

Report on Panel Discussion

‘Revisiting the Social Contract: Imperatives for the Future’



IAS Officers Association, 01, Infantry Rd, Shivaji Nagar,
Bengaluru, Karnataka 560001

Friday, August 12, 2022

4.00 to 6.30 p.m.

Email: pec@pacindia.org

Call: (+91 80) 27839918/ 19/ 20

Website: www.pacindia.org



PUBLIC AFFAIRS CENTRE
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Background

Public Affairs Centre (PAC) is a not for profit Think Tank based in Bengaluru. Over the years, its scope of work has expanded to include the whole gamut of research-advocacy-action to lead evidence-based research on governance across sectors, geographies and populations in India.

PAC organised a panel discussion to celebrate and bring in India's 75 years of Independence. The Panel discussion marked the beginning of a series of activities that PAC will be focussing in the coming year.

Introduction



Archana Muthappa, Board Member, PAC, welcomed the panellists and guests. She also introduced the distinguished panel (Annexure 1) and provided a brief description of the work done by PAC. She underlined that since India has completed 75 years as an Independent country it is essential to look back at these goals and discuss how as a country, we have navigated through them and revisited the social contract theory, which is an imperative part of maintaining the sanctity of the country.



Dr. A. Ravindra (Moderator), Chairman, PAC emphasised on the historical context of the social contract as a concept that dates back to the 16th and 17th Century. He said moral and political philosophers like Thomas Hobbes, Jean Jacques Rousseau and John Locke extensively debated the social contract theory, analysing the relationship and contract between society and the government. Dr. Ravindra mentioned Thomas Hobbes stated a man is short, brutish and nasty. He underlined that it was also reflective of the time and context from which Hobbes' ideology was influenced, a time which revealed the barbaric and blood-shedding nature of wars and civil wars. Dr. Ravindra also mentioned John Locke's philosophy and said he spoke about the partial surrender of individual rights to the State, and if the State fails to keep up with society, the social contract can be withdrawn. Further, Dr. Ravindra underlined that Locke rendered the world with ideas related to the right to liberty and property. On Jean Jacques Rousseau theory, Dr. Ravindra said he propounded the idea of the general will of the people. He mentioned, *"Rousseau argued that freedom and authority are not contradictory, since legitimate laws are founded on the general will of the citizens."*

Dr. Ravindra connected these philosophies to post-Independence India. He spoke about the time when Jawaharlal Nehru announced the Independence to the citizens of India at the stroke of midnight on August 1, 1947. He underlined that the social contract between the citizens of India and the State is rendered by the Constitution, which we, the people of India, gave ourselves. "It is a contract through the Constitution that the State would work towards providing justice, liberty, and fraternity," he said. Dr. Ravindra added that a lot has been achieved in the completion of 72 years of the Constitution yet a lot needs to be achieved. He emphasised on abject poverty, malnourishment and poor education pervasive in the context of our country.

"Before the Constitution, the word governance appeared in the Objective Resolution Document. It is mentioned in the Directive Principles of State Policy as a guideline for better and more efficient governance."



Shri. V. Sudhish Pai, Senior Advocate addressed the panellists and audience and thanked Dr. Ravindra for setting the context for the panel discussion. He spoke on social contract and stated that the Indian Constitution is also a social contract which the people of the country gave to ourselves. He comprehensively discussed Jawaharlal Nehru's objectives and underlined that they acted as the base for the Constitution. Shri. Pai further talked about the Constitution's history and evolution, explaining that the average lifespan of a Constitution is said to be 19 years, and very few Constitutions survive beyond 50 years, so we should be proud that we have survived, not just survived we have worked efficiently as a country for 72 years.

"The Constitution of India is one of the finest creations of human ingenuity. It draws out the best from the past, provides a considered response for the needs of the present, and is resilient to cope with the demands of the future."

Further, he dived into the history of Constitution making and the vitality of amendments for its survival. He then discussed the defining aspects of the Constitution, including justice, liberty, equality, and fraternity. Emphasising on "fraternity" he explained that the need for fraternity is even more vital today, considering the current scenario in the country. Shri. Pai pointed out that as India is a diverse and varied country, those diversities are never to be forgotten for unity. He also said the uniqueness of our country can be given to the diversity of our earlier civilisations. According to him, only respecting and understanding our diversity will help us maintain our nation-state. Further, he mentioned justice and the vitality of freedom of speech in a Nation-State is essential for its survival.

