

Liberty University Helms School of Government

Is There a Need for Restoration of Justice in Democratic India?

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Abraham Sekhar

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Abstract

Justice means giving all persons their due. Justice is the quality of being fair and reasonable. India has the largest democracy in the world. It has become noticed globally by most other countries, on the one hand, for its significant economic growth during the past two decades; and on the other hand, for its domestic unrest among people of different religions and castes. Under the rule of the present political party, India's economic growth has experienced sudden decline during the past three years. This drew my attention to find out the reasons for such decline. A literature survey, analysis and review, reveal that religious persecution and social injustice seem to contribute to this economic decline. Considerations of the Biblical worldview, an evaluation of judiciary system, and another relevant case study become supportive of my research. My hypothesis is that democracy and justice in India are failing the Indian people. By identifying the policy issues that are interlinking the decline in economy and domestic unrest among the religious and caste minorities, the need for restoration of justice in present government is highly recommended. Further research is proposed for implementing restorative procedures.

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-Abraham Sekhar

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Introduction

Indian culture and civilization are several thousand years old, and India was ruled by many kings and emperors for centuries. India has gone through many transformations within the past seventy years. At the time of independence in 1947, it was counted as one among the many impoverished countries of the Third World. The economic growth during the past three decades is significant, and now it is considered to be the second fastest growing economy in the world. However, the domestic issues that surfaced during the past five years have drawn the attention of many around the world, and the sudden set back and decline in its economic growth observed during the past three years, have become the causes for my deeper study and research into many aspects covered in this thesis. Initially, I review the historical context of Indian Democracy and the democratic principles stated in the Preamble of the Constitution of India, and then I look into the 'drifting away' of the present ruling government from fifty years of following secular principles towards a Hindu dominated agenda. This proposition has called for an exhaustive literature survey and analysis: Quantitative analysis on economic growth and descent; Qualitative and Quantitative analysis on social and political issues; and supporting evidences collected on the persecution of religious minorities. How has the imposition of the 'nationalist Hindutva agenda' affected the growing economy and how has it become the reason for the deterioration of justice, is what made this study necessary and covers the scope of it. The Christian worldview and the Biblical principles for justice in government on which it stands, is the unchangeable standard to be observed by any government. This is the basic foundation on which I build my thesis. This brings out the list of major issues depicting how much the continuing rule of the present government after the recent elections for the second term, has

further hampered the delivery of justice for all persons in India, and caused a falling away from its original democratic principles. My hypothesis is that democracy and justice in India are failing the Indian people in the situation that currently prevails. An attempt is made to present restorative procedures that can enhance justice and democracy in India, which will need further research for prospects of implementation.

Chapter 1

The Democracy of India

'Democracy is the form of government in which the free are the rulers' - Aristotle

India is the world's largest democracy with a population of 1.23 billion. India became a democratic nation after its independence from British rule in the year 1947. Thereafter, the citizens of India were given the right to vote and elect their leaders irrespective of their caste, color, creed, religion, and gender. India identifies with five democratic principles: it is a sovereign, socialist, secular, democratic republic. Dr. Ambedkar, who wrote the constitution of India, had strong faith in equality, liberty and fraternity.

India is a federal state with a parliamentary form of government. It is governed under the 1949 constitution, which was effective from Jan. 1950. The President of India, who is head of state, is elected for a five-year term by the elected members of the federal and state parliaments. It has 28 states, and 9 Union-territories (Subramaniam, S. 2019). There are 22 official (major) languages, 461 minor languages, and 710 dialects in India. Four major religions of the world have originated from India: Hinduism, Buddhism, Sikhism and Jainism. Islam and Christianity spread into India from the Middle East. There are many other minor sects too. Since Independence, India had to work towards emerging as a united nation with all its diversities (languages in India, n.d.). In this chapter, we review the Indian democratic principles, and present a brief account of its progress since independence. The Preamble in India's constitution reads: *'We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic, republic and to secure*

to all its citizens, social, economic and political justice; 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; in our constituent assembly, this 26th day of November 1949, do hereby adopt, enact and give to ourselves this Constitution'(The Constitution of India, n.d.).

Sovereignty

Sovereignty means the independent authority of a State. It means that it has the power to legislate on any subject; and that it is not subject to the control of any other State or external power. It has two aspects- external and internal. External sovereignty or sovereignty in international law means the independence of a state, in her conduct with other states in the committee of nations. Sovereign in its relation between states and among states, signifies independence. On the other hand, internal sovereignty refers to the relationship between the states and the individuals within its territory. Internal sovereignty relates to internal and domestic affairs, and is divided into four organs, namely, the executive, the legislature, the judiciary and the administrative.

Socialist

Before the term was added by the 42nd Amendment in 1976, the Constitution had socialist content in the form of certain Directive Principles of State Policy. The term socialist as used here refers to democratic socialism, i.e. achievement of socialist goals through democratic, evolutionary and non-violent means. Essentially, it means that (since wealth is generated socially) wealth should be shared equally by society through *distributive justice*, not concentrated in the hands of the few, and that government should regulate the ownership of land and industry to reduce socio-economic inequalities. 'No one would argue that poverty,

properly defined, ought to be reduced, at the least, and eliminated if possible. No one would deny that resources are at least morally obligated to be devoted to some sort of solution' (Clauson, M. A., n.d.).

Secular

Secular means, that the relationship between the government and religious groups are determined according to constitution and law. It separates the power of the state and religion. By the 42nd Amendment in 1976, the term "Secular" was also incorporated in the Preamble. There is no difference of religion *i.e.* all religions are equally respected and moreover, there is no state religion. All the citizens of India are allowed to profess, practice and propagate any religion. Explaining the meaning of secularism as adopted by India, Alexander Owics has written, '*Secularism is a part of the basic structure of the Indian Constitution and it means equal freedom and respect for all religions*'(Patel, G., n.d.). In love and service, the ruler (government) must administer law and justice, defend the country against attack and punish the offender(Nygren, A., 2002).

Democratic

The people of India elect their governments by a system of universal adult franchise, popularly known as "one man one vote". Every citizen of India, 18 years of age and above, and not otherwise debarred by law, is entitled to vote. The word 'democratic' not only refers to political, but also to social & economic democracy.

Republic

In a republican form of government, the head of state is elected and is not a hereditary monarch. Thus, this word denotes a government where no one holds public power as proprietary right.

Impressions of Founding Fathers of India

The founding fathers have been working towards political reforms and social reforms in India since its inception as a democratic country, saying, *“That the social order prevalent in India is a matter which a Socialist must deal with; that unless he does so, he cannot achieve his revolution; and that, if he does achieve it as a result of good fortune, he will have to grapple with the social order if he wishes to realize his ideal—is a proposition which in my opinion is incontrovertible. He will be compelled to take account of Caste after the revolution, if he does not take account of it before the revolution. This is only another way of saying that, turn in any direction you like, Caste is the monster that crosses your path. You cannot have political reform, you cannot have economic reform, unless you kill this monster” -Ambedkar (Ram. S., 1935)*

There have been serious differences between Gandhi, the father of the nation, and Ambedkar, the father of the constitution of India, on the question of political reforms and social reforms, though they both believed in the uplift of the socially downtrodden (Naskar, I.,2011). In Ambedkar’s words, ‘Gandhi's nation building would be unsuccessful if the communities (Muslims) and castes (Untouchables) would break away from the Indian social fabric seeking their own identity,... the least he could do was to prevent the Depressed Classes from following the Muslims in dividing the Indian polity’(Andrews C.F., 1933). The first separation of Muslims and Hindus was the cause for the birth of Pakistan (East and West) away from India.

Chapter 2

The Progress of Indian Democracy

'you would have no power, ...if it were not given to you from above'. Jn. 19:11, NIV

India had its first general election in 1951. The Indian National Congress was the single largest political party, which held the rule and government for almost four decades. The 1990s saw the end of single – party domination and the rise of coalition governments. The Bharatiya Janata Party (BJP) got elected in 2014, and again in 2019, as the single largest party, to form the government. Indian politics over the years has become a corrupt practice, and is now rated by ‘The Economist Intelligence Unit’ as a "*flawed democracy*", continuously for several years, and is ranked at 41 in 2019 (Democracy Index, 2019). The prime ministerial candidate of the Bharatiya Janata Party (BJP), Narendra Modi, was a controversial figure, because, he had been in charge as Chief Minister of Gujarat state government, and was widely considered to have been responsible for the deaths of many Muslims in 2002, in the most serious outbreak of violence between Hindus and Muslims that independent India had experienced. The events of that year have been described as a ‘pogrom’. Drawing on his considerable rhetorical skills, it has also been said that he reverts to rustic sarcasm in a way that is unbecoming of a national leader (Harriss J., 2016). Modi successfully projected himself, as capable of delivering growth on the promise of national economic development after what were represented as years of stagnation and corruption under the earlier government. The promise of rapid economic development, together with the idea that he would promote ‘Minimum Government, Maximum Governance’ (Ruparelia, S.) was a message that was very successfully projected to the electorate, via

Modi's own speeches across the country and through a skillful use of media, including social media. This effort was massively funded by major corporate groups. The BJP campaign was focused around Modi and resembled that of an American presidential candidate in a way that had never happened before in India. It was supported by the extent of the control exercised by the BJP over a significant fraction of the media. Modi won an extraordinary victory. The BJP, Modi's party, is the political wing of the Sangh Parivar, the 'family' of organizations formed around the Rashtriya Swayamsevak Sangh (Jaffrelot, C.).

Rashtriya Swayamsevak Sangh (RSS), is a quasi-military brotherhood founded in 1925, organized by *pracharaks* (full-time party activists and propagandists), of whom Narendra Modi was one, in a local *shakha* (unit or cell), at an earlier stage in his career. 'Expressed in the simplest terms', the RSS declares, 'the ideal of the Sangh (RSS) is to carry the nation to the pinnacle of glory, through organizing the entire society and ensuring the protection of Hindu Dharma'. Its mission is now stated in these terms: 'The Hindu culture is the life-breath of Hindustan (India- the land of Hinduism). It is therefore clear that, if Hindustan is to be protected, we should first nourish the Hindu culture. If the Hindu culture perishes in Hindustan itself, and if the Hindu society ceases to exist, it will hardly be appropriate to refer to the mere geographical entity that remains as Hindustan. Strength, it should be remembered, comes only through organization. It is therefore the duty of every Hindu to do his best to consolidate the Hindu society. The Sangh is just carrying out this supreme task. The present fate of the country cannot be changed unless lakhs of young men dedicate their entire lifetime for that cause. To mold the minds of our youth towards that end is the supreme aim of the Sangh'. These statements are taken from the English-language website of the RSS (RSS the mission).

