This would eventually mean reconstruction of the notions of dignity, autonomy, bodily integrity and sexuality of women that are embedded in their religious and cultural norms.

The inaugural session was followed by a session themed as '*Interrogating Democracy: Diversity and Intersectionality*' The speakers in this session were Prof. Krishna Menon and Prof. Anita Ghai of Gender Studies, Ambedkar University, Delhi.

Krishna Menon in her lecture raised the issue regarding the question of inclusion and exclusion within democracy. Menon emphasizes that the world of music in South India is a microcosm of the larger society by the fact that all sections do not have equal right to access, participate and perform this music. She linked this phenomenon to the larger context of caste-based discrimination in India. She argued for recognizing cultural liberty as an important domain for providing a foundation for inclusive equality. She further pushed her argument to establish that the access of citizens to socio-economic rights across all identities is significant in the realization of cultural rights and liberties.

Anita Ghai in her lecture drew attention to the debates and dilemmas around the caregivers of persons with disability and the need to deconstruct the rights discourse in this regard. She appealed for the inclusion of legislative provisions with focus on the intersections of gender, disability and caregiving. Owing to the socio-cultural milieu of the Indian society, most persons with disability, especially girls, get taken care by their mothers. The vulnerability of such caregivers due to their dependence on patriarchal benevolence is never considered within the disability rights discourse. The tension lies in the fact that the rights and entitlements of the caregiver, often the mother in Indian case, gets neglected due to focus on the person with disability. Her discussion highlighted the absence of a theoretical perspective as well as policy initiative that recognizes 'care' and caregivers as bearer of a certain set of rights and entitlements that could

enable them in their commitments in a democratic framework. She advocated for this space to be created within the rights discourse.

Post lunch session was a Roundtable session comprising of faculty and research scholars working on various aspects and dimensions around the broader theme of the seminar.

KK Subha, Assistant Professor, Department of Political Science, Miranda House in her discussion **Cultural Identity in a Liberal Democracy: The Telengana Experience** examined the nuances of regionalism in India, cultural identity and its implications for democracy and rights. She elaborated about the movement for statehood for Telengana, the local histories and the events and moments that led to the realization of statehood. She spoke about the normative framework available for identity rights in liberal societies and how Telengana is a good example of understanding cultural identity and their demands for recognition and respect. She argued on the importance of conceiving democracy in contestatory terms in order to identify avenues which extend the opportunities for citizens to hold governments to account. She also made an appeal for a rethinking of the entire State Reorganization Policy in India based on the issues and concerns raised by her.

Anita Tagore Assistant Professor, Department of Political Science, Kalindi College in her presentation **‘Law, Rights and Politics: Dilemmas and Responses’** looked into the context of constitutional rights that gets subverted in the process of judicial decision-making and adjudication. The main argument of her talk was located in understanding the judicial discourse on rights of women in the context of violence in intimate relationships. She discussed two issues that involve intimate relationships - domestic violence and marital rape- to substantiate the responsiveness of the state/court through its decisions. She further addressed the larger question of limits of procedural justice and substantive moral dilemmas that emerge in statutory interpretation by the courts within a democratic framework. She argued that the institutionalization of ‘otherness’ in production of counter-subjectivities in law reflects on the inconsistencies between constitutional morality and legal adjudication in the larger discourse of rights in India

Sanjeev Kumar, Assistant Professor, Department of Political Science, Zakir Hussain College in his discussion **‘Addressing Vulnerability: Challenges of Disaster Governance** in India raised an important concern that during the past 25 years there has been a growing realisation that the majority of disasters are not merely the outcome of interactions between humans and the technological and environmental systems. The realisation of the fact that disasters are also the result of interactions among humans themselves, has led to the shift in the understanding of disaster away from the hazard-causing agent to the complex of social, cultural, political and economic factors that produce different levels of *risk/vulnerability* for

different people across time and space. In the course of actual disasters, these *vulnerabilities* play themselves out in the lives' of people who attempt to cope and to recover their losses. In the field of disaster research *vulnerabilities* is addressed as a key challenge of *disaster governance* and considerable shift is noticeable in attempts at understanding the issue of disaster as a social phenomenon. India has also recently evolved a comprehensive legal and institutional framework for disaster management through the (Disaster Management Act 2005) and the National Policy on Disaster Management (NPDM 2009). He argued to mainstream disaster management into the developmental planning process.