Shri. Pai emphasised that democracy is not just about the majority and consensus of most (people) but it works in such a manner that you develop a consensus as a spirit of accommodation and tolerance of each other's

points of view. Additionally, he spoke on the Parliament, Executive, Legislature and Judiciary. He underlined that all these offices should work together to improve the country as no office is as important as the citizens. Shri. Pai concluded by saying that the courts should play an integral role and we must get over our obsession that every problem should have a legal solution; civic societies should also have their role.



Shri M.R. Sreenivasa Murthy, IAS (Retd.), Chief Executive, MS Ramaiah University of Applied Sciences (MSRUAS) spoke on class and caste. He mentioned Hobbes and Rousseau and how society arrived at a consensus via contract and Constitution. Shri. Murthy discussed the ever-changing nature of Constitutional justice and how justice today (gender equality) may not have been considered justice a few years back. He mentioned the amendments made to the Constitution to make it more just and inclusive throughout the years and since independence. He added that the ever-changing nature of our Constitution has resulted in its survival as it has accommodated social consensus.

Shri. Murthy said a rigid Constitution does not entertain the changing nature of the society and cannot sustain itself. The problems and needs of the society must be inculcated into the Constitution, he added and it should be evolved accordingly. He drew attention to the important subject of the independence of the Judiciary.

"How independent is the Supreme Court today? Is it working? That is sad. Equality is one of the noble ideas. We have done better in terms of social equality. However, what about economic equality? The average per capita income in agriculture is less than one-tenth of non-agriculture."

Shri. Murthy also mentioned that the political discourse has also changed and politicians use derogatory language rather than having good arguments and mutual respect. He underlined that they (politicians) also undermine the independence of the Election Commission and the Supreme Court of India. Shri. Murthy added that the freedom of the Court's working is questioned and appeasing of the Executives is done in the Court. Further, he discussed the inequalities in organised and unorganised sectors, adding, "Top 1% of the Indian rich earn 22% of the total income in the country." Shri. Murthy said this will result in unrest in the future, and underlined that widening inequalities are a threat and a concern. He said no social contract sustains such income inequalities.

In the end, Shri Murthy spoke on religious divides. He said despite equal rights given to everyone in society, people want to reopen the past and disturb the existing consensus.

"We as a country cannot be bogged down by issues such as love-jihad. It is sad that issues such as the hijab take precedence over other important topics like income inequality and poverty, which should be the prime topic of our concern. He opined that people want to achieve a better standard of living, good education, infrastructure, etc., but issues like the hijab overshadow major societal sentiments."



Anita Gurumurthy, Executive Director and Senior Fellow, IT for Change drew an analogy and mentioned society is similar to dahi handi – celebrated in Maharashtra during Janmashtami – where in order to reach the earthen pot filled with curd (Dahi) which is hung at a considerable height, one needs to form a particular pyramid structure where the older members/mature members form the base of the pyramid providing foundational stability to the rest of the structure. She mentioned that as the younger ones concentrate towards the top the one who reaches the handi is the youngest one

facilitated and grounded by the older ones. Gurumurthy underlined that the society too can be viewed in a similar lens, the older and the mature ones foundationally holding the stability of the society and the younger ones using it as a stable stairway to reach towards the goal.