The RSS is, therefore, dedicated to the cause of Hindutva. Hindutva refers to the idea of 'Hindu-ness', or to Hinduism as a way of life, and the establishment of a Hindu *rashtra*, or Hindu polity. RSS volunteers played an important part in Modi's campaign in many parts of the country, and it may reasonably be presumed that many of them expect the BJP to deliver on long-standing key demands of the RSS. These demands would have India's Muslims and Christians conforming to a common civil code, rather than being able to order their family lives according to their own religious traditions. BJP has recently changed the special status in the Indian Union (under Article 370 of the Constitution of India) of Kashmir, India's only state with a Muslim majority; and they would see the completion of the construction of a Hindu temple on the site of an old mosque (the Babri Masjid) at Ayodhya, in the northern state of Uttar Pradesh, which was destroyed by activists from the Sangh Parivar in 1992. These all remain core issues for Hindu nationalists, some of whom were quite virulently critical of the earlier BJP-led coalition government for its clear failure to address them, whilst it was in office from 1998 to 2004 (Corbridge, S., Harriss, J., & Jeffrey, C., 2013). These are the implications for Indian society, for Indian politics over the longer run, and for the country's economic development, if the party is covertly dedicated to the cause of Hindu nationalism.

The experience of Gujarat (state) over the thirteen years, in which, Modi was chief minister of state, constitutes a model for the country as a whole. In 2001, Gujarat was considered as a drought prone state. Gujarat managed a turnaround and achieved 11% agricultural growth by 2011. Industrial development, Village and Taluk level decentralized administration, education for all youth, employment, infrastructure facilities and drinking water were part of the transformations in Gujarat (How did Gujarat Emerge as a Model,

2011).By achieving a landslide victory in national elections 2019,Modi has established himself as a Hindu nationalist leader and the country's most formidable politician in decades. With no aberration, Indian politics has likely entered a new era of Hindu nationalist hegemony, fueled by Modi's extraordinary popularity. Religious minority groups have voiced fears, that, a returned BJP government would be further emboldened to perpetuate its Hindu nationalist agenda. Amit Shah, the BJP President, described Muslims and Christians as illegal migrants and referred to them as "termites" in his speech. BJP candidates, who have criminal records against them, have been fielded in the elections and have won. It's to be noted that BJP's victory was also fueled by a relentless, data-driven and highly disciplined style of campaigning (India election results, 2019).Prime Minister Modi has to deliver on the promises that he made to the electorate, and preserve the democratic principles, and secure social, economic and political justice for its people. A brief review on prevailing condition of justice in India is presented in the next chapter.

Chapter 3

Justice in India

'Follow justice and justice alone' - Deut. 16:20a, NIV

The term 'Justice' in the Preamble embraces three distinct forms, - social, economic and political, secured through various provisions of Fundamental Rights and Directive Principles (Concept of..., n.d.).

Social Justice

Social Justice means the absence of socially privileged classes in the society, and no discrimination against any citizen on grounds of caste, creed, color, religion, gender or place of birth. Indian democratic principles stand for eliminating all forms of exploitations from the society.

Economic Justice

Economic Justice means no discrimination between man and woman on the basis of income, wealth and economic status. It stands for equitable distribution of wealth, economic equality, the end of monopolistic control over means of production and distribution, decentralization of economic resources, and the securing of adequate opportunities to all for earning their living.

Political Justice / Constitutional justice

Political Justice means equal, free and fair opportunities to the people for participation in the political process. It stands for the grant of equal political rights to all the people without discrimination. The Constitution of India provides for a liberal democracy in which all the people have the right and freedom to participate.

Democracy vs Nationalist Agenda

'Justice has traditionally been defined as giving all persons their due. Criminal acts and the failure of laws and courts to protect people from illegal and evil acts of immoral individuals is injustice. If governments rob people of what is due them through their oppressive acts, it is injustice. Social or economic conditions present in society that unjustly limit people in their actual opportunities to live lives of freedom and responsible action is injustice' - Monsma

India has survived through the growing pains of a democratic experiment; and prospered as a nation under a Nehruvian vision and the constitutional umbrella engineered by the great B.R. Ambedkar. Indians think that democracy means a majoritarian rule. So, when a party or a coalition is elected, it acts as if, it has the moral and legal right to do what it pleases! India today is at such a crossroad with Narendra Modi in power, disregarding the aspirations of the minorities, and diminishing the power structures that provided political and social stability in the last seven decades or more. Most Indian people sincerely believe that his administration is run by a political dogma inspired by the RSS ideology, because of his long association with that organization and penchant for appointing many of the chief ministerial candidates from that feared cadre. 'It is suspected that many of his illiberal policies, and reluctance to err on the side of liberty and justice, may be the direct result of his commitment to that ideology' (Abraham G., 2019). During the last five years of BJP rule, the disrespect to parliamentary democracy, interference with Law Enforcement,

assaults on the Independence of the Judiciary, weakening of the Right to Information (RTI) Act., influencing the Election Commission, muzzling of Freedom (stifling of Individual thought and expression; harassing of the Media; curbing dissent in Academia; diminishing Civil Society; violating Religious Freedom and imposing Dietary restrictions), practicing Anti-Dalit policies, implementing Zero tolerance in Kashmir, and treating Mythology as Science, are some of the intolerant activities visibly noticed (for detailed write up, read, Appendix 1) (Abraham G., 2019). Literature survey, review and analysis can substantiate the claims made thus far.

Chapter 4

Literature Review and Methods of Analysis

An exhaustive literature survey to substantiate the facts mentioned in the previous chapters, followed by a review of economic growth, and slide of Gross Domestic Product (GDP) index, through quantitative methods of analysis are presented in this chapter. Further studies on the scenario of prevailing injustice during the past six years, causing internal domestic unrest, due to religious persecution affecting minorities in India, are also carried out and analyzed with both qualitative and quantitative methods.

Literature Search

Research reports are collected from the data bases of Liberty University Library, scholarly peer reviewed articles, and from recognized institutions across the world. A meta-analytic view compares, the Economic growth with the rule of the present government, and then attempts to point out the simultaneous increase in religious persecution in India by the influence of the Hindu fanatics on the ruling government, and also, the progressive social injustice practiced by the system. The literature review also opens avenues for further research through participant interviews or first-hand reports in public media.

Quantitative Analysis on Economic Growth and Descent

Among the fastest growing economies of nations, India was the fourth-fastest-growing economy, measured by Gross Domestic Product (GDP), with 7.2 percent projected growth in 2017 (Ref Table 1) (Gray A., 2017). GDP Annual Growth Rate in India averaged 6.20 percent from 1951 until 2019, reaching an all-time high of 11.40 percent in the first

quarter of 2010, and a record low of, -5.20 percent in the fourth quarter of 1979. The GDP advanced 5 percent year-on-year in the second quarter of 2019, slowing from a 5.8 percent expansion in the prior period, and missing market consensus of 5.7 percent. It was the weakest growth rate since the first quarter of 2013, amid a slowdown in manufacturing and construction sectors.

The world's fastest growing economies

Forecast GDP growth, 2017

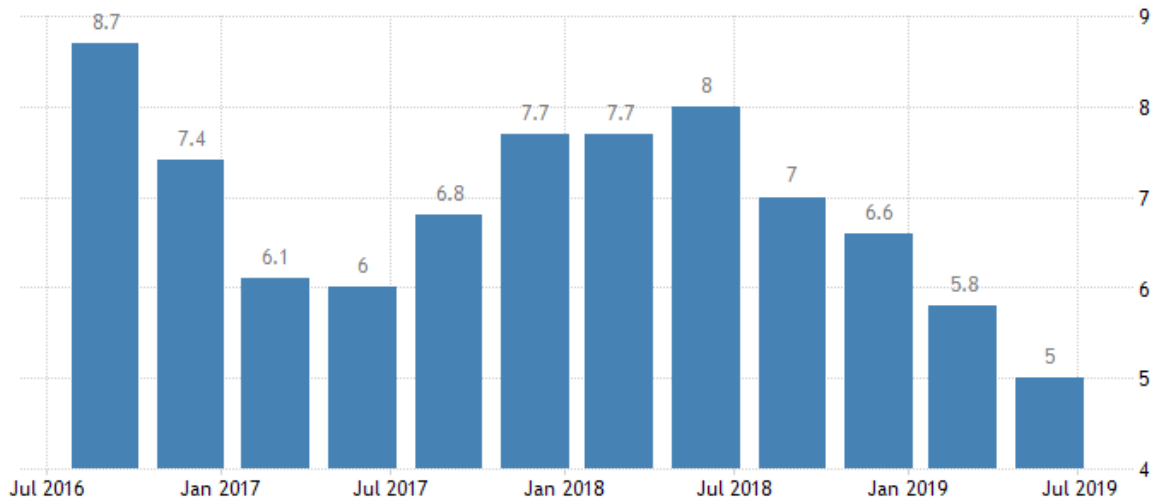


Source: World Bank

Table 1

Scenario in 2019, after the Elections

India reached a GDP growth rate of 5% post elections 2019, the weakest growth rate since the first quarter of 2013 (Ref Table 2) (GDP growth rate of India, n.d.). **Latest update:** GDP has further gone down to 4.5% in the third quarter of 2019 (Gupta, S., 2019).