Despite its holistic visions he argued that the current framework of disaster management in India continue to remain instrumental and technical. A sustainable policy framework for addressing exclusion and marginalization of the vulnerable is missed out largely in the technocratic managerial interventions of the state in most cases of disasters including the Gujarat earthquake (which set the tone for a larger disaster management agenda for the country) and often is claimed as a successful model of disaster intervention to be replicated in other places. The presentation brought the paradox of post -disaster recovery to the forefront by citing case studies from the rural reconstruction in Bhuj and by explaining the urban planning model initiated in Bhuj town which has introduced new forms of vulnerability.

Simple Mohanty, Assistant Professor, Department of Political Science, Bhagat Singh College in her presentation titled '**Dilemma in Kashmir: A Human Rights Perspective**' took up the much discussed Kashmir issue and examined the debates and dilemmas related to people's participation and securitization of the region. She deconstructed the Kashmir imbroglio from the prism of the rights discourse in the Valley, counterpoising it with the state-security-nationalistic discourse predominant in Jammu. She also looked at the dilemmas in terms of the ideological chasm between Jammu and Kashmir and reconciliation with the seemingly competing and conflicting rights of all other stakeholders including Kashmiri Pandits, Ladakhi and Buddhists. She made a case for a human rights approach in order to get a middle ground between the two keeping in mind the multiple areas of deprivation and disadvantage that exist in the region.

Skylab Sahu, Assistant Professor, Department of Political Science, Miranda House in her discussion on '**The Trajectories of Work, Sexuality and Citizenship: Rights of Transgender in India**' Critiqued the Indian state and its approach to rights of sexual minorities in India. She pointed out that despite India's landmark "third gender" judgment earlier this year, human rights remain difficult for many sexual minorities. The Court ruling has been widely welcomed as a progressive step. However, the legal situation is not straightforward for this group and other sexual minorities. Although self-determination of gender identity and sexual orientation have been included in the category of basic human rights, same-sex sexual relations by consenting adults remains a criminal act. Additionally, some sexual minorities feel that the Supreme Court verdict will benefit only traditional trans-feminine communities. The ruling, however, is being interpreted differently by sexual minorities other than *hijras* and by other courts. This is because of

explicit mention in the Supreme Court judgment that while all persons irrespective of their gender identity are equal in the eyes of the law, specific rights and entitlements granted by the court apply only to male-to-female transgenders or *hijras*. These are some of the questions and concerns raised by her as she analysed discrimination towards sexual minorities in India, from the perspective of existing laws. With the Supreme Court's Constitution bench set to examine afresh the challenge to Section 377 IPC, the presentation argued that reassessment of ideas of privacy and tolerance become imperative in order to fight discriminations, that emanates from our binary thinking.

The issues and propositions raised by the speakers during the round table session were addressed by the expert advisers Flavia Agnes, a renowned feminist legal activist and Director of Majlis, . Mumbai She suggested that in most of these papers, speakers needed to engage with issues at a deeper level and reexamine the same issues in the new light of emerging perspectives.

The second day of the seminar started with a session on '***Democracy, State and Laws: Questions and Challenges I***'. The speaker in this session was Flavia Agnes, and the session was chaired by Harsh Mander, renowned social activist and Director of Centre for Equity Studies, Delhi.

Flavia in her lecture titled '**Triple Talaq - Gender Concerns and Minority Safeguards within a Communalised Polity: Can Conditional Nikahnama Offer a Solution**' critically examined the interplay of gender, religion, state and judiciary by the case study of the recent debates about triple talaq in India. She explained that using of the trope of the triple talaq by a right-wing state and other groups have reinforced stereotypes about the Muslim community. She, in her invoking style, traced the trajectory of this entire debate and analyzed the various strands of the arguments presented before the Supreme Court. By placing legal developments against the political backdrop, she comprehensively addressed the interplay between gender, community and law in the present context with triple talaq as the focus. Her lecture explicitly brought out that dichotomy between flawed 'perceptions' around 'triple talaq' with an intention to criticize and persecute another minority and at the same time lack of efforts and activism to make Muslim women aware of their legal rights.

