



CUHP CHRONICLE

The Mirror and Voice of the

Central University of Himachal Pradesh
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Editor's Desk

Dear Reader,

Dr. Gautam Mukherjee joined as the first Registrar of University. Being an experienced administrator who has served as registrar of a couple of Universities, the university has high expectations from him.

This month also witnessed the visit the Central Site Selection Committee constituted by the Ministry of Human Resource Development (MHRD), Government of India to assess the suitability of additional land identified by the State Government for the campus of the University at Dharamshala.

This was as usual a busy month for the faculty, students and staff. The End Semester examinations were

concluded... Preparation for the admission and commencement of the next session were made... and a meeting of the Anti-Ragging Committee to review and take stock of the actions undertaken during the year.

Even though the students and faculty were largely busy in examination and evaluation work, a few workshops and summer placement initiatives were also undertaken by various Schools & Departments as per the need of the curriculum.

FEAT, the entrance test for admission to the post graduate programmes of the University was also held during the month... As has been the case in the past, the University has been witnessing rapid



Prof. Arvind Agrawal
Chief Editor

increase in the number of students applying for the limited seats...With best wishes,

arvind agrawal

Dr. Gautam Mukherjee Joins as New Registrar

Dr. Gautam Mukherjee joined the Central University of Himachal Pradesh on the 25th June 2013 (Tuesday) and assumed duties as the new Registrar. The President of India in his capacity as Visitor of the Central University of Himachal Pradesh appointed Dr. Gautam Mukherjee as Registrar of this University when this position got vacant due to the resignation of Dr. K.D. Lakhanpal who was the First Registrar. Dr.

Mukherjee was appointed for this post in November 2012.

Dr. Gautam Mukherjee retired as a senior Rajasthan Administrative Service Officer in Government of Rajasthan.

The university was eagerly waiting for a senior and experienced person who would occupy this important position that had the acumen to handle administrative matters of the university with care and

dexterity.

The Editorial Board of CUHP Chronicle on behalf of the faculty and administrative staff extends a warm and hearty welcome to Dr. Mukherjee.

Dr. Mukherjee took charge of the post of Registrar from Mr. B. R. Dhiman, Finance Officer, who was holding the additional charge of the Registrar since the post fell vacant due to the resignation of Mr. Dr. K.D. Lakhanpal.

Site-Selection Committee Visits Dharamshala & TAB-Shahpur



The Site Selection Committee on its visit to different locations in Dharmashala & Dehra to identify and demarcate land for the campus of CUHP

The Central Site Selection Committee constituted by the Ministry of Human Resource Development (MHRD), Government of India made a two-day visit to Dharamshala on 12th June 2013 to assess suitability and make recommendations regarding the additional land identified at Dharamshala by the state government.

During its visit the Site Selection Committee visited the sites at Dharamshala and Dehra and during the visit it not only perused the revenue and land related papers but also interacted with the local people and district administration.

The Central Site Selection Committee as constituted by the MHRD comprised the following members:

1. Prof. Abdul Wahid, Vice Chancellor, Central University of Kashmir
2. Prof. Furqan Qamar, Vice Chancellor, Central University of Himachal Pradesh
3. Shri Anant Kumar Singh, Joint Secretary, MHRD, Department of Higher Education, GOI, who was also the Convener of the Committee
4. Dr. Akhilesh Gupta, Secretary, University Grants Commission
5. Shri K. Sanjay Murthy, Secretary Education, Government of Himachal Pradesh
6. Shri T.C. Nautiyal, AIG, Ministry of Environment and Forest, GOI
7. Shri Nand Lal Chauhan, SE, CPWD, Chandigarh, GOI

While Secretary UGC and the Vice Chancellor of the central University of Kashmir could not make it convenient to visit the sites, all other members did.

The Committee was also accompanied by the Pro-Vice Chancellor Professor Yoginder S. Verma and the Finance Officer/Registrar. (Additional Charge) from the university side. Officials of the Government of Himachal Pradesh, the DC Shri Paul Rasu, officials from the district administration, ADM, and SDM, other officials from Revenue, IPH, PWD and Forest Departments were also present and participated during the visit.

The site selection committee could also find time to visit to the Temporary Academic Block of the university at Shahpur and interacted with the faculty.

The faculty requested the team to expedite the approval of land so that teaching and research could run in full swing and new departments could be added.

The visiting team appreciated the way the temporary academic block had been developed and maintained for quality teaching-learning activities.



Anti-Ragging Committee Meeting & Poster-Making Campaign Held

A meeting of the Anti-Ragging Committee was held on 17th June 2013 to review the measures undertaken by the university and its various organs to check the menace of ragging within the university and off-campus. The members were informed of the awareness drive that has been regularly undertaken during the whole of the previous academic session, particularly at the beginning of the new academic year during the orientation programme conducted for the newly admitted students. The members were also informed of the IEC materials

used and awareness campaigns conducted to make the juniors informed and empowered as regards their rights and duties of making the campus free of ragging.

As part of the Anti-ragging prevention measure an "Anti-ragging Poster Making" campaign was organized by the Social Work Society of CUHP for two days i.e. on 5th & 6th June 2013 that coincided with the World Environment Day. In spite of the tight schedule of examinations, students prepared 30 posters on the prevention and control of

ragging in educational institutions. A total of 40 students participated in this campaign and prepared posters containing messages that depicted ragging as a crime and a curse for society. These posters would be put-up for public display on strategic spots in

the Temporary Academic Block of CUHP for creating awareness among the student community in the campus and specifically for the new-comers in the new academic session. This event was also widely covered in the local media.