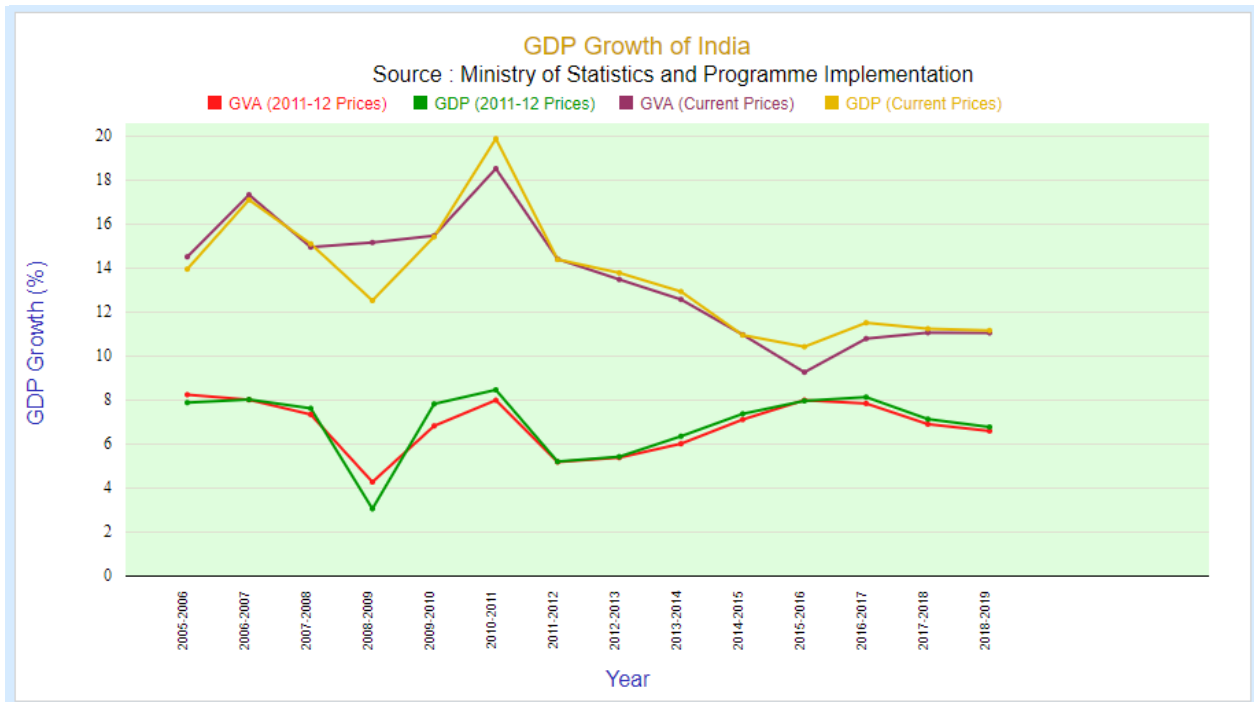


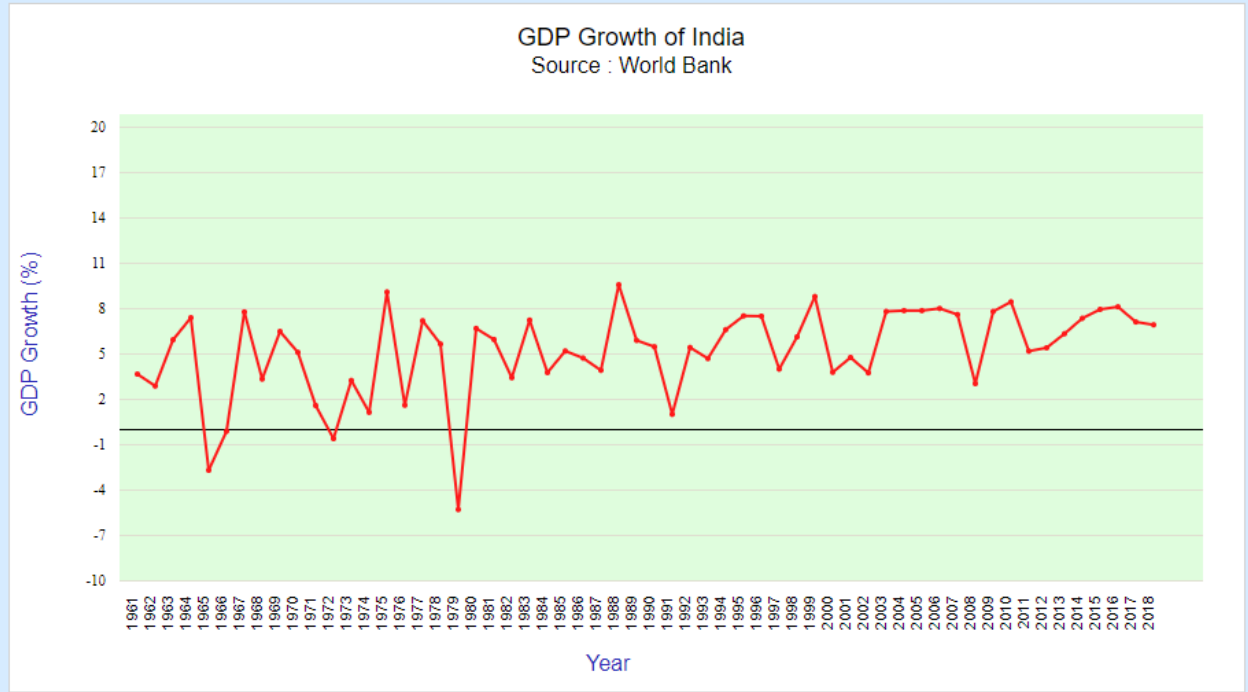
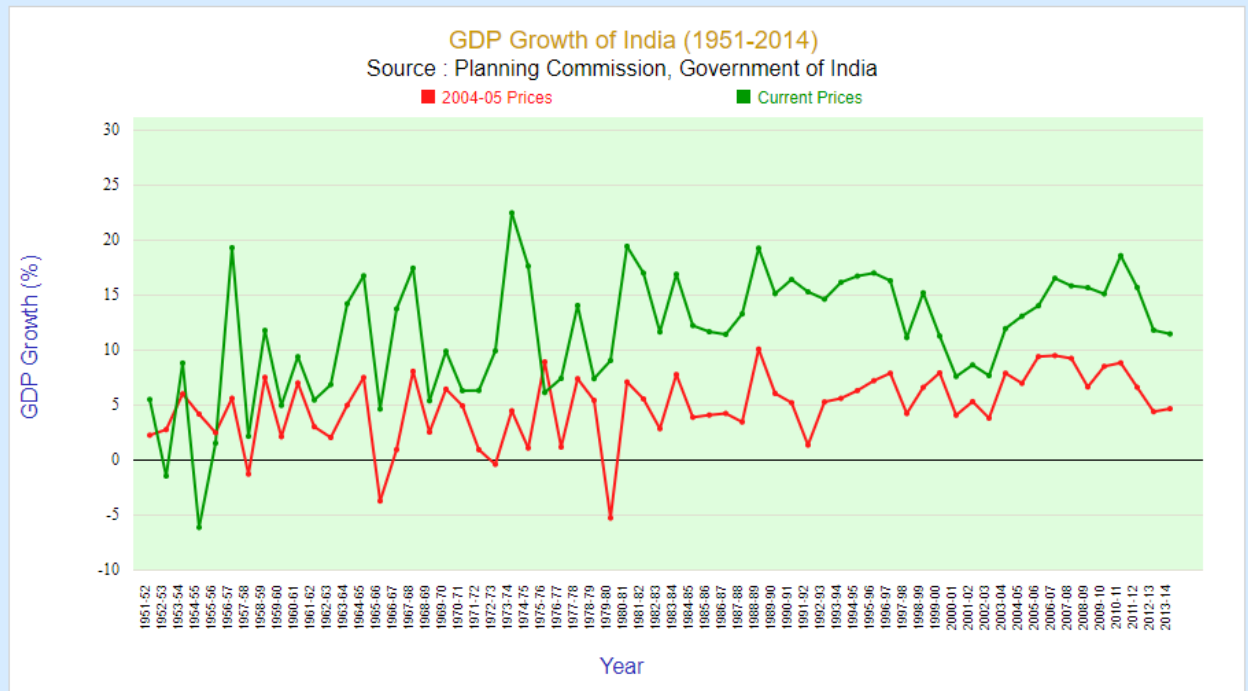
SOURCE: TRADINGECONOMICS.COM | MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (MOSPI)

Table 2

The following graphs further display the comparative quantitative analysis of economic growth.

GDP figures are available since 2004-05 (Refer Graphs 1, 2, & 3 below).





This sliding to such low growth rate has happened in the recent past, after imposition of their ‘Hindutva agenda’ of BJP government under Modi’s premiership. According to

previous Prime Minister and Finance Minister Manmohan Singh, this result is due to the demonetization and introduction of GST (General Sales Tax), hastily imposed without evaluation by the opposition and with dictatorial attitude (FE, online, 2019).

Qualitative and Quantitative Analysis on Social and Political Issues

Religious Persecution in India on the Rise

Having seen the growth on Economic and Trade affairs, one cannot neglect the simultaneous growth in the number of incidents of religious persecution, leading to loss of lives, liberty and property, which are the fundamental rights of every citizen. As the only Superpower in the world, the US values fundamental rights as the ‘inalienable rights of every human being’. The US plays an important role in upholding freedom of religion (USCIRF.Gov.). ‘Given the U.S. commitment to Religious Freedom, and to the international covenants that guarantee it as the inalienable right of every human being, the United States can identify and denounce regimes that are severe persecutors on the basis of religious belief’ (Department of state). U.S. Department of State, under the International Religious Freedom (IRF) Act of 1998 (H.R. 2431) ‘can subject nations guilty of severe violations of religious freedom, to actions which include imposing economic sanctions’, in order to prevent atrocities on human lives and to protect Religious Freedom.

Annual Report-2019 of USCIRF (United States Council for International Religious Freedom) states, “In 2018, religious freedom conditions in India, continued a downward trend. India has a long history as a secular democracy, where, religious communities of every faith have thrived. The constitution guarantees the right to religious freedom, and the nation’s independent judiciary has often provided essential protections to religious minority communities through its jurisprudence. Yet, this history of religious freedom has come

under attack in recent years with the growth of exclusionary extremist narratives—including, at times, the government’s allowance and encouragement of mob violence against religious minorities—that have facilitated an egregious and ongoing campaign of violence, intimidation, and harassment against non-Hindu and lower-caste Hindu minorities. Both public and private actors have engaged in this campaign. In 2018, approximately one-third of state governments increasingly enforced anti-conversion and/or anti-cow slaughter laws discriminatorily against non-Hindus and Dalits alike.