This questions and issues raised in the session were carried forward in the next session around the same broader theme of '***Democracy, State and Laws: Questions and Challenges II***'. The speaker in this session was Harsh Mander,. The session was chaired by Flavia Agnes.

Harsh Mander in his stirring lecture on '**Democracy and the idea of Empathy in India**', raised some serious concerns that seem to be detrimental to the core ideas of democratic values in contemporary times. He narrated two acts of hate crimes in India and in US that emerged out of resentment against members of minority community. He made an appeal that as a citizens of modern day democracies, it is pertinent to reclaim preserve and cherish the values of empathy and fraternity as core values of any democratic

framework that would bind the ideas of rights, obligations and empathy together. He pointed out that in present times of divisive forces, we should seek values and principles that unite us beyond all differences and diversities. The most integral and significant binding force, according to Mander is our constitution and the Preamble with its core principles of liberty, equality, justice and fraternity.

In the post lunch session on **Affirmative Action, Community Rights and State: Challenges and Contestations**, Mary John, a renowned feminist scholar and Senior Fellow, Centre for Women's Development Studies, Delhi spoke on 'Politics and Subject of Representation'. Mary John by using the example of reservation of seats for women in parliament enriched the debates around class, caste, religion and gender interconnections. She critiqued the women's movements for not being alert to the sensitivities of these interconnections. She therefore argued for a nuanced and intersectional approach for women's inclusion in parliament structured through an understanding of the power relations mediated through class, caste and religion on gender. By drawing our attention to this discourse, John strived to raise concerns around intra-group inequalities and discrimination. In her lecture, she made a claim for the acceptance of the 'quota within quota' proposal for the same. Her main argument was that as much as one could advocate the need for women's reservation in the parliament, the challenge for feminists is to make this space as inclusive as possible and make sure the marginalized voices of dalit women, women from OBC and minority religions are not left out in the process.

The second speaker in this session was N Sukumar, **Caste Discrimination and Educational Institutions** an accomplished dalit scholar and Professor in the Department of Political Science. He pointed out the nature of discrimination faced by students of marginalized castes and communities in prestigious educational institutions and university campuses. He examined that while traditional discrimination against Dalits persists in the country, new institutional structures and mechanisms that evolved in the post-colonial period have also contributed to it. Ideas of stigma lead to the discounting of the worth of Dalits. He also elaborated with examples and through case studies how in the actual world of reservations insidious and strategic forms of discrimination are practiced against Dalits.

The post-lunch session was a second course of roundtable discussion on **Democracy and Rights Discourse in India: Emerging Trends and Perspectives II**. This round of discussions was chaired by Prof. Ashok Acharya and Dr. Bijayalaxmi Nanda.

The first presentation by Silky Tyagi, Assistant Professor, Department of Political Science, 'The Justification of Rights-Holders and the Idea of Recognition/Respect in India' questioned the idea of India being one of the largest Democracy provides constitutional and legal rights to its citizens of various identities and groups: ethnic, caste, religion, cultures and sub-ethnic communities. However, with wide range of rights and their existing justification we find that various right holders are not

respected in terms of their moral recognition as part of an entity. This has led to large number of abuses of human rights occur as a consequence of a mind-set of 'superiority' and 'privilege'.

She positioned the above challenge by invoking Joseph H. Carens argument of social obligation or duty as a socialist ideal which is absent from contemporary liberal political theory and amidst all apprehensions, he considered this social duty as a necessary condition if all individuals are to enjoy equal freedom. He argued that it will not restrict freedom as it creates high level of production in an egalitarian society wherein they might freely choose to impose this duty on themselves as they freely choose to impose taxes on themselves to provide other collective goods. Secondly, as she pointed out what Iris Young (1990) and Nancy Fraser (1998) suggested that the society of equals should create conditions of mutual respect and thereby overcome hierarchical divisions. She asserted the idea of equality in terms of the kind of relations that got established, though, not denying the idea of distributing resources, well-being or capability but as a corollary to the ideals of the former.