Meeting of Official Language Implementation Committee (OLIC) Held

To monitor and ensure compliance of Official Language provisions as well as to review and suggest the measures for progress of Official Language Hindi in CUHP, the meeting of April-June, 2013 quarter of reconstituted Official Language Implementation Committee including all the Deans of Schools as its members, was held on 27.06.2013 at TAB- Shahpur. The meeting was presided by its Ex-officio Chairman Dr. Gautam Mukherjee, Registrar, CUHP. Other members who were present included Shri B. R. Dhiman, Finance Officer; Prof. Arvind Agrawal, Dean, School of Social Science; Prof. I. V. Malhan, Dean, School of Mathematics, Computer and Information Sciences; Prof. H. R.

Sharma, Dean Students' Welfare; Prof. Amrish Kumar Mahajan, Dean, School of Earth and Environment Sciences; Dr. Roshan Lal Sharma, Dean, School of Humanities and Languages; Dr. Sanjeev Gupta, Head, Dept. of Finance & Accounting (nominee of PVC & Dean, SBMS) and Shri Sanjay Kumar Singh, Hindi Officer (Member Secretary).

At the outset, the Committee welcomed the new Chairman and members of the Implementation Committee. The Committee also appreciated the outgoing Chairman Shri B. R. Dhiman for his remarkable contributions towards spread of Hindi in the University.

The committee members

reviewed the progress of Official Language in the University vis-à-vis the annual targets notified by Department of Official Language. The following points of the Agenda were discussed at length in the meeting:

- Unicode Hindi Software for Computers/Laptops
- Measures to increase percentage of Noting in Hindi
- Purchase of Hindi books during 2012-13
- Distribution of English-Hindi Dictionary
- Progress of Translation of Codes, Manuals, Procedural Literature, Forms etc. in Hindi
- Commonly used English – Hindi Phrases
- Incentive Scheme for Employees

- Review of CUHP's quarterly Hindi Progress Report of quarter ended on 31.03.2013

- Training of Employees to increase Hindi Works

The committee observed that other than few areas such as Hindi Correspondence, Notings in Hindi on files, where continuous efforts are needed to achieve the stipulated targets, most of the items of Annual Programme 2013-14 issued by Department of Official Language, Ministry of Home Affairs have been implemented or are in the process of implementation. The Committee Members assured full support to propagate Hindi further in official works of the University.

End-Semester Examinations Held

End-Semester Examinations were conducted for all the postgraduate programmes running in the University, from May 15th to June 14th 2013 as per schedule. The Pro Vice Chancellor, Prof. Y.S. Verma held additional charge as Controller of Examinations of the university.

The End-Semester Examinations are part of the continuous evaluation system of the students and carry 50% academic weightage for every Programme of Study offered in the university.

To facilitate the smooth

conduct of the examinations the same were held in two shifts, each of three hours duration, one in the morning between 10.00 A.M. to 1.00 P.M. and the other in the afternoon between 2.00 P.M. to 5.00 P.M. The university bus service was accordingly rescheduled to make it convenient for the students appearing in the examinations.

A separate committee was constituted by the Pro Vice Chancellor for the preparation of the Examination Time Schedule and allotment of halls for the conduct of examinations. This committee

was headed by Dr. Asutosh Pradhan, Associate Professor, Deptt. of Social Work along with Dr. Ashish Nag and Mr. Chaman Kashyap Asst. Professors in the School of Business and Management Studies.

A Flying Squad was also constituted that went on regular rounds to prevent copying and other malpractices during the examinations. Surprise physical checking was also conducted by the Flying Squad whenever doubts arose.

All the departments independently made allotment of Invigilators for invigila-

tion duty.

All the faculty showed tremendous commitment towards completing the evaluation of answer sheets of the students within a week's time after the completion of examinations.

As part of a transparent system, the students were then showed their answer-scripts for their satisfaction so that errors if any, could be rectified in mutual consultation. The completion of the examination process marked the successful completion of yet another academic year for the university.

CUHP Staff Donate One Day's Salary to the PM Relief Fund for the Uttarakhand Disaster Victims

Responding to the Hon'ble Prime Minister's Appeal to contribute generously to the Prime Minister's National Relief Fund (PMNRF) to help the victims affected by natural disaster in Uttarakhand and to tide over the extensive devastation caused by cloud burst and flash floods, all the Employees of the University contributed for this noble cause by donating one day's salary totalling Rs. 1,53,043/- to the Prime Minister's National Relief Fund (PMNRF).

Workshop on "Financial Planning for Execution" Organised

The SoBMS organised a workshop on "Financial Planning for Execution" on June 13th, 2013.

Giving tips on investment Mr. Abhinav Aggarwal, financial education resource person and trainer at the

Securities and Exchange Board of India (SEBI), shared his views with students & faculty of CUHP during this workshop. He said that investors are the backbone of the market and satisfying them is the real challenge. This goal can be achieved

with quality services and timely suggestions.

Mr. Aggarwal also discussed the functioning of SEBI. He gave tips to students on handling customers & investors; as well as the technicalities involved in verifying the cre-

dentials of new companies in the market.

Pro Vice-Chancellor Prof. Yoginder S. Verma said greater interactions with experts working in the field were really helpful to students.

Campus Placement of SoBMS Students of 2013 Passing-out Batch

Students of the School of Business and Management Studies, brought laurels to the university by getting placed in different national and international organizations and the corporate sector. A total number of thirty three students got placement letters through campus interview from renowned organizations including ITC, ACC, Tommy Hilfiger, Gitanjali Retail, Genpact, DITP, India, Beta Soft Systems Pvt. Ltd, PRADAN and many more. They have got job offers after clearing rigorous

screening process. Adding to the success story of SBMS few students have been selected as Probationary officers for various nationalised banks. Mr Ajay Kumar, Mr Rahul Gupta and Mr. Nitish Kapoor were selected for UCO bank while Mr Rahul Kaundal and Rohit Chaudhary got selected for Union Bank of India and SBI respectively.