In 2018, the Supreme Court of India highlighted the deteriorating conditions for religious freedom in some states, concluding that certain state governments were not doing enough to stop violence against religious minorities, and in some extreme instances, impunity was being granted to criminals engaged in communal violence. Prime Minister Narendra Modi seldom made statements decrying mob violence, and certain members of his political party have affiliations with Hindu extremist groups and used inflammatory language about religious minorities publicly. Victims of large-scale attacks in recent years have not been granted justice, and reports of new crimes committed against religious minorities were not adequately accounted for or prosecuted. India’s substantial population both complicates and limits the ability of national and state institutions to address these issues. Based on these concerns, in 2019, USCIRF again places India on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the “systematic, ongoing, egregious” standard for designation as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). While the Indian government repeatedly has denied USCIRF access to India, the Commission welcomes the opportunity to openly and candidly engage with the government—including the chance for

a USCIRF delegation to visit India—to discuss shared values and interests, including international standards of freedom of religion or belief and related human rights. This depicts the internal domestic socio-ethnic issues in India” (USCIRF.gov).

Further Discussions and Review

The quantitative analysis on economic and trade affairs, and the qualitative and quantitative analysis on religious persecution call for an in depth meta analytical study and social science research on Indian judiciary system. However, following are the major factors to be mentioned while focusing on the scope of this thesis.

Has India failed in its Judicial System?

‘The citizens of this country are seething with rage over a callous unresponsive government and judiciary. They are no longer fooled by promises of action and statements such as “law will take its course” or setting up of toothless judicial commissions, for, “Justice delayed is justice denied”’. The detailed write up of the opinion of IBTL (India Behind the Lens) on the present state of affairs is in Appendix 2 (IBTL O., 2013).

Social Justice

Dr. B.R. Ambedkar, the principal architect of the Indian constitution, hailed from the lower caste group in India and contributed significantly to social justice. He was the man who ensured basic civil rights for lower caste groups in India. He said, ‘Our marginalized sections of society were recognized, thereby enabling us to seek justice for marginalized groups, that included Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Caste (OBC), Extremely Backward Caste (EBC), and Minority Castes’ (Kumar P. 2019).

The Indian Constitution provides avenues for access to justice in the form of provisions of Public Interest Litigation, whereas, access to higher courts for justice remained

a dream for decades. Justice was meant for the few who could afford it. Judicial activism plays a significant role to achieve the purpose of an easy, cheap and expedient access to the constitutional courts in cases of breach of fundamental rights. 'The constitutional provisions helped achieve a new set of principles of Public Interest Litigation, avoiding turning it into personal or political litigation. India after its Independence had to live with the law, conventions and judicial practices of the British Raj, in accordance with the Independence Act 1947. However, after successfully framing its own Constitution, even the provisions which provided extended jurisdiction to the constitutional Courts of India remained unexplored due to British judicial legacy, regarding access to justice'. Open doors for access to justice, under the provisions of Public Interest Litigation are abused by politicians, who are busy bees and greedy of public fame (Amanullah A., 2018).

Distributive Justice

It is very hard to achieve distributive justice in recognition-based politics, and it is determined by political structures and the power relations that constitute them. Nancy Fraser's framework of social justice shows that the meaningful coordination of identity-based claims with distributive justice is constrained not only by the content of the claims themselves, but also, because redistributive demands are subverted through competing pursuits for power and legitimacy between rival political factions (Morelock, J., 2017). 'Recognition politics' has taken a disciplined form in the electoral mainstream, and distributive politics continues to be pursued through violent and extra-parliamentary means in India. A case study on the failure of distributive justice in the State of Jharkand is detailed in Appendix 3 (Basu I., 2012).

Civil Justice in India

The history of the Indian judicial system goes back to the ancient time (1500 BC – 200 BC), when Manu and Brihaspati gave Indians Dharma Shastras (scriptures), revealing that there was a fairly well-developed and sophisticated system of administration of justice. There is considerable similarity between the system now in force and civil judicial proceedings in ancient India. The profession of lawyers, or advocates, was unknown during that period. Trial by jury, and trial by ordeal, were the two types of trials that existed then. The ancient Indian and constitutional system had established a duty-based society. It postulated that everybody from the king to the lowest members of society were bound to fulfil his or her duties towards society. During the existence of larger and smaller kingdoms, the supremacy of dharma (law) over the kings as declared in the authoritative religious texts, were respected in letter and in spirit. Thus, there were no absolute monarchies. The modern concept of “the King can do no wrong” did not apply. The king was equally bound by the same law. From the very beginnings of Indian society, people had access to justice. During the Hindu period, and also the Muslim period, even the poorest could directly gain access to justice. Under British rule, however, it was not so. Access to justice became very expensive because of heavy court fees, high fees charged by advocates and other expenses. For ordinary people, this amounted to the virtual denial of access to justice. Against this backdrop, provisions for indigent persons were made, in order XXXIII of the Code of Civil Procedure, stipulating that a person who does not have property worth 1,000 rupees (\$ 140) can file suit without payment of the court fee. The Indian Constitution enjoins the government to provide legal aid to poor persons. The Indian legal system is based on the fundamental principle of *ubi jus ibi remedium*, which means “where there is a right, there is a remedy”. India is a huge

country geographically, and the second largest in the world by population. The problems it faces are great as well and they are multifaceted. The country, at present, has a growing economy, and is gradually becoming a highly industrialized nation. Alongside this economic development, establishment of many commercial and industrial companies and institutions, have brought in litigations of many kinds that are seriously affecting the law relating to civil procedure (Agrawal K., Dixit N., 2016).

Food Justice

India stands on the threshold of potentially the largest step toward food justice the world has ever seen. The National Food Security Bill (NFSB) is working its way through parliament with a view to being passed during this term of the present government. Indian food security, and nutrition levels are not being swept up in the tide of gross domestic product per capita growth. Hence food justice once again depends on the present scenario with the Parliament controlled by BJP. How can we ensure that the most marginalized are not excluded from India's major food and nutrition programs? How can we protect the land and mineral rights of the marginalized, the Scheduled Tribes (ST) and Scheduled Castes (SC)? How can we improve farm productivity in a way that empowers women? Absence of justice causes all issues and problems, social and political, and finally brings decline in growth rate of economy (Lawrence H. *et.al.*, 2012).

Women and Justice

The right of access to justice for women is essential for good governance and gender equality. This encompasses justiciability, availability, accessibility, good-quality and

accountability of justice systems. It is a tool to advance women's rights and provide remedies for victims. In India, various factors make it harder for women to access justice: including illiteracy, deprivation of liberty, geographical remoteness, stigmatization of women fighting for their rights, inordinate delays in investigation, lengthy court proceedings, and the burden of going through the process alone. For many years, the standard practice in most police departments has been to treat domestic violence cases as "family affairs" and not as crimes. The police prefer not to be involved; rather, it is perceived that such violence is part of Indian culture. Even when women have the courage to approach external institutions, they are met with insensitive attitudes and inadequate redressal mechanisms. Despite the constitutional guarantee of justice (socio-economic and political), equality and dignity, only a fraction of abused women seek help; a significant proportion do not receive the required care and prefer to remain voiceless. In such a framework, the act of reporting domestic violence and getting justice is a struggle for women (Singh, S. P., & Mahapatro, M., 2018).

Environmental Justice

In a time of rapid economic growth and increasing industrialization and urbanization, environmental justice considerations can become of secondary concern. In India, which saw average annual GDP growth of 7 percent from 2008 to 2018, measures were developed in an effort to address procedural aspects of environmental justice, including 'green benches' in state high courts, the National Green Tribunal (NGT) and Public Interest Litigation (Govt. of India). Critical analysis of environmental movements indicates *three* important attributes of environmental justice: equity in the distribution of environmental risk (distributive

justice); recognition of the diversity of participants and experiences in affected communities (recognitional justice); and opportunities for participation in the political processes that create and manage environmental policy (procedural justice). Accessing the court system in India remains incredibly difficult for marginalized sectors of society. Although public interest litigation represents an important advancement in accessing procedural justice in India by empowering civil society, there remains a lack of technical and financial aid to support community involvement in court proceedings. Additionally, court decisions favor industry over poor citizens looking for justice. If, in fact, such preference exists, institutional change is required to better shield court decisions from political interference, and if it does not exist, measures are required to improve access to justice, which might install greater confidence in the justice system. Thus, it is clearly observed and seen, that the need for restoration of justice in all areas of life of the common man, society and government, has become very compelling at this junction in Indian History (Dilay A. et al., 2019).

British to India – Influence of Missionaries

Missionaries felt justice to be an important concept for the common man, as a marker of identity, as a theological explanation, and as an institutional duty. The British initially valued ideas of retribution; equity; legality or jurisprudence or judgement. Later the concepts of justice embodied race and gender. Although the historiography on colonial law rarely addresses issues of theology, the belief in God remained significant with missionaries, and service to common man in the fields of education and healthcare demonstrated their basic beliefs. However, the local rulers and administrations practiced justice with inclusion of caste and untouchability, which has become a great weakness (Cleall, E., 2017).

Human Rights and NGOs Shut Down

‘USCIRF’s annual report 2019’ categorized India as Tier2 country. Registration of several international groups, some with missionary and human rights portfolios, have been prohibited from operating in India since the Foreign Contribution Regulation Act (FCRA) of 1976 was updated in 2010. Under the revision of the law, the government can shut down any internationally funded NGO (Non-governmental Organization) engaged in “any activities detrimental to the national interest.” The government has also used this provision to shut down thousands of international NGOs since 2014; some reports estimate that 20,000 NGOs have been denied licenses to operate or continue operations. The process by which NGOs have to apply for certification lacks transparency, and NGOs who have been denied operational licenses often cannot obtain explanations for the denial. The NGOs were often targeted for political reasons; however, non-Hindu religious organizations were also targeted. In November 2018, the Indian government demanded that 1,775 organizations provide further explanation for their failure to submit use of foreign funds over the last six years; these organizations included many non-Hindu religious groups, some Hindu trusts managing major temples, and secular human rights groups. ‘USCIRF’s 2018 report’ on limitations to religious freedom in South Asia, and a 2018 Congressional Research Service report described the FCRA’s impact. Some among the Hindu population, including some Hindutva extremists perceive Christian missionaries converting Dalits to be particularly threatening, as there are nearly 200 million Dalits in India’ (USCIRF. Gov.).