Dr. Chetna Sharma, Assistant Professor, Department of Political Science, Kamala Nehru College, presentation was around the theme of '**Negotiating for Rights in Indian Democracy**'. She argued that the Indian state extended its network of power upon the communities by way of legally defining their place and imposing an institutional bulwark upon them. Position of a group determined by the state severely affect the scope for ownership of land, appointment in government services, entitlement to funds for development and power to elect representatives of their choice. Presence of different ethnic groups surface in form of suspicion among nativist because claim of one group is challenged by counter claim of other. In the process groups negotiate with what they have inherited that includes their location at a defined place, its specific meanings, defined identity that determines place in society and policies of state. Her discussion made an attempt to probe what happens when different groups negotiate with state to stake their claims in context of territorial autonomous structures that reflect dominant group as the sole repository of political power.

Vaishali Narula Assistant Professor, Department of Political Science, Kamala Nehru College in her presentation '**Democracy and the knowledge societies : Discourse on higher education**' argued that human history has for long cherished the idea of liberty, equality and fraternity with the values of social justice, freedom and choice. For making of our beliefs and ideology into reality we established institutions. These institutions along with preserving the beliefs of democracy were to govern themselves with a set of norms as a way to help us realize our endeavours. The institutions of democracy have been governed by ethics, trust and norms. But as the role of the state transformed the old- hegemonous doctrines began to be challenged with a shift in the ideology and beliefs began to be examined in a more empirical manner. But as we moved towards empiricism we began to focus on the behaviour of political actors and political bodies and subsequently there was a shift towards individual choices and freedom. She argued that the functioning and the working of the institutions of higher education and the notion of accountability with

quality cannot be straitjacketed in a uniform fold via external agencies for quality establishment or through parameters of quality. This need to be examined with respect to the nature of the institutions which determines their governance. There is a need to examine the shift from comprehensive to culmination outcomes and the ambivalence which surrounds responsiveness and responsibility in higher education.

This was followed by Karunakar Patra, Associate Professor, Department of Political Science, Dyal Singh College. His talk on '**Quality of Representation**' started with an observation that the idea of representation in the political process has a historical significance. The modern democracies in the liberal world practiced the representative model of taking democratic decisions. Democratic practices require representation, what David Plotke calls it accurately 'representation is democracy'. Apart from the importance of representation for democracy, which almost has a wider agreement among political theorists, however there is a little agreement as to the quality of democratic representation. There are extensive literatures on the evaluation of democratic institutions and proper behavior of representatives, but theorists writing on representation have overlooked the possibility of substantive and distinctively democratic standards from distinguishing good representative institutions from bad ones. In the light of this context, he analyzed the quality of political representation. It would verify on basis of norms and values that a fair democratic institution should practice to produce fairness in the deliberative outcome of common wellbeing of the common masses.

Tamanna Khosla, Research Scholar, Department of Political Science in her presentation '**Totalitarianism, surveillance and state of 'Orwellianism': The Need for individual rights and True Form of liberal Democracy**' commented that the present state of world has become largely Orwellian democracy be it in west or west have been equally under threat. In 1984 Orwell described a totalitarian government that controlled thought by controlling language, making certain ideas literally unthinkable. Several words and phrases from 1984 have entered popular language. [Newspeak](#) is a simplified and obfuscatory language designed to make independent thought impossible. [Doublethink](#) means holding two contradictory beliefs simultaneously. The [Thought Police](#) are those who suppress all dissenting opinion. [Prolefeed](#) is homogenized, manufactured superficial literature, film and music, used to control and indoctrinate the populace through docility. [Big Brother](#) is a supreme dictator who watches everyone. She analyzed the modern day democracies in this light especially in the context of Indian state.