Ms. Shilpa Gurung got placement in Tommy Hilfiger, Mr. Nischay Mahal in Gitanjali Retail, Mr. Sushant Abrol in ITC, Mr. Vinit Gupta in Eos EduVentures.

Ms. Aditi Sharma, Ms. Poonam Thakur, Ms. Swati Chopra Ms. Monika Kashyap, Ms. Divya Kaushal, Ms. Alka Lalhall, Ms. Akanksha Awasthi, Mr. Akash Aggarwal, Mr. Aditya Singh, Ms. Shagun, Mr. Ankur sarswat, Ms. Shweta Kapoor, Mr. Shwetang Dwivedi, Ms. Richa Bhadwal, Mr. Raghav Manocha and Ms. Shikha Sharma were selected in Beta Soft Systems Pvt. Ltd. while Ms. Isha Dogra, Ms. Shilpa Gurunga and Ms. Shallu Thakur were placed in Genpact India. The students

have expressed their gratitude towards the teaching and non teaching fraternity. Prof Yoginder S. Verma, Pro-Vice Chancellor, has congratulated the students, faculty members and training and placement cell for their commendable achievement. As per the information given by Dr Ashish Nag, Incharge, Training and placement there are few more companies in pipeline and the Placement Chart will definitely move upward by the end of the semester.

Department of Library & Information Science organises Workshop on DELNET

CUHP, Dharamshala organized a one day workshop in collaboration with DELNET-Developing Library Network, New Delhi on "DELNET-Resources, Services and Facilities & Koha: an open source integrated Library System" on June 15, 2013 at its Shahpur campus.

The main aim of the workshop was to spread awareness among the library professionals about the networked library resources offered by DELNET and also to promote the use of free open source software Koha for library automation and modernization purposes.

Nearly 100 LIS professionals from various parts of Hi-

machal Pradesh, Haryana, J&K and Punjab actively participated in the programme.

DELNET is a major resource sharing library network connecting more than 4600 libraries in and outside the country and provides access to nearly 2 crore bibliographic records of books, journal articles, etc.

Through the Interlibrary loan and document supply, the researchers and scholars can get material from any part of the country and outside through DELNET.

CUHP is one of a prestigious member institution of DELNET. The function was inaugurated by Prof. Yogender Singh Verma, Pro VC, CUHP.

He said that the libraries have to reinvent their new roles and LIS professionals have to make themselves aware of the emerging trends in Library and information services.

Prof. I V Malhan, Head, Dept of LISc and Dean, SoMC&IS, CUHP was the coordinator of the programme.

Dr H K Kaul, Director, DELNET delivered the presidential address and stressed upon the need to provide the knowledge based services to the users. Later in the day, Dr H K Kaul and Prof. I V Malhan gave a futuristic view of the libraries to the delegates and Dr Sangeeta Kaul delivered ses-



sions on DELNET and Koha software.

The CDs containing the free Koha software were also distributed to the professionals.

The workshop would immensely help the libraries in the region to provide effective and efficient services to their users and also to implement the free, open source Koha software for their library automation purposes.

CUHP holds FEAT-2013 for Admission to Post Graduate Programmes

The Common Entrance Examination (FEAT-2013) for admission to the academic year 2013-14 to various Post Graduate Programme of Studies offered at CUHP was held on 29th June 2013. In total **6020 applications** were received for **16 Programmes of Study** under **11 Schools**.

The entrance test was held at **seven centres** including Govt. Degree College, Dharamshala; Govt. College for Teacher Education, Dharam-

shala; Temporary Academic Block, Shahpur; Government Degree college Shahpur; Himachal Institute of Engineering & Technology, Shahpur; Punjab University, Chandigarh and SD Sr. Secondary School New Delhi;

Admission to various Programme of Study wherein FEAT is essential shall be made on merit of the composite score to be determined on the basis of score obtained in FEAT and marks

obtained in metric, 10+2 and UG examination. However admission to **MA (English), MA (Hindi) and MFA (Painting)** where FEAT is not essential requirement, the admission shall be made on merit to be determined on the basis of academic merit.

The pattern of entrance examination for FEAT-2013 was changed with Personal Interview being done away with. Merit list of candidates

and admission offered to candidates as per their choice and merit would be prepared and notified to the candidates within **15 days'** time.

Publication of the results of the FEAT Written Test would be published on the university website for the reference of candidates who appeared in the test. The entire process of FEAT went on smoothly.

Workshop on “Essentiality of Hindi and its Functional Aspects”

Like any other languages of world, Hindi has also paved its own path; it is the language of our dreams and aspirations. Hindi is source of our dignity and therefore, we must respect this centuries old language of Indian masses and need to accept and use Hindi as our own language at all fields and given platforms, said Shri Navneet Sharma, News Editor, Himachal Pradesh, Dainik Jagran during a Hindi Workshop on “Essentiality of Hindi and its functional aspects” organised by CUHP at Camp Office on 14.06.2013. Shri Navneet Sharma was invited to conduct this Hindi Workshop.

The Chief Guest Prof. Arvind Agrawal, Dean,

School of Social Sciences presenting the overall global scenario of Hindi, said that we all ought to be fully committed towards our mother tongue. He informed that recognising the importance of Hindi, various premier universities worldwide have now started different academic programmes in Hindi. He cautioned the audience of compartmentalisation of any language, particularly Hindi with other prevalent languages and stressed upon the acceptance of vocabulary and terms of English, in particular and of other Indian languages, in general.