Chapter 5

Biblical Principles for Justice in Government

Literature survey, review and analyses have explicitly exhibited the current status of Indian democracy and justice in India. Prior to recommending actions that can enhance justice and democracy, it is essential to throw light on the subject, from the unchanging Biblical principles for justice in government. Every country has a government and unless justice is practiced, the land will face issues in all fields and instability will occur. So, let us understand justice and its importance in the government, and then present the policy recommendations for India's stability of democracy.

What is Justice?

'Justice has been defined as giving all persons their due. Christians' evaluations of Public Policies should...be about Justice' –Monsma

We live in a fallen world. Evil tries to overcome the good. Let us first understand injustice, and then explain justice. Criminal acts and the failure of a government to protect the people from such acts is injustice. When the government itself robs people of what is rightfully due to them, it is intolerable injustice. If people in a country are deprived of their inalienable rights, lives, liberty and properties, there is injustice. Injustice prevails in a society, if people without love for their neighbors live in selfishness, greediness or covetousness and rob or kill each other. Slavery is injustice. Racism and casteism are injustice.

When we say that justice is giving all persons their due, it includes seeking their common good without barriers of ethnic, racial or religious identities. In capitalist countries, justice will see to it that no one lacks in any necessity as people pursue their liberty and rights. Everyone may have their basic necessities met in a socialistic country, but the pursuit of freedom, a higher standard of living, and enjoying their God given rights are sadly lacking.

Justice, if practiced from bottom upward, faces high resistance and changes seldom occur. Government is the greatest influencing force, and hence, justice should be practiced from top downward to provide liberty, protection of lives and properties (Rom.13:1, NIV).

The word 'justice' is mentioned more than 200 times in the Bible. The Bible commands justice to be practiced in fairness, economic equality, moral uprightness, with grace and compassion to the poor and the needy. The majority of references to "justice" in the Bible actually relate to a person's legal rights. When we read "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy" (Prov. 31:8-9, NIV), it is talking about the legal rights of the poor and destitute. When Absalom expressed his desire to be a judge so that "everyone who has a complaint or case could come to him and he would see that they get justice" (2 Sam 15:4, NIV), he was talking about the courts upholding a person's legal rights. When Amos declared that the people "oppress the righteous and take bribes and deprive the poor of justice in the courts," he was clearly referring to their legal rights being denied (Amos 5:12, NIV).

When translated as ‘just or justice’, these words are used in the Bible 424 times in 406 verses, as a reference to conformity with the law, moral uprightness rooted in God’s character, doing the right thing, and justice in legal disputes. It can also refer to laws or statutes, legal rights, legal proceedings in general, correct weights and measures, specified/prescribed offerings, a judge’s decision/verdict, and a sentence of punishment. In the New Testament, the word mostly refers to divine judgment, especially in respect to the ‘day of judgment’. The word ‘justice’ in three verses, when compared to the use of the word elsewhere, carries the connotation of vengeance, and punishment. Thus, government and justice are so interwoven and cannot be separated.

What is Government?

Governments, then, in performing their role of doing and maintaining justice, must ensure that no one is above the law (Job 34:17-19, NIV), that everyone regardless of the social status, maintains their legal rights, that laws and statutes created are fair and just (Isa 10:1-2, NIV), that law breakers are adequately punished, and that sufficient remedies are available to victims. When we talk about government and justice, we generally think about areas of its influence in civil society, on the poor or on poverty and solidarity, war and terrorism, life issues connected with illnesses and pregnancy etc. (Monsma, S. pp. 46-61). Then comes the environment, and God’s other creations like animals, birds, sea and fish etc. Policy issues in government include business, industry, schools and all education systems, media and communication including films and documentaries, religions, families, churches and other religious institutions and their practices, lands and properties (Sekhar, A).

Government is a God-given provision. Three God-given provisions are: Marriage and family, church or a community based on race or language, and the government. People accept marriage or family, and ethnic group or community, as God-given. The Bible makes it clear that God has instituted government too (Monsma, S., pp. 46-61). Proverbs 8:15-16 declares, 'By me kings reign; and rulers make laws that are just; by me princes govern, and all nobles who rule on earth'. Romans 13:1-4, NIV, also declares that, 'there is no government except that which God has established'. When God commanded or promised Adam and Eve, the first man and woman, he said to them to have dominion or rule the earth. Dominion and rule refer to the government. Governing authorities are God's servants (Rom.13:1, NIV). Government influences all areas of life and life issues of mankind. If government intervenes with justice, every issue or problem will end or get a just solution. Let us not forget, 'Government is of the people, by the people and for the people' (Abraham Lincoln) (Additional references on Justice mentioned in the Bible are given in Appendix 4).

Social Justice in the Bible

Social justice is one of the fundamental issues in the Bible. God created the world and humankind, and the life and happiness of all His people are His deepest desires. The Bible brings to central stage continually those who are oppressed and turn to God in prayer (Ps. 9,10, & 22, NIV). Prophets such as Isaiah and Amos raise their voices on behalf of the poor and the marginalized, those belonging to the 'weaker' social groups. God himself prescribes a brotherly and sisterly social order in his Torah, and, in the same divine wisdom, Jesus develops a Christian ethic of love. We can look at different aspects of the framework for

social justice that is set out in the Bible and see how the instructions of the Old Testament are developed in the teachings of Jesus (SJ D. M., 2011).

Towards a Just Society

In the Bible, the tyrannical oppression of the people of Israel in Egypt is the archetype of politically motivated, social injustice. God perceives it with utmost sensitivity (Ex. 2:23-25; 3:7, NIV) and he leads Israel in the first half of the book of Exodus ‘to Himself’ (Ex 19:4, NIV), to Mount Sinai. There He establishes the foundations of Israel as a free people living according to an order of social justice; the Ten Commandments form a kind of constitution for Israel. They are introduced with the words, ‘I am the Lord your God, who brought you out of the land of Egypt, out of the house of slavery’ (Ex 20:2, NIV). Freedom through the encounter with God is the prerequisite for a society that respects the life and dignity of fellow humans, the basis of which is unfolded in the Ten Commandments (Ex 20:2-17, Deut. 5:6-21, NIV). The institution of the Sabbath, for instance, is an instrument for the levelling of social differences, allowing servants and strangers to rest together with employers and citizens (Ex. 20:8-11, Deut. 5:12-15, NIV). According to the vision set out in the Bible, the totalitarian exercise of power always leads to social injustice. Only by broadening its horizons to include more than the particular interests of specific individuals, can justice be restored (Biblical Bases for Restorative justice, 2018).

The Big Context—God’s Healing Strategy

When man became alienated from God and Cain murdered Abel (Gen. 3 & 4, NIV), we see all creation getting destroyed in the Great Flood (Gen. 7-9, NIV). Further scattering took

place when the Tower of Babel was built (Gen. 11, NIV). From the very beginning, we see the centrality of violence and the cost in fundamental conflicts even within the first family. God's initial response in the story is massive retribution, but then "God remembers" Noah, the waters recede, and God calls the human community back together, vowing not to destroy it in this way again. How then will God deal with this alienation?

Genesis 12:1-3 gives us the model in which, God calls together a community to know God's healing love and to be a channel for this love, blessing all the families of the earth. God purposes to respond to human alienation and injustice through a community of peace that will share the peace it learns to embody, with the entire world. The thread from Genesis through Revelation is enormously significant to note that, at the end of both Old and New Testament, and in the final vision, the New Jerusalem that God establishes on earth contains at its core, a river with trees on its banks providing leaves "for the healing of the nations" (Mal. 4:2; Rev. 22:2, NIV). In the light of the above Biblical declarations, there is hope for every country and every human being on the face of the earth. Reformation and restoration of what is lost can be achieved by addressing the major issues prevailing in the country.

Chapter 6

Addressing the Major Issues in the Government

The day the power of love overrules the love of power, the world will know peace –

Mahatma Gandhi

Prior to recommending actions that can enhance justice and democracy in India, the list of the specific issues in the present system under this government are to be looked into.

One-man Raj (Rule)

Narendra Modi came to office promising to bring India ‘good times’, by which he meant jobs, prosperity and international renown. He has projected the growth in GDP as progress made during his first term from 2014 to 2016, but the decline observed in graphs 1, 2 & 3 from 2016 to 2019 shows a different picture. Unemployment rate too is growing in the recent past. Voters gave his Bharatiya Janata Party (BJP), the biggest parliamentary mandate for change in 30 years. Mr. Modi has concentrated more power in his own hands than any prime minister in recent memory. The problem is, that, India needs a transformation, and the task is too much for a one-man band (Timekeeper, 2015).

Healthcare Issues

The newspaper reported that figures on nutrition and health across India, based on a survey involving 200,000 interviews conducted by UNICEF in 2013 and 2014, had not been published in full. Results on immunization published in October 2014 by the Ministry of Health had ‘covered most large states, but figures on Gujarat, oddly, were excluded’; and

‘The full set of figures on immunization rates, suggests a striking lack of progress under Modi’. The report concluded that ‘As prime minister, Mr. Modi has paid scant attention to health’ (Ruparelia, S., 2016).

Land Reforms

The amendments proposed are intended clearly to make the acquisition of land easier for business. Modi had felt compelled to defend them before BJP members of parliament (MPs), many of whom were concerned, for electoral reasons, if for no other, about the proposed changes to the Act. Modi claimed then, that, ‘All decisions I’m taking are for the welfare of the poor’ (Liz Mathew, 2015). He sought to convey the same message to the massive constituency of Indian farmers in one of his regular radio addresses. Practical implementation of the amendment is yet to be seen.

The Administration

The areas of ministries in Modi’s government are covered under, agriculture and farmers welfare, chemicals and fertilizers, civil aviation, coal, commerce and industry, communications, consumer affairs, food and public distribution, corporate affairs, defense, water and sanitation, earth sciences and environment, electronics and information technology, external affairs(foreign relations), home affairs, housing and urban affairs, human resource development, labor and employment, information and broadcasting, law and justice, micro, small and medium industries, mines, energy, parliament affairs, petroleum and gas, power, railways, road transport, science and technology, shipping, rural development, steel, textiles, tourism, tribal affairs water resources, women development,

and child and youth affairs. All these departments can be broadly categorized into seven major areas: people/human lives; religion and families; business and industry; communications, media and art; land; civil society or local organizations (NGOs, FBOs etc.) and education (Sekhar, A.). The decline in the projected growth rates in chapter four, reflects the unresolved policy issues.