Gurumurthy made an interesting and thought intriguing point on how Digital and Artificial Intelligence in governance is aligned with the ideas of Dr Babsaheb Ambedkar. In this era of exponential development of digital and social media, it has become a medium and a space for a wide range of vulnerable individuals and communities such as Dalits, Queer, Transgender, Persons with Disabilities etc. she said. Gurumurthy mentioned that it is a space which can provide the space for freedom of speech and expression which has been denied to the vulnerable groups in the history of India. As Babasaheb talked on the eradication of discrimination against Dalits, Dalit women (vulnerable of the vulnerable) and women through equal distribution of resources and access to these resources, these ideas resonate with the spaces provided to these communities, for them to be seen and heard, she said, "In today's time India is lagging in social status attached with gender gap and treatment towards minority communities, so it becomes crucial to mainstream these spaces and secure the social and digital media for the vulnerable community and rendering them equal access to the data information as that is the new resource for empowering the oppressed communities and breaking the power dynamics which has been dominating in the society from centuries." She also said justice as a concept cannot be viewed in silos, it is the infinite power of liberty, equality and fraternity which renders justice to the country. She also elicited that as the Constitution is for us, we too are for the constitution. The vision and mission of the Constitution laid down by prominent leaders like Babasaheb needs to be preserved and worked on.

"Ambedkar was a feminist. He believed that an individual is a means and not an end in itself. He believed in a sophisticated theory of economic governance."

"The Constitution is for us, no doubt. But we, too, are for the Constitution."





Pranay Kotasthane, Deputy Director, The Takshashila Institution, Bengaluru spoke about five imperatives - the imperative of societism, parsimony, strengthening the republic, economic growth and hope and reassurance. He briefly explained each imperative and the vitality of each one. He emphasised the need to bring a change in society through civil society initiatives, social movements and philanthropy. He suggested that society itself can be a change-maker.

Kotasthane discussed the imperative of societism. He said society could be a changemaker through civil society initiatives, philanthropy and other agents. He added that society needs to solve its own problems instead of waiting for the State to change them since most of the failures come from societal failures so relying on the State for a solution is not a feasible option. Kotasthane further said coming together as a society and bridging the gaps between people will aid change. Then he spoke on the imperative of parsimony.

"The paradox of the Indian state is it is too big yet too small. The State is doing so many things with so little. We only need to hold the state accountable for things like Law and Order, Health and Education."

Kotasthane explained the third imperative of the republic and stated how being a republic is as important as being democratic. Further discussing how democracy is the rule of people and the majority, he provided the example of Greece and Socrates. He pointed out that the Republic in India has weakened and we need to get together and strengthen the Republic, which would be possible by protecting everyone's rights, irrespective of the majority and limiting the power. Kotasthane also spoke on national development, which has three major components - responsive, state capable administration and most importantly economic growth. He added that generally a poor country focuses on eradicating poverty unless we must concentrate on our growth; economic growth itself will result in poverty eradication from the country.

Kotasthane added that the last imperative of hope and reassurance which, he added, is important because there's a lot of uncertainty, whether it's in the global order or what's generally happening within India. He added that uncertainty breeds anxiety, that anxiety breeds distrust and that distrust often breeds defeatism. *"So, we must ensure that there is reassurance in this world where there is so much uncertainty, right? If there is defeatism, nothing can change. There are a lot of problems, but through communicating hope and reassurance, we are sure we can make changes. So when we propagate hope and reassurance the world can be at peace and progress,"* he said.

Questions from Audience

1 Should there be any rules pertaining to the role of a Speaker in an Assembly with respect to defection (change of allegiance of political members) in contemporary times?

Panellists: When it comes to anti defection laws, if we consider a convention or rules, who would make these rules? It is imperative that the Speaker must be non-partisan, this was also 20 years ago.

2 Is there a requirement of certain rules or laws on the conduct of Parliament, some sort of restrictions to keep a check on their conduct?

Panellists: Parliament is not supposed to be dead as it is the nature of Parliament to be boisterous and tumultuous. At the same time, it is essential for it to not to be disruptive. It is a place to have open and bold discussion on matters which are of nations' needs and it is alright for such an important place to see people being critical of each other, no government should be immune to the Opposition, it is important for democracy to survive. So at the end, the panel pointed out that mutual respect is a very underrated concept in today's culture of Parliament, characters, individual and collective needs to rise again.

3 What do you have to say about women regarding technological policies?

Panellists: The importance of policies which are relevant for the upliftment of women need to be examined and the understanding of the social status of women needs to be analysed with better and equipped lens as many of the women who are well educated and qualified still don't have the opportunity or accessibility to work and make themselves financially and economically independent. It is very imperative to work on social care and infrastructural development with the lens of equity between gender gaps. When it comes to the policy implementation it becomes tricky as a majority of people follow the rule by law instead of rule of law. It is also observed that the silence of majority against the act of discrimination and oppression weighs much more than the act of it.