During his address Dr. Roshal Lal Sharma, Dean, School of Humanities and

Languages pointed out the present status of Hindi in respect of other languages and appealed to do away with the tendency of commingling Hindi with English, which has restricted its growth largely. He reminded that Hindi is flowing in our blood and we need just to invigorate it.

Shri B. R. Dhiman, Registrar, in his speech, said that the use of Hindi is our necessity. We are making our efforts to spread the use of Hindi in every official works to the best possible extent. Emphasising on the use of Hindi, Shri Chandrakant Singh, Assistant Professor (Hindi) asked the audience and research scholars to develop a positive attitude

towards Hindi so that it can grow constructively to its desired level.

Smt. Sneha Sharma, Hindi Officer, UCO Bank and Research Scholars Ms. Asha Kumari, Mr. Ravi and Ms. Asha Sharma also expressed their views to spread Hindi in all occupations. Smt. Indu Thakur, Member Secretary, TOLIC, Dharamshala, Sh. Rajesh Kumar, Hindi Officer, BSNL, Sh. Satish Badhawan, Sh. Shivraj, Sh. Ramesh Chandra, Sh. Satpaul Singh, Ms. Punam, Sh. Ravindra, Sh. Vikrant Sharma along with other officials of CUHP participated in the workshop. Sh. Sanjay Kumar Singh, Hindi Officer offered a vote of thanks.

Annual Function of Men's Hostel held with much Fanfare



The Men's Hostel of CUHP held its Annual Function 'AAGHAAZ-2013' on 11th May 2013. It was indeed a pleasant sight to see parents, faculty and staff showing their utmost affection,

Guest Prof. Furqan Qamar, VC of CUHP, by hostel Chief Warden Prof. H.R. Sharma and Warden Dr. Anupam Sharma. Prof. H.R. Sharma and other guests including the Chief Guest and other guests including the Pro Vice Chancellor Prof. Y.S. Verma, parents, faculty and staff and the students. The Chief Warden read out the Annual Report of the hostel in which he gave a detailed account of the sports and cultural activities organised during the year and other activities done. Some of the glorious and outstanding hostellers who brought laurels to the hostel were felicitated.

thanks the cultural programme started as scheduled with a prayer recitation by Vikas. Outstanding individual and group performances were made in the form of a Skit by Vinod and group, song by Ayush and Dheeraj and a melodious rendition by the Proctor Dr. Roshan Lal Sharma. A documentary depicting life in the men's hostel was also shown, directed by Ankur Chadiyar and Aman Gupta. The Chief Guest, the gentry, the members of the staff along with their families had a sumptuous dinner at the end of the programme. The programme was appreciated by one & all.



The Chief Guest gave away the prizes and distributed Mementos and Certificates to each of the winners who were loudly cheered by the audience. The Chief Guest in his address to the gathering showered blessings upon the students. He congratulated the prize winners and wished them all success in life. Lastly he praised the Chief Warden and Warden for their admirable administration.



Prof. Furqan Qamar addressing the participants in Men's Hostel



love, support and dedication to the hostellers of CUHP.

The evening started with a floral welcome of the Chief

After the formal vote of

Distribution of prizes to the winners in various competitions of Men's Hostel



LECTURE OF JUSTICE R. S. CHAUHAN

The Indian Constitution: Panacea for Social Problems

Lecture delivered at the Central University of Himachal Pradesh, Dharamshala
on 25-4-2013 by
Justice R.S. Chauhan, Judge, Rajasthan High Court, Jaipur
Esteemed Vice Chancellor, Prof. Furqan Qamar
All learned Deans and Heads
My dear Friend and Host Prof. Agrawal
&
Faculty members & Dear Students

Once again, it is a pleasure to be with all of you. Yesterday we covered a vast topic about gender issues. Today, we will deal with the Constitution and see how it resolves our social conflicts.

Five thousand years old as a civilization, we are sixty one years old as a nation. Though an infant nation, we carry the historical baggage of our past. Whenever, we hit a bump in the road of our national development, in areas of social conflict, we instinctively refer to our orthodox religious texts. We justify “sati” on the ground that it was sanctified by the Vedas, and depicted in the Ramayana. We evaluate the worth of art works on the basis of “Hindu sentiments”. We see women empowerment as being anti-Islamic. But we are the largest democracy in the world. Can a young and a vibrant democracy utilize the yardsticks of an antediluvian age? Do the solutions to our modern problems lie hidden in antiquated ideas?

The Constitution is the Gita and the Koran of the New Age. It is the Constitution which contains

the blueprint for a young nation. It is the Constitution that we must turn to, in order to discover the solutions to our myriad social problems. In this paper, I propose to deal with the role of law, the nature of the Constitution, the role of the Constitution, the specific areas of social conflicts, the constitutional provisions dealing with the social issues, and the constitutional interpretation by the Hon’ble Supreme Court. My endeavor is to demonstrate that the Indian Constitution is the panacea for resolving our social conflicts. Viewed from this angle, the Constitution is no longer seen as a legal document to be interpreted by the courts and to be implemented by the government. It is, in fact, to be seen as a social pharmacopeias for solving the social trials and tribulations. The Constitution is, thus, interpreted in a sociological context rather than a legal one.