Social Issues

The division between different sections of the people based on religion, region, language, caste and race has led to the rise of political parties with agendas catering to one or a mix of these groups. Parties in India target people who are not in favor with other parties and use them as an asset.

Economic Issues

Main economic issues like, poverty, unemployment and development influence politics. The dynastic rule (by PM, Nehru and his descendants) for the first four decades used the slogan ‘*Garibihatao* (eradicate poverty)’. The present Bharatiya Janata Party(BJP) encourages a free market economy. The more popular slogan in this field is ‘Sab Ka Sath, Sab ka Vikas (cooperation with all, progress of all)’. The left-wing Communist Party of India, supported ‘land-for-all, right to work’ and strongly opposed liberal policies such as globalization, capitalism and privatization. If the ruling party forgets to implement what was promised, issues remain unsolved. His recent declaration in the ‘Howdy Modi’ event in Houston on September 22, 2019, that “all is well in India” is being mocked (Caravan news, E., 2019).

Law and Order

Terrorism, Naxalites attack, religious violence and caste related violence are important issues that affect the political environment of the Indian democracy. Anti-terror legislation such as TADA (Terrorist and Disruptive Activities (Prevention) Act), POTA (Prevention of Terrorism Act) and MCOCA (Maharashtra Control of Organized Crime Act). have received much political attention, both for and against. On December 6, 1992, the Demolition of Babri Masjid, by Hindu Karsevaks (those who offer free service for a religious cause) resulted in nationwide communal riots lasting for two months, resulting in at least 900 dead in the state of Gujarat and in Mumbai. The riots were followed by the 1993 Bomb Blasts, which resulted in more deaths. Law and order issues include a criminal-politician nexus. Many elected legislators have criminal cases against them. A fourth of the 540 Indian Parliament members faced criminal charges, "including human trafficking, child prostitution, immigration rackets, embezzlement, rape and even murder" (Wax, E., 2008).

Justice and Judiciary system

"To no one will we sell, to no one will we deny or delay right or justice. No one is above the law. Nor can the law be set aside, denied or suspended"-Magna Carta

Justice is defined as 'the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments' -Merriam- Webster Dictionary

Definition of judiciary: a system of courts of law; and the judges of these courts - Merriam- Webster Dictionary

Judiciary in India

As already seen, there are many claims and observations that suggest that the Modi government is influencing the judiciary. Modi government plays politics with Judicial appointments and it affects the ability of the judicial system to function efficiently and independently (Anthonee, A., 2018). In chopping off public institutions: the first block was the parliament, and then, the media; the two pillars of democracy having fallen, the judiciary, presumably the most independent of all, was naturally in line to come under pressure. The judiciary, from the lower to the higher courts, is already overburdened with a huge backlog of cases. Now, its functional independence is being compromised, resulting in delay and denial of justice to the common people. As an institution, the judiciary, along with some sections of the media, was providing a ray of hope in these depressing times of compromised and emasculated democratic institutions. Common people still look up to these media for justice. If the government wants to have its unfettered way, an independent judiciary can prove to be the biggest stumbling block. How to get through the impediment? A press conference by the four senior judges of the Supreme Court was symptomatic of not only the existing tension within the court but also between the judiciary and the government. Sad to see that Modi government uses more subtle and pernicious ways in trying to achieve its objectives, by perfecting the art of undermining democratic institutions quietly. Democracy will fail, as the four Supreme Court judges emphasized, if judiciary fails to stand up to the political executive (Singh, A. K., 2018).

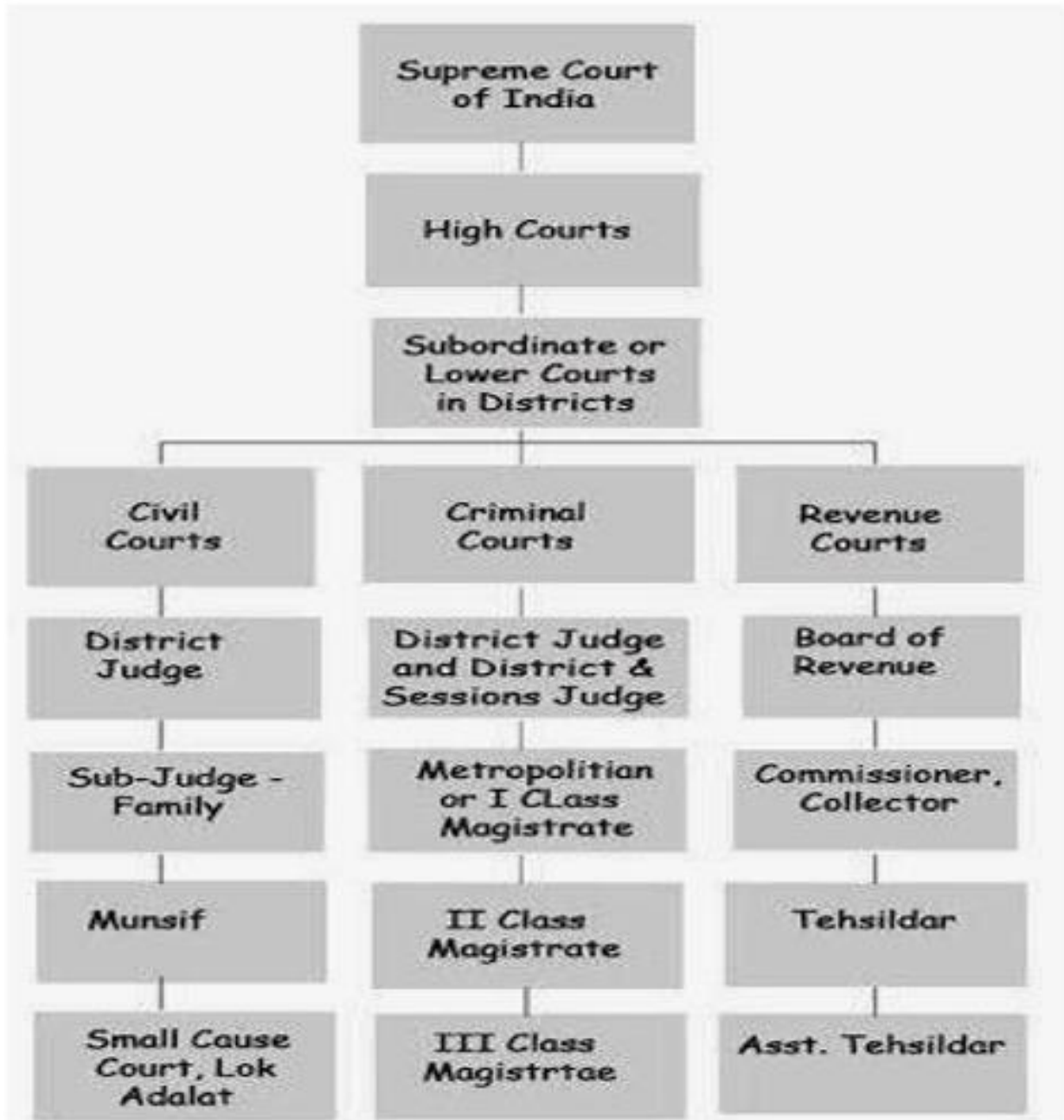
In India, the judiciary is hermetically sealed off from democratic checks and balances. In countries like India and the United States, activists frequently complain about judicial activism: judges are said to be guided by political considerations in interpreting the law. Certainly, judicial activism is more plausibly a danger in countries that follow common

law systems derived from England, where judicial precedents are given more weight than in civil law systems where legislatures codify laws, which then, take precedence over judicial interpretations. Does India have one of the democratic world's most unaccountable judicial branches? The issue of judicial accountability has been a matter of great debate in India over the past two decades. No country in the world has reached the extreme of judicial power that India has (Pillalamarri, A., 2015).

'The Judiciary is the Aroma and Backbone of the Nation's Democracy'- (Onwuemeodo, S., 2019).

If Judges, with their ability, hijack legislation and interpret laws created by representatives of the people differently in a democracy, it is injustice. John Locke, whose views on government, inspired the American constitution, points out that an important function of the Judiciary is protection against the tyranny of the majority (The Judiciary in Democracy, 2007), The Role of the Judiciary in Democracy (UK Essays) mentions, *'As a democratic society, the role of the courts as resolver of disputes, interpreter of the law and defender of the Constitution, requires that they be completely separate in authority and function from all other participants in the justice system'*. Judicial independence being one of the most important principles of the rule of law, is critical in defending people from intrusions and overreach by the government and preserving a free and democratic society. James Madison, in the US Constitution, sought to guard against a "tyranny of the majority" by designing a government that was balanced, with three separate, co-equal branches—including an independent judiciary (Klein, L. A., 2017).

Hierarchy of Courts and Justice System in India (Ref. Graph 4)



Graph 4

The present judicial system of India is made effective through the Constitution of India. The judicial system of India mainly consists of the Supreme Court, The High Courts and the subordinate courts. The present judicial system of India is made effective through the Constitution of India. The effective rules and regulations are made up of the Constitution

and other laws and regulations, structured mainly upon the basis of British Law with an improvised version suitable for India. These rules and regulations along with the Constitution are elementary in fixing the composition, jurisdiction and power of the respective courts (Pun, S., 2017). As of December 3, 2019, there are 20 million cases pending, for hearing and judgements in India. ‘Around 3.83 million cases are pending for over five years but less than 10 years’ (Report, 2019). These figures show how much has to be done for restoration of justice in India. In the next chapter, I have enlisted the proposals which need immediate attention and further study.

Chapter 7

The Need for Restoration of Justice and Recommended Policy Proposals

He gave Himself for us to redeem us from all wickedness -Titus 2:14, NIV

A review of the major issues causing deterioration of justice in the present government and focus on the judiciary system prevailing in India, clearly indicate the need for restoration of justice in Democratic India. Modi's commitment and promises are to restore and secure justice, liberty, equality and fraternity to all citizens. Based on all these facts mentioned thus far in this paper, I conclude that immediate attention is required to restore and reform the following sectors in Indian democracy.

Downsizing Government

One of main emphasis of the present government is to downsize. Corruption, central control in licensing, and monetary control over tax money are hindrances. Major reforms are necessary to appoint officials who are just, which are pending for a significant period. Modi government should not base these appointments on religion or caste.