4 What do you have to say about the problems related to implementation of well-thought policies in India?

Panellists: Most of the time, there is no mechanism for keeping a feedback loop. Thus, a lot of policies get revamped. The implementation issues are also, at times, coupled with many policy issues in themselves. Though the feedback loop has been an issue, we are trying to bring more stakeholders into the ambit of policy-related analysis and consultations. Thus, new committees and suggestions from these committees are very much crucial for better formulation as well as the implementation of these policies.



Closing Statement

Dr. A. Ravindra conveyed his gratitude for the success of an enriching panel discussion on such an imperative topic at the approach of the 75th Independence Day of the country. In the closing speech, Dr. Ravindra went back to the origins and features of social contract embedded in the ancient history of India, and he talked about the concept of dharma which is hard to translate to its truest potential when it comes to the duty of the king in delivering socio-economic and political justice to its kingdom. He also explained the idea of Agni Purana which stated how a ruler should ensure that a person who committed a crime should be punished and the innocent should be saved; at the same time instances from Ramayana shows the characteristics of social contract theory like Ram instructing his brother Bharata on how to be a good ruler and the art of a state as mentioned in the Arthashastra.

In the end, Dr. Meena Nair, Head of Research, PAC presented the Panellists with a token of appreciation and expressed her gratitude for an imperative, thought-provoking and enriching panel discussion by the experts and wished them and the audience 75 years of Independence in advance.



Annexure

Annexure 1: Thumbnail Sketches of Panellists

Dr. A. Ravindra (Moderator), Chairman, PAC and Former Chief Secretary, Government of Karnataka and Chairman, Centre for Sustainable Development - Dr. Ravindra joined the Indian Administrative Service in 1965 and served in various capacities in government such as Deputy Commissioner, Secretary to Government, Commissioner, Commercial Taxes, Managing Director, Karnataka Power Corporation, Chairman & Managing Director, Industrial & Investment Development Corporation, Commissioner-Bangalore City Corporation (BBMP), and Chairman, BDA, before retiring as Chief Secretary to the Government of Karnataka at the end of 2002. He holds a Ph.D. in Development Studies and specialises in the urban sector.

Shri. V Sudhish Pai, Distinguished Lawyer, Jurist and Acclaimed Author - His contribution to academics, particularly in critical constitutional analysis, has been substantial and significant. He was a Visiting Chair Professor, Asutosh Mookerjee Chair in WBNUJS (The West Bengal National University of Juridical Sciences), Kolkata and is a resource person at the National Judicial Academy, Bhopal for continuing legal education for judges. He is a contributor to the Restatement of Indian Law on Legislative Privileges, a project of the Supreme Court. A renowned author, whose writings have been quoted at the Supreme Court and High Courts. His writings have included checks and balances to the rule of law and constitutional adjudication to the law of writs. Due to his academic profoundness, he is often referred to as a legal philosopher and is mainly responsible for the part played by reason and theory in the law.

Shri. M.R.Sreenivasa Murthy, IAS (Retd.), Chief Executive, MS Ramaiah University of Applied Sciences (MSRUAS) - He was the Chairman of the 6th State Pay Commission of Karnataka. He has served in the Power sector as the Chairman of the Karnataka Electricity Regulatory Commission. Shri. Murthy has held various important positions in the Government of Karnataka and the Central Government, including, Additional Chief Secretary –Finance Department and Principal Secretary –Rural Development Government of Karnataka; Commissioner – Bangalore City Corporation; Principal Secretary –Election Commission of India and Controller –ISRO Satellite Centre, Department of Space, Government of India. Shri. Murthy has Master of Arts degrees in Political Science, Economics, and Rural Development (Planning).