The Jurists, the judges and lawyers have debated about the function of Law. Briefly, law has different functions: Law as preservation of social order (Public Order law, Criminal law), Law as platform for human co-operation (Law of Contract), Law as medium of dispute resolution (Law of Torts, Law of Arbitration and Conciliation), Law as tool of domination (Counter-revolutionary Offences: TADA, and NSA), Law as mechanism for social engineering (Land Reform Laws, Laws concerning women—Dowry Prohibition Act, Domestic Violence Act etc.), Law as bulwark of morality (Obscenity laws), Law as regulating government power (Constitutional Law, Administrative Law), Law as protector of individual freedom (Fundamental Rights), Law as attainment of Justice (Rules of Natural Justice, Fundamental Rights etc).

The Constitution is both a legal and a social

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document. It is the “grundnorm”—the supreme law from which all other laws derive their validity and sanctity. Sociologically, it contains the hopes, the dreams, the aspirations of the people. The Preamble of the Constitution, said to be the key to the Constitution, embodies the great expectations of the society. “We the people have solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens, Justice—Social, economic and political, Liberty of thought, expression, belief, faith and worship, Equality of status and of opportunity, and to promote among them all, Fraternity assuring the dignity of the individual and the unity and integrity of the Nation.” Although the preamble is clothed in political idioms—Justice, Liberty, Equality and Fraternity—yet it is a document which covers ideas of social justice, and controls social relations and conduct. It aims to establish an egalitarian society. Therefore, let us look at interaction of the Constitution and the areas of social conflicts.

There is plethora of areas of social conflicts. But, I shall deal with just a few: firstly, the conflict between the freedom of speech and expression and the right of the moral police groups to control such freedom; secondly, the conflict between the society and the offenders, the prisoners; thirdly, the conflict between the rights of the minority and the tyranny of the majority. At first blush, these areas appear to be unconnected. Yet, there is a common denominator amongst them. The creative artists, the prisoners, and the minorities are marginal groups of the society. These areas cover the groups which are in the low visibility area of society and the laws. Hence, there is emphasis on these particular groups and on their trials, tribulations and triumphs. Though, it is alleged that law is an instrument of the strong against the weak, but our Constitution is a formidable arsenal in the hands of the weak against the strong. Thus, there is a need to interpret the Constitution

on the social canvas of the country.

Freedom of thought, speech and expression is the bloodline of a democratic state. If democracy is government of the people, for the people, and by the people, then the people must have the fundamental right to think, speak and express their thoughts. From 18th century onwards, men and women have sacrificed their lives for this freedom. It was the clarion call for the American and the French Revolution; it is one of the endearing goals of our Constitution. Taking its cue from the preamble, Article 19 (1) (a) guarantees freedom of speech and expression. In the case of **Indian Express Newspapers (Bombay) Pvt. Ltd. and Ors. V Union of India and Ors. [(1985) 1 SCC 641]**, the Hon’ble Supreme Court concluded as under:

Freedom of expression, as learned writers have observed, has four broad social purposes to serve: (i) it helps an individual to attain self fulfillment, (ii) it assists in the discovery of truth, (iii) it strengthens the capacity of an individual in participating in decision-making and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change. All members of society should be able to form their own beliefs and communicate them freely to others. In sum, the fundamental principle involved here is the people’s right to know. Freedom of speech and expression should, therefore, receive a generous support from all those who believe in the participation of people in the administration.

But, no freedom is absolute. For, freedom cannot be left like a bull in a china town. Indeed,

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like an ox, it needs to be tamed, to be domesticated. It needs to be circumscribed within reasonable restrictions. Article 19 (2) permits the State to enact laws which place reasonable restriction on this freedom in the interest of “sovereignty and integrity of India, the security of the State, friendly relations with Foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence”. Thus, the Constitution well prescribes the parameters of the freedom.

But today, this freedom is being silenced in the name of “hurting public opinion”, as being “contrary to Indian culture”, as “hurting the sentiments of Hindus.” The movie “Fire”, which suggested lesbianism, was dubbed as being against the Hindu culture; paintings by M. F. Hussain, are attacked as “hurting Hindu sentiments”; Musical bands of girls are forced to disband, as it hurts the sentiments of “Muslim Community”. However, the Constitution does not permit creativity to be trampled in the name of “Hindu sentiments” and “Muslim sensibility”. These yardsticks are too ephemeral, too fluid to be applied by a court of law. If creative works need to be challenged, they could be challenged only on the grounds enumerated in Art. 19 (2) of the Constitution—the grounds mentioned above.

In the case of **Ranjit D. Udeshi v State of Maharashtra (1964 SCR 65)**, the Hon’ble Supreme Court dealt with the sale of D. H. Lawrence’s famous novel “Lady Chatterley’s Lover”. The seller of the book was convicted for having sold an “obscene” book. One of the issues involved in the case was whether the novel was obscene or not? Relying on the test created in England, the Hicklin’s test, the Hon’ble Supreme Court held, “the test of obscenity is this, whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall...

it is quite certain that it would suggest to the minds of the young of either sex, or even to persons of more advanced years, thoughts of a most impure and libidinous character.” The Court further observed as under:

In judging a work, stress should not be laid upon a word here and a word there, or a passage here and a passage there. Though the work as a whole must be considered, the obscene matter must be considered by itself and separately to find out whether it is so gross and its obscenity so decided that it is likely to deprave and corrupt those whose minds are open to influence of this sort. In this connection the interests of contemporary society and particularly the influence of the impugned book on it must not be overlooked. Where obscenity and art are mixed, art must so preponderate as to throw the obscenity into a shadow or the obscenity so trivial and insignificant that it can have no effect and may be overlooked. It is necessary that a balance should be maintained between “freedom of speech and expression” and “public decency and morality”; but when the latter is substantially transgressed the former must give way. In other cases obscenity may be overlooked if it has a preponderating social purpose or profit.