Welfare of the Poor

In his appeal to voters, Mr. Modi champions ambitious welfare schemes for the poor. His government has raised trade barriers, retreated from promised privatization, and appointed a nativist ideologue opposed to foreign investment to the board of the central bank. Welfare of the poor is ignored. We have a Biblical reminder: poor and needy are not to be neglected.

Basic Necessities

Modi assured government programs to ensure that every Indian owns a home and gets access to electricity, water, cooking gas and a toilet, largely through an urban concentration thus, depriving the rural population of these provisions. Unemployment has grown in recent years. Steps are to be taken to reverse these conditions. Justice is to provide every man his due.

Healthcare

Mr. Modi also touted a new health-insurance program that will allow the poor to be “admitted to big hospitals free of cost” and receive “free treatment for serious diseases.” He boasted that this program, dubbed ‘Modicare’ by the media, would cover 500 million people, more than the population of the U.S., Canada and Mexico combined, and nearly as many people as live in Europe. References to the U.S. and Europe are deliberate. Mr. Modi is selling his people the dream of development. But while the objective may be laudable, the dangers of stoking unrealistic expectations are real. With a per capita income of about \$2000, India lacks the resources to support a welfare state. Moreover, the protectionist and statist policies Mr. Modi favors have not worked before. Realistic programs are to be implemented.

Trade Barriers

Earlier this year, India raised tariffs on labor-intensive goods such as toys, footwear and furniture, and on electronics such as mobile phones and televisions. It also retaliated against the Trump administration’s steel and aluminum tariffs by raising duties on almonds, apples and motorcycles, among other products. These actions reverse a trend of lowering trade

barriers dating back to India's economic reforms in 1991. Historically, high tariffs bred corruption as rival businessmen lobbied politicians to manipulate duties. The tariffs also inflicted shoddy and needlessly expensive products on Indian consumers. In an op-ed, Columbia University's Arvind Panagariya, an authority on global trade who served in Mr. Modi's government until last year, cautioned that protectionism could turn India "from the turnpike on which we have been traveling all these years on to the dirt road." India's independency in choosing different markets or nations for trade will affect the nation in the future.

Privatization

On privatization, the government's record has acquired a farcical cast. It quietly shelved the much-touted privatization of state-owned Air India in June after failing to attract any bidders. The government evidently press-ganged the state-owned Life Insurance Corporation of India to buy a majority stake in the loss-making state-owned IDBI Bank. No serious analyst believes the official version, that an insurance company suddenly decided to buy a rotten bank. In effect, India's privatization program has become a dodgy accounting exercise in which one government-owned entity buys stakes in another rather than an attempt to streamline the economy by selling unproductive assets to private bidders.

One of the organizations that opposed the Air India privatization was the Swadeshi Jagran Manch, an economic affiliate of the Rashtriya Swayamsevak Sangh (National Volunteers Corps), the Hindu nationalist group that provides Mr. Modi's Bharatiya Janata Party with its top leadership and most committed cadres. Earlier this month, the government placed the group's chief ideologue, S. Gurumurthy, best known as India's leading opponent of foreign

investment, on the board of the Reserve Bank of India. Partiality and unilateral decisions to favor one group is not justice.

Living Standards

Mr. Modi's goal of raising Indian living standards is laudable. But the only way to achieve this is through market-friendly reforms, not by doubling down on government, erecting trade barriers, and turning to cranks for economic advice. In a capitalist country everyone should receive their dues, and that is justice.

Foreign Policy

India is too independent in making decisions in the global market and disrespecting the commitments made by the earlier governments. India has to be alert in evaluating the investments made by other countries and should have policies to protect their interests. There are examples of some countries receiving enormous help from U.S. that do not respond or reciprocate in terms of trade policy and relationships. International justice is protecting every country's due.

Civil Society and Institutions

Institutions and Organizations possess distinct and God - given responsibilities –Monsma p 84

Social Institutions and organizations that make up civil society are inherent, God-intended features of human Society. Social institutions receive from God the right, the authority, to play a distinctive role in the area or sphere in which they have responsibilities. We have already seen that Modi is progressing towards closing down and prohibiting the role of Non - Government Organizations (NGOs), Faith Based Organizations (FBOs), Multi - National

Corporations (MNCs), and other civil society institutions. This tide is against bringing good health care system and disaster relief. The International Committee of the Red Cross code launched just after the Rwanda genocide of April 1994, with more than 300 signatories, has been usefully invoked in humanitarian crises in Afghanistan, Iraq, Gujarat (India). and other areas (Pfeiffer, J. et al., 2008).

Faith-based organizations (FBOs) existed long before 'international development' was even conceived, and they have recently come to the attention of development agencies and theorists as key participants in the development process. This has led to a growing recognition of the need for a more systematic analysis of the role of religion in processes of development (Haynes, J., Marshall, K., & Saanen, M. V., 2008).

Corporate Social Responsibility and International Development presents Hopkins' views on what CSR is and should be. Hopkins is absolutely right in deploring the failure of the market to provide development solutions, in arguing for the need to incorporate CSR into companies' mainstream operations, and in expressing the imperative of involving the private sector in tackling underdevelopment and poverty. 'CSR in developing countries', presents an informative summary of how some companies (MNCs), behave in developing countries, and identifies the factors, including active civil society and government, that drive these companies to engage in development (Hopkins, M. 2008). Modi has to restore back the functioning of closed Civil Institutions.

Religious Persecution

Attacks on Christians are on the increase in India (Jones, E., 2018). Vishwa Hindu Parishad (VHP) was responsible for the reconversion of 1130 Christians to Hinduism (Samuel, D.,

2009). ‘Hindu nationalist party seeks to create a "Hindu nation." There's an anti-Christian attack every 40 hours. The All India Christian Council says attacks against Christians increased by about 20 percent in 2016, and physical violence against Christians was up by as much as 40 percent. The attacks have become severe and more frequent. Incidents used to be confined to a few states. Now the violence has spread to 23 states, and the sharpest rise has been recorded in the northern Uttar Pradesh state and the southern state of Telangana. The attacks involve physical beating, vandalism and torching of churches, burning of Bibles, death threats, forcing Christians to renounce their faith and convert to Hinduism, and disruption of and attacks on church services and prayer meetings. In one case, Hindu Nationalists beat an evangelist with chains, stripped him and forced him to drink urine, the report says. In another incident, a Christian cemetery was desecrated, and skeletons dug up and strewn across the graveyard (Kumar, A., 2017). At least 134 incidents of violence against Christians in India were carried out in the first half of 2016 alone, compared with 147 incidents in all of 2014 and 177 in 2015, according to an independent report. The Evangelical Fellowship of India’s Religious Liberty Commission (EFIRLC) notes that cases chronicled from 1st January to 30th June 2016, were just a “fraction of the violence on the ground”. Of major cases of violence against Christians across 21 of India’s 29 states, the report places Uttar Pradesh as leading the list with 25, followed by Madhya Pradesh and Chhattisgarh with 17 and 15 respectively (Report, 2016). All these atrocities are to be stopped immediately.

The concern of Alliance for Justice and Accountability, has written a letter recently to Bill Gates, reproduced hereunder, which clearly indicates the situation in India on all these aspects. *“It is with deep sadness and some hope, that we are writing to you on behalf*

of the Alliance for Justice and Accountability, an umbrella coalition of various organizations dedicated to promoting the common values of pluralism, tolerance, social justice and respect for human rights that form the basis of the world's two largest secular democracies – the United States and India. Millions of people are rightly in awe of your philanthropic work and the positive impact it has had on entire communities around the world. Unfortunately, your recent decision to honor Mr. Narendra Modi, the Prime Minister of India, with the "Global Goalkeeper Award," is at odds with the Foundation's stated values of respecting all lives as having equal value. Leaders of human rights organizations, activists and people of conscience who are familiar with the worsening situation in India are rightly concerned about this undeserved honor, given Mr. Modi's widely acknowledged track record as an egregious violator of human rights and religious freedom. Even before Mr. Modi came to power, his role in the pogrom of Gujarat in 2002 that resulted in the massacre of over 2,000 Muslims earned him the dubious distinction of being the only individual whose visa to the United States was revoked in 2005 under the International Religious Freedom Act. He was labelled as the 'butcher of Gujarat' and 'Hitler of the East' (Alliance for Justice...., 2019)". This is written after the visit of Prime minister Modi to Houston in September 2019. This representation projects the feelings of Indians living abroad.

Continuation of Autocratic Actions

Hindu radical groups and organizations such as RSS, Sangh Parivar and VHP were involved in the killings of 790 Muslims in 2002, 344 Christians in 2008, and 934 more between 2013 and 2017. 'Since Modi came to power in 2014, India has risen from number

28 to number 10 on Open Doors' 'World Watch List' the annual list that measures the 50 places around the world where it's hardest to follow Jesus. Under his leadership, Hindu nationalist attacks against Christians have risen, believers are given fewer rights in some areas and the government is frequently accused of turning a blind eye to brutal attacks against religious minorities like Christians. Open Doors' local partners recorded 147 incidents of violence against Christians in India in 2014, and they have recorded 216 violent incidents in India in the first quarter of 2019 alone (Summers, C., 2019). Justice is to protect liberty and lives.

Looking into the end results and root causes in the governance of these sectors, one can easily visualize that justice for all, and role played by NGOs, FBOs and MNCs, are ignored and hence the government is not under check. By shutting down and restricting the role of civil society organizations, the whole balance of justice will get tilted towards a condition like Germany of 1930s in India.

Three major autocratic actions taken very recently (April-August 2019) by Modi government signal something serious: i) Abolition of Articles 35A and 370 for the state of Jammu and Kashmir without the participation of opposition and minorities parties has brought threat to Law and Order and social issues (Dasgupta L. M., August 2019); ii) Arrest of Former Finance and Home Minister P. Chidambaram, Congress leader, reflects the BJP government at the Centre implementing the "Gujarat Model of Governance" where innocents are framed in "false" cases (Singh D., 2019); and, iii) In addition to GDP diving down to 5% in February - August 2019, and further down to 4.5% in November 2019, CMIE data shows growing unemployment rate crossing 8% in the first three weeks of April 2019.

Youth and unemployed lack government's attention, demanding social and distributive justice (Unnikrishnan D., 2019).