Anita Gurumurthy, Executive Director and Senior Fellow, IT for Change - She leads research on the platform of economy, data and AI governance, democracy in the digital age, and feminist frameworks on digital justice. She actively engages in national and international digital rights advocacy and regularly contributes to academic and media spaces. She serves as an advisor and expert on various bodies including the United Nations Secretary-General's 10-Member Group in support of the Technology Facilitation Mechanism, the Paris Peace Forum's working group on algorithmic governance, and Save the Children's ICT4D Brain Trust and Minderoo Tech & Policy Lab's Board.

Pranay Kotasthane, Deputy Director, The Takshashila Institution. He currently chairs Takshashila's high-tech geopolitics programme. Kotasthane teaches Public Policy, International Relations, and Public Finance at Takshashila's Graduate and Postgraduate-level programmes. His current research focus is semiconductor geopolitics and policy. Mr. Pranay co-writes Anticipating the Unintended, a public policy idea and framework newsletter, and co-hosts Puliyaabaazi, a popular Hindi-Urdu podcast on politics, policy, and technology. He has co-edited India's Marathon: Reshaping the Post-Pandemic World Order. Before joining Takshashila, he had stints with two Fortune 500 companies working on integrated circuit design for mobile processors.



Annexure 2: Agenda



Revisiting the Social Contract-Imperatives for the Future

Panel discussion on the Constitution of India as it impacts our future

Friday, August 12, 2022
4.00 to 6.00 p.m.

Venue: IAS Officers Association, 01, Infantry Rd, Shivaji Nagar, Bengaluru, Karnataka 560001

AGENDA

Time	Description	Name
4.00-4.30 p.m.	Registration & High Tea	
4.30-4.35 p.m.	Welcome	Archana Muthappa, Board Member, PAC
4.35-4.45 p.m.	Setting the context, Introducing Panelists and Chairperson	Dr. A. Ravindra, Chairman, Public Affairs Centre, Bengaluru
4.45-4.55 p.m.	Panelist 1	Shri. V Sudhish Pai, Senior Advocate,
4.55-5.05 p.m.	Panelist 2	Shri. M.R. Sreenivasa Murthy, IAS (Retd.), Chief Executive, MS Ramaiah Advanced Learning Center
5.05-5.15 p.m.	Panelist 3	Anita Gurumurthy Executive Director, IT for Change
5.15-5.25 p.m.	Panelist 4	Pranay Kotasthane, Deputy Director Takshashila Institution, Bengaluru
5.25-5.30 p.m.	Comments from Chairperson	Dr. A. Ravindra,
5.30-5.40 p.m.	Q & A	Facilitated by Dr. A. Ravindra,
10 minutes	Final 'thoughts' from all Panelists	
	Vote of Thanks	Dr. Meena Nair, Head-Research, PAC

RSVP latest by Wednesday, August 10, 2022

Email: pec@pacindia.org

or

Call: (+91 80) 27839918/ 19/ 20

Annexure 3: Poster



Revisiting the Social Contract-Imperatives for the Future

Panel discussion on the Constitution of India as it impacts our future

Friday, August 12, 2022

4.00 to 6.30 p.m.

Venue: IAS Officers Association, 01, Infantry Rd, Shivaji Nagar, Bengaluru, Karnataka 560001

Welcome Address



Archana Muthappa
Board Member,
Public Affairs Centre,
Bengaluru

Chairperson & Facilitator



Dr. A. Ravindra
Chairman,
Public Affairs Centre,
Bengaluru

Vote of Thanks



Dr. Meena Nair
Head-Research,
Public Affairs Centre,
Bengaluru

Panelists



Shri. V Sudhish Pai
Senior Advocate



Shri. M.R. Sreenivasa Murthy
IAS (Retd.), Chief Executive,
MS Ramalah Advanced Learning Center



Anita Gurumurthy
Executive Director,
IT for Change



Pranay Kotasthane
Deputy Director
Takshashila Institution, Bengaluru

RSVP latest by Wednesday, August 10, 2022

Email: pec@pacindia.org

Call: (+91 80) 27839918/ 19/ 20

Website: www.pacindia.org

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Annexure 4: Photos





PUBLIC AFFAIRS CENTRE
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Contact



No.15, KIADB Industrial Area,
Bommasandra - Jigani Link Road,
Bengaluru, Karnataka 560105



pec@pacindia.org



+91 080 2783 99 18/19/20

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