The test of obscenity is, thus, a question of degree and varies with the moral standard of the contemporary society. In 1964, applying the moral standard of the community of that time, “Lady Chatterley’s Lover” was held to be obscene. However, in 1996, in the case of **Bobby Art International and Ors. v Om Pal Singh Hoon and Ors. [(1996) 4 SCC 1]**, despite the scene of frontal nudity, despite its scenes of rape, in spite of the use of explicit in the film “Bandit Queen”, the Supreme

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Court did not consider the movie to be obscene. It applied the test of whether the scenes “advanced the message”? The Apex Court observed, “*‘Bandit Queen’ is not a pretty story. It is the serious and sad story of a worm turning: a village-born female child becoming a dreaded dacoit. An innocent who turns into a vicious criminal because lust and brutality have affected her psyche so. The film levels an accusing finger at members of society who had tormented the victim and driven her to become a dreaded dacoit filled with the desire to revenge.*” It further held, “*Nakedness does not always arouse the baser instinct. ‘Bandit Queen’ tells a powerful human story and to that story the scene of her enforced naked parade is central. It helps to explain why she became what she did: her rage and vendetta against the society that had heaped indignities upon her.*” Moreover, the Court felt, “*A film that illustrates the consequences of a social evil necessarily must show that social evil...No film that extols the social evil or encourages it is permissible, but a film that carries the message that the social evil is evil cannot be made impermissible on the ground that it depicts the social evil. At the same time, the depiction must be just sufficient for the purpose of the film.*”

In the case of **S. Rangarajan v P. Jagjivan Ram and Ors. [(1989) 2 SCC 574]**, the Apex Court explained, “*The standard to be applied by the Board or courts for judging the film should be that of an ordinary man of common sense and prudence and not that of an out of the ordinary or hypersensitive man.*” It further observed, “*If the film is unobjectionable and cannot constitutionally be restricted under Article 19 (2), freedom of expression cannot be suppressed on account of threat of demonstration and processions or threats of violence. That would tantamount to negation of the rule of law and a surrender (sic) to blackmail and intimidation. It is the duty of the State to protect the freedom of expression since it is a liberty guaranteed against the State. The State cannot*

plead its inability to handle the hostile audience problem.”

Thus, whenever the question of banning a book, a film, an art work arises, one should see if the ban can be justified under one of the reasonable restrictions prescribed by Art. 19 (2) of the Constitution. Creativity cannot be cribbed, cabined and confined by communal sentiments. It has to be protected and promoted for the wellbeing of democracy. For, if democracy is to grow, the talibanization of the country has to be checked.

Prisoners are the forgotten bodies and the condemned souls of the society. Having violated the expected social norms, having exhibited the prohibited social behavior, the offender is condemned by the society. The offender is charged, tried and sentenced. The subject of criminology, the object of retribution, the offender enters the portals of jails, remembering what is written on the Gates of Hell according to Dante—All ye who enter, give up all hopes of return. Confined into cells and buildings called “badas” (animal houses), reduced to sub-human existence, the prisoners languish in jails. Our prisons are plagued by overcrowding, by unhygienic conditions, by sexual exploitations, by economic deprivation, by corruption, by bureaucratic lethargy. In short, they are a living hell amidst sprawling cities and little district headquarters. Oscar Wilde in his “The Ballad of Reading Gaol”, wrote,

I know not whether Laws be right,
Or whether Laws are wrong,
All that we know who lie in gaol
Is that the wall is strong,
And that each day is like a year,

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A year whose days are long.

He also wrote:

The vilest deeds like poison weeds,
Bloom well in prison-air;
It is only what is good in Man
That wastes and withers there.

He also said,

Every prison that men build
Is built with bricks of shame,
And bound with bars lest Christ
Should see
How men their brothers maim.

For the government the prisons are sources of economic drainage. Since no one sees them as institutions of reform or human powerhouse, the jail administration is low on the government priority. For the society, jails are like black holes—invisible, but discussed in seminars, conferences and workshops.

Article 21 of the Constitution proclaims that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” This Article is the soul of our Constitution, the keystone of our democratic state. While interpreting Article 21, the Hon’ble Supreme Court has protected the fundamental rights of the prisoners from the harsh glare of social ostracism.

The word “life” was defined as the right to live with human dignity [Ref. to **Francis Coralie Mullin v Union Territory Delhi, Administrator (AIR 1981 SC 746)**]

Human dignity demands that the person should not be reduced to mere animal existence. A prisoner though convicted and sentenced to imprisonment, does not lose all the fundamental rights belonging to a free person. Of course, he cannot enjoy those fundamental rights, such as freedom of movement, which are curtailed because of his incarceration. But most of his fundamental rights are intact, though some have been clipped. For the last three decades, the Hon’ble Supreme Court has protected and promoted a gamut of rights of the prisoner by liberally interpreting the scope of Art. 21 of the Constitution.

The foremost right of the offender is the right of speedy trial. Laws which do not provide for speedy trial of the accused or do not provide for his pre-trial release on bail on his personal bond, when he is indigent and there is no substantial risk of his absconding, such laws would be unconstitutional. Initially, the right was confined to only the trial period. But subsequently, the right was expanded to include the period of investigation. In case the investigation is unreasonably delayed, the right to speedy trial is defeated. Although a rigid time frame cannot be prescribed for completing the trial, as it depends on various factors, but the trial should be completed within a reasonable time. In the cases of **Hussainara Khatoon v Home Secretary Bihar [(1980) 1 SCC 81]** the Apex Court was shocked to learn that under-trials were languishing in Bihar jails for periods longer than the maximum term of imprisonment which was prescribed for the offence. The state was not only directed to free the under-trials, but was also asked to pay compensation to them.