Dr. Krishnamurari Mukherjee, Research Scholar, Department of Political Science in his paper '**The Politics and Ethics of Development: Revisiting Niyamgiri**' examined two overarching but inter-related interrogations: firstly, how do we evaluate practices of development? Such an interrogation enables to throw light upon whether practices of development have vitiated the demands of justice or not, and if they have what are the fundamental reasons for the same. And secondly, in what ways can development be made into a fair enterprise?

With regard to the extant literature that has evaluated India's development discourse two broad types of argumentation can be discerned. In the first place, conventional understanding of development seeks to appraise India's enterprise of development in terms of macro-economic growth. Such an understanding essentially argues that a lack of high economic growth rate engenders development related injustices. The second set of argumentation is more multi-faceted in nature. Accordingly, they argued that development in India is unfair because it produces situations such as displacement; degradation of the natural environment; and unequal distribution of capability enhancing indices such as health, education and so on.

While both the abovementioned frames of reference have merits, they fail to unravel the root cause behind the rather unhappy picture of development in India. He examined the practices of development in India and their attempts to address the said lacuna. By wielding a reflective-analytical methodology upon a specific case of development practice in India (indigenous peoples' engagement with development), that is, the case of Niyamgiri in Odisha it shall strive to establish the following thesis: the present paradigms of development in India fails to adhere to the diktats of justice because it misplaces the symptoms of unfairness for its causes.

Ekta Shaikh, Research Scholar, Department of Political Science in her presentation '**Understanding social exclusion of Indian Muslims and promoting inclusive atmosphere for them through Deliberation**' pointed out that due to lack of deliberation within the population, there is a growth of stereotypical opinions, misconceptions, antagonism and dissonance among the different communities regarding each other leading to masked exclusion and victimization of Muslims. By encouraging deliberation within the population, misconceptions about Muslims can take a step back and foster inclusion. The paper explored the way Muslims are suffering exclusion, highlight advantages of deliberation, the way deliberation makes civil society dynamic and encourages marginalized sections of society to utilize their agency and exercise the right to participate in decision-making processes in order to put forward their interests and deliberate upon the mutual interests.

Archana Rath, Research Scholar, Department of Political Science in her presentation '**Reframing Child-Rights in India**' raised concerns around child rights and constitutional provisions within the democratic framework in India. The Constitution of India and legislative mechanism of the Indian state reflect a significant component of the institutional set up of the state, for the purposes of this paper. However, within the legislative discourse, there seems to be a lack of clarity in the understanding of child rights. This ambiguity provides space for exertion of child agency, above and beyond the norms of the institutions. Prevailing norms prescribe child protection, but practice shows agency in an environment where the child is forced to take seemingly adult decisions regarding working and earning a living in a hostile environment, outside the education system. In doing so, they inadvertently perform the rights guaranteed to them by Article 3 and 12 of the United Nations Convention on the Rights of the Child 1989, that is best interests and participation respectively. However, in this scenario, their fullest potential is not fully realised due to

an absence of enabling conditions. Possibilities are thus created for redefining the balance between the institutions of child protection and the children themselves, so that children are truly able to avail their rights in accordance with national and international laws. She insisted on the need of exploring legal rights with regard to children in India. It must be kept in mind that it is the paternalist state that creates norms and institutions. She argued for the interest theory of rights, along with an emphasis on the agency of the child within a paternalist framework of the state. Thus, she asserted that the rights discourse in India is being redefined by the children themselves through acts of agency, within hostile environments, partially supported by the law.

Prof. Acharya in his response to the papers focussed on the need for researchers to move out of their 'comfort zone' and engage with emerging concepts and to re-examine the issues and concerns raised by them. Dr. Nanda, cautioned the scholars of using blanket categories and overstated presumptions, thus delving upon issues at a deeper level in term of both theory and connecting it to experiences.

Dr. Nupur Ray offered the formal Vote of thanks and expressed her gratitude towards Dr. Navnita Behera and Prof. Ashok Acharya without whom the seminar would not have been possible. She also thanked all the speakers and participants for their enthusiastic participation.