The forty-second amendment of the Consti-

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tution introduced Art. 39A into the Constitution. Art. 39 A imposes a duty on the State to ensure equal justice and free legal aid to everyone. In the case of **M. H. Hoskot v State of Maharashtra [(1978) 3 SCC 544]**, the Apex Court also held that the State is obliged to provide lawyers to the indigent prisoners who cannot afford to hire the service of advocates.

In the case of **Prem Shankar Shukla v Delhi Administration [(1980) 3 SCC 526]**, the Hon'ble Supreme Court also held that a prisoner cannot be handcuffed unless there is danger of his absconding from the police custody or that he is so dangerous that handcuffing is essential. The case of **D. K. Basu v State of West Bengal [(1997) 1 SCC 416]** dealt with custodial death. Appalled by the routine use of torture, aghast by the rise in custodial death, the Apex Court issued guidelines to be followed in all cases of arrest or detention till legal provisions are made in that behalf.

In order to protect the offender inside the jail, the Apex Court has proclaimed his right to hygienic condition of living, of his right to read, write and study, of his right to access to medical facility, of his right to meet his family and friends, of his right to be interviewed by the press, of his right not to be subjected to unusual or harsh punishment inside the jail. Where the society has abandoned the prisoner, the Apex Court has rush to his rescue. Through catena of cases, the Hon'ble Supreme Court has kept the flames of human dignity burning bright even in the dark cells of our prisons.

God, faith and religion constitute the vast ocean of metaphysical thought; religion is the source of poetry and philosophy, of art and architecture, of astronomy and astrology. It is, indeed, the basis of all the ancient civilization. It continues to be a vital force even in post-modern world. It has been dubbed as the "opium of the masses" and hailed as the greatest force to move man-

kind. It is supposed to help Man progress in his spiritual journey. Yet, at times, it has regressed Man from an angel to a beast. Religion is no longer the agent of assimilation, but is a force of annihilation. Religion is being used as a tool to oppress the marginal groups, be they women or sexual minority. Sati amongst the Hindus, Burkha amongst the Muslim is being justified on religious grounds. In fact, sectarianism, separatism, fundamentalism, terrorism are the multi-headed hydra of religion which loom large on our lives. Hence, there is a need to understand the concept of freedom of religion in our Constitution.

The Preamble of the Constitution speaks about "Liberty of thought, expression, belief, faith and worship". Art. 25, in turn, guarantee that "all persons are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion." Art. 26 further empowers "every religious denomination or any section thereof" the right "to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matter of religion, to own and acquire movable and immovable property and to administer such property in accordance with law". However, like any other fundamental rights, these rights are also subject to certain restrictions. Art. 25 is "subject to public order, morality and health and to other provisions of this Part (Part III of the Constitution)"; Art. 26 is subject only to "public order, morality and health". Art. 25 further empower the State to regulate or restrict "any economic, financial, political or other activity which may be associated with religious practice".

In the case of **Commissioner, Hindu Religious Endowment v Sri Shirur Mutt (AIR 1954 SC**

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282), the Apex Court opined as under:

Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being, but it would not be correct to say that religion is nothing else but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and mode of worship which are regarded as integral part of religion and these forms and observances might extend even to matters of food and dress.

But which ceremonies or rituals would be regarded as part of religion and which would be regarded as “secular activities” having a form of religious practice is a question of fact. The test for determining the true nature of practice is to see if the ceremony or ritual is “integral and essential part of religion.” If it is neither integral, nor essential, then the ceremony or ritual can be regulated by the State. For example, the slaughter of cows on Bakar Idd is not an essential part of Islam. It is optional for a Muslim to slaughter a cow or not to slaughter a cow on Bakar Idd. Historically, slaughter of cow on Bakarid was banned by Emperors Babar, Humayun, and Akbar. Thus, in the case of **Mohd. Hanif Quareshi v Union of India (AIR 1958 SC 731)**, the Apex Court upheld a total ban on the slaughter of cows even on Bakri Idd day. According to the Court, such a ban did not violate the freedom of religion as guaranteed under Art. 25 of the Constitution. Similarly, the public performance of Tandav dance by the Anand Margis was not considered as an essential and integral part of their ritual. Therefore, the ban placed on the performance of Tandav

dance in public was upheld by the Supreme Court in the case of **Jagdishwarananda v. Police Commissioner, Calcutta (AIR 1984 SC 51)**.

Nor can a religious community claim the right to worship at a particular place. Since the State has the power of eminent domain, it can acquire property belonging to a religious sect. In the context of Ram Janam Bhoomi, in the case of **Dr. M. Ismail Faruqui v Union of India (AIR 1995 SC 605)**, the Apex Court held that “*a mosque does not have a unique or special status, higher than of the place of worship of another religions (sic) in secular India to make it immune from acquisition by the State*”. For, “*a mosque is not an essential part of the practice of the religion of Islam and the Namaaz by the Muslim can be offered anywhere, even in open....the acquisition of such property does not result in extinction of the right to practice the religion*”. Hence, the mosque could be acquired like any other immovable property by the State.

Under the guise of “propagating” its religion, no religious group can claim the right to force people to convert to their religion. In the case of **Rev. Stainislaus v State of M.P. (AIR 1977 SC 908)**, the Apex Court upheld the validity of legislations prohibiting conversion by force or inducement to one’s own religion passed by the Orissa and Madhya Pradesh legislatures. The Court opined that the Act was meant to avoid disturbance to the public order by prohibiting conversion from one religion to another in a manner reprehensible to the conscience of the community.

Similarly, in the garb of “professing” certain belief, a religious group cannot be permitted to indulge in criminal activity. Roop Kanwar’s sati in Deorala in 1987, was being projected as a religious

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act. Moreover, the supporters of sati were arguing that glorification of sati is part of fundamental right to profess a religious belief. However, with the existence of The Commission of Sati (Prevention) Act, 1987 such glorification is now illegal. It is for this reason that both the Supreme Court and the Rajasthan High Court have prohibited the holding of “melas” at the Rani Sati Mata Temple in Jhunjhunu. Although individual worship is permitted at the temple, but glorification of sati by holding of “melas” is forbidden.

Likewise, on the ground of freedom of religion, people of one community cannot be permitted to insult or outrage the religious feelings of other communities. (Ref. to **Ramjilal Modi v State of U.P. AIR 1957 SC 620**). Nor can religious sentiments be used to adversely affect the interest of one’s opponent in an election. An appeal to one’s religion or to the religion of one’s opponent would fall within the definition of unfair practice under the Election Laws.

In the case of **Bijoe Emmanuel v State of Kerala (AIR 1987 SC 749)** the Apex Court dealt with the issue whether the non-singing of the National Anthem by three boys belonging to the religious group called the Jehovah’s Witnesses amounted to insulting the National Anthem? Since the boys had respectfully stood up during the singing of the National Anthem, since there is no legal requirement that everyone must sing the National Anthem, the Supreme Court concluded that the boys did not insult the National Anthem. The Court observed, “The real test of a true democracy is the ability of even an insignificant minority to find its identity under the Constitution”.

In an age where religion is the fuse for igniting hatred and violence, division and destruction, we must learn to respect the religious beliefs of others. Tolerance and assimilation are the only way out of this quagmire of

terrorism, war and mayhem. Religion should be used as a means to spread peace, compassion, and brotherhood. To use religion for one’s selfish political or individual interest is to insult the Almighty. The aim of the Constitution is to create an egalitarian society where everyone lives in peace and harmony. We must strive to achieve this dream.

While we navigate our nation through troubled waters and pacific oceans, through havens and ports, we must consult the Constitution like a navigational map. It is the stars of Constitutional constellation which must guide us when we are lost in the sea of present uncertainty or grope in the mist of our future. The constitutional provisions are the anchor sheets for a stable and a dynamic democratic country. The Constitution is the light house which should guide us towards the utopia of an egalitarian society. To ignore it, is to invite social calamity and political chaos. We can ignore it at our own peril. Befriend it, read it, consult it, and it is like the Oracle at Delphi. Abandon it, and it is like the curse of Ariadne. It is the new gospel for the New World.

I must thank Prof. Furqan Qamar, the Vice-Chancellor, and Prof. Agrawal and the Central University of Himachal Pradesh for giving me an opportunity for being with all of you for two days. I must confess I have enjoyed my stay and my interaction with all of you. I am indebted to the organizers for their warm hospitality and care. I am also extremely grateful to all of you for giving me such a patient listening.

Thank you very much.

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CUHP

**Committed to Inclusive
Access and Excellence in
Higher Education**

www.cuhimachal.ac.in

Central University of Himachal Pradesh (CUHP) was established under the Central Universities Act 2009 enacted by the Parliament of India. The University became functional from 20th January 2010 with Professor Furqan Qamar assuming the charge as the first and founder Vice Chancellor of the University

Standing for Inclusive Access and Excellence in Higher Education, it is a multidisciplinary university. The Vision document of the University provides for seventeen different schools with five to six Departments and two to three Centres in each school. Of these eleven Schools and eighteen Departments and two Centres have been made functional

The University has adopted comprehensive choice based credit system which mandates students to accumulate at least 30 percent credits from departments other than those in which they major. This makes all programmes of studies inter-disciplinary and all students study in an interdisciplinary environment. All programmes of studies are based on semester system and the University follows comprehensive continuous internal assessment and Grading System

The University is to have its headquarter in Dharamshala and two distinct campuses located in Dharamshala and Dehra, both in the picturesque Kangra District of Himachal Pradesh. The land for both the campuses have been identified and allotted to the University and proposal for FCA clearance is at the advanced stages of progress. Following which, the land is likely to be transferred to the University and construction of permanent campuses shall begin.

In the Interim, the university has commenced its academic activities from the Temporary Academic Block (TAB) located at Shahpur in the Kangra District. The Headquarter of the University is located at Camp Office at Dharamshala.

Dr. Gautam Mukherjee — A Profile

Dr Gautam Mukherjee, born in New Delhi on 14th March 1953, received his early education in Delhi and Jodhpur. He graduated in Science from J.N.V. University, Jodhpur. He completed his Masters in History from the University of Jodhpur in first Division and first Position in the University and was awarded Gold Medal for the same.

With keen academic interest, he completed Bachelor of Law (Taxation), Master of Business Administration (Personnel Management) and PhD in Social Science from University of Rajasthan. His thesis "A Comparative Study of Public and Private Sector in Labour Welfare Management" covers both Law and Management issues of organizations in Rajasthan.

Dr Mukherjee taught undergraduate and postgraduate classes at BJS Rampuria Jain College, Bikaner and Deptt. of History, Jodhpur University from 1974 to 1977. He joined the Rajasthan Administrative Service and worked in different capacities for over 35 years.

Dr Mukherjee worked as Registrar of Sarvapalli Radhakrishnan Rajasthan Ayurved University, Jodhpur; Maharana Pratap University of Agriculture and Technology, Udaipur and University of Rajasthan, Jaipur during his career. He had worked as a Master Trainer in training technology under TOT (Training of Trainers) scheme of DOPT (Department of Personnel and Training) Govt. of India.