Need for Reversing the Prevailing Conception

‘There are parallels between 1930's Germany and present-day India. Hitler promised to get Germany out of the great depression and restore its shattered economy. He promised to give a free hand to German industrialists, many who provided financial and political support to the Nazi Party. Modi is making similar promises to the Indian people and the international community. The BJP was founded as a Hindu nationalist party by right wing Indians who were great admirers of Adolf Hitler. The hard-core followers of the RSS are the BJP's storm troopers. They dress in their own variant of the Nazi uniform and perform their own variant of the Nazi salute. Adolf Hitler portrayed the Germans as the pure Aryans, and the master race. He blamed Germany's problems on the Jews. He unleashed storm troopers on the Jews, and any group that opposed his agenda. Modi's BJP characterizes Hindus as the "pure Aryans" and scapegoats Muslims and Christians as outsiders and agents of foreign powers. As Modi cements his hold on power, the RSS and other Hindu fanatics have increased their attacks on religious minorities and critics of Modi and the BJP agenda. Modi denies any personal links with the violence. He called the murder of Mr. Ikhlaq "very sad", stating that the BJP "never supports such incidents". He then went on to accuse his critics of exploiting Ikhlaq's death to spark communal violence (Barstow, D., & Raj, S., 2015). These are the same tactics Hitler used. Hitler and his rise to power are quite familiar to the BJP. In BJP-ruled Gujarat state, the school curriculum praises Hitler for his economic achievements, without mentioning his tyranny and genocide. In photos at the Gestapo Museum, Nazi Party

members pose beside signs declaring their villages to be "Jewish free zones." In BJP-ruled Gujarat party operatives have driven Muslims from their homes and declared their villages to be "Muslim free zones." When Hitler was on the rise in Germany, the democratic states were in the midst of the Great Depression. They did not want to become embroiled in Germany's domestic affairs. Many non-Germans were impressed by what they saw as Hitler's deft management of the German economy and welcomed his rise as an economic opportunity. Modi is trying to use the same tactics. He is trying to convince the industrialized democracies that he is the face of "economic reform" and that he poses no threat to democracy. Perhaps the recent spate of violence in India will get the attention of the international community. Perhaps it will now pay greater attention to Indian domestic developments. The world's perception of Modi and the BJP could change. Other states could come to the realization that Modi is not as benevolent as he is often portrayed. Some countries could decide to distance themselves from Modi's government, criticize its violent and authoritarian ways, and support Modi's democratic opponents. Will Modi take India all the way to the political right? Will he establish a one-party state? Will he snuff out democracy and reduce religious minorities to second-class citizens and open the doors to wholesale discrimination (Dorschner, J. P., 2015)? A recent question raised by a leading industrialist on the fear people have of criticizing the Modi government endorses the prevailing atmosphere (Team, T., 2019).

The Vision and Commitment of Modi

According to Modi, 'Good governance initiatives of the BJP are aimed at bringing a positive difference in the lives of poor states, with large SC/ST and OBC communities.' Prime Minister Modi's firm commitment to social justice is very well known. Coming from

a poor family and belonging to the lower strata of society, he fully understands the problems people face and the aspirations and desires for opportunities for betterment. Modi has initiated several good governance initiatives that benefit the underprivileged. Invoking the legacy of Dr Babasaheb Ambedkar, PM Modi said, "This [reservation] is something which the father of the Indian Constitution, Dr Babasaheb Ambedkar, has given us and no power can take it away. My government is committed to the Indian Constitution including the reservation policies which Dr Ambedkar evolved for the emancipation of the socially oppressed and suppressed sections of society. I have seen poverty. I have lived with it, and I know there is a lot to be done for the uplift of the downtrodden of the society, to whose betterment Babasaheb was committed." Highlighting the acceptance of BJP among the scheduled caste, scheduled tribe and OBCs, PM Modi said that most of the states with maximum SC/ST, OBC population has chosen BJP to govern. It is an indication of the fact that BJP is the party which is carrying forward the core legacy of Babasaheb and the underprivileged community. "Unless they are given their due place in society, the country cannot progress," he added. (PM Modi firm on commitment to social justice, 2015).

Conclusion

Stop doing wrong, learn to do right! Seek justice. Is. 1:16b, 17a, NIV

In conclusion, I reiterate the vision and commitment of the Prime Minister of India, Mr. Modi, on equality, liberty and fraternity, which are part of the democratic principles of India. The democratic principles also seek to secure social, economic and political justice for its people. In pursuing with my thesis topic, ‘Is there a need for restoration of justice in Democratic India?’, first, I have reviewed the democratic principles stated in the Preamble of the Constitution of India. In Chapter two I have covered the past and present conditions of the Indian Democracy, which revealed the clear picture on how the present ruling government during the past six years has drifted away from fifty years of following secular principles of democracy, towards a Hindu dominated agenda. An exhaustive literature survey and the analysis, the supporting evidences collected on the persecution of religious minorities, and analyses of all the areas in which the present government has failed in fulfilling their election agenda, narrowed down to the fact that this present government has brought the country to a decline in economy and deterioration in justice. In chapter 5, a detailed study is conducted on the subject ‘justice’, and the Biblical principles of justice and government. The next chapter addressed the major issues causing deterioration of justice prevalent in the ruling government in detail, which projects the fact that there is a need for restoration of justice in the Indian Democracy.

The world system, and its rulers, and people change as generations pass by. God the creator, never changes. Biblical principles and promises, laws given in the Word, and consequences mentioned never change. Grace and truth always will prevail. Justice based

on truth and mercy gives hope to the common people. God gives grace to the humble but dethrones the proud. He makes kings in a day and brings down thrones which do not practice His purposes. The Sovereign Lord reigns forever. He is the ultimate King. Any ruler on this earth can go only thus far with such conflicting conditions, like in India, mixing hope and despair, till the underlying truth comes above the surface. Truth will prevail at the end. Our trust in God will never be in vain. Modi's words that state his commitment towards justice and reform, give hope in the midst of conflicting prevailing conditions. It is to be reminded that, 'actions speak louder than words', and, 'every tree shall be known by its fruit'. Let it be the prayer of everyone, that the present government in India, realizes the need for restoration of justice to protect the suffering multitudes of India's minorities. Further detailed study and research are necessary to get into the details of the recommended proposals in chapter seven, and set them up for implementation, to give the hope of freedom for the oppressed and provide due justice to everyone.

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Appendix 1

What is happening to the Soul of Indian Democracy?

‘After five years of BJP rule, lynching has become the national pastime, and the mobocracy rules the day. Attacks on innocent civilians continued even after India’s Supreme Court requested the government to enact new legislation to end an increase in mob violence and lynching that have reportedly killed over a hundred people accused of cattle theft or other bigoted reasoning. For astute political observers, these are not isolated incidents, but rather a direct result of evolving national policies that have provided cover and credence to vicious gangs and thugs who are engaged in this type of violence in the name of religion. The mob is appeared to be succeeding every day in tearing up the secular fabric of a nation while the Government’s own actions tend to weaken the Institutions of democracy at every juncture.

Let us take a look at some of these developments in the last five years under the Modi administration that is having a transformational impact on the society and accomplishing their stated goals: The weakening of Institutions;

1. Disrespecting Parliamentary Democracy

The constitution framers created a democratic system wherein the legislature would make laws, the executive would implement laws and be accountable to parliament, and an independent judiciary would enforce and interpret the laws. Whereas, it should also be noted that Lok Sabha passed the Finance bill of 2018 without even debate against the objections by the opposition.

2) Running interference with Law enforcement

Agencies such as India's Central Bureau of Investigation (CBI), the Enforcement Directorate of the Finance Ministry, the Income Tax authorities and even local police forces are often accused of doing Government's bidding. The opposition has charged that their leaders have been frequently targeted for harassment which they consider as a political vendetta for expressing their opinions critical of the government. Recent arrests of former finance minister, and a leader of the opposition from Karnataka, are two examples.

3) Assaulting on the Independence of Judiciary

Unless the Institution of Supreme Court is preserved, democracy won't survive in the country. But the Supreme court judges are acting dumb in many situations.

4) Weakening of RTI

Since the Narendra Modi government came to power, access to information through the Right to Information (RTI) Act has diminished greatly.

5) Influencing the Election Commission

Shiv Sena, a member of the NDA coalition, has dubbed the election commission as a 'Tawaif' (Mistress) of a political party. Coming from an ally, it only amplifies the long-held suspicion by many that election commission has become a tool increasingly in the hands of the BJP government. "People are losing faith in the voting system," Shiv Sena spokesperson Sanjay Raut told ANI.

6. Muzzling of Freedom

Freedom of Conscience is fundamental to all other liberties. It is innate and God-given. It is guaranteed under the Indian Constitution. However, it is open season on those who freely exercise it. President Ronald Reagan once spoke, “Freedom is never more than one generation away from extinction. We didn’t pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same”.

- a) Stifling of Individual thought and expression
- b) Harassing of the Media
- c) Curbing dissent in Academia

Academia has become another favorite target of the Modi Government. BJP and its ilk have always hated Institutions like JNU where the free flow of ideas flourished, and lively debates on the pros and cons of contemporary issues were the order of the day. Today, the students and faculty in these revered institutions are intimidated, harassed and called anti-national for failing to toe their Hindutva agenda line and often charged with sedition.

- d) Diminishing Civil Society

Modi Government has been openly hostile to civil society groups. It repeatedly denounces human rights and environmental activism as “anti-national” – a phrase that carries connotations of treason. Their role is critical in a society especially because of the lack of ethics and morality of the current regime that is supremely indifferent to the plight of hundreds of millions of its citizens.

e) Violating of the Religious Freedom

Religious freedom in India continued on a downward trend in 2017, said the United States Commission on International religious freedom's annual report released recently. It said that although government statistics have indicated that communal violence has increased over the past two years, during the year, Hindu-nationalists groups sought to "saffronize" India through violence, intimidation, and harassment against non-Hindus and Hindu Dalits" although Indian Constitution guarantees freedom of religion through article 25 and 26.

f) A group of youths mainly, reportedly, affiliated to Bajrang Dal allegedly stripped and attacked a Muslim youth in public in Mangalore for the simple reason that he was found to be with a Hindu girl.

g) Imposing Dietary restrictions

Since Mr. Modi rose to power, emboldened hardline Hindu activists have assaulted cow traders and people suspected of eating beef, claiming to defend Hindu beliefs. Stifling Artistic expression, "Democracy is under threat in India with "artists, writers and rationalists" being attacked in some form or other", says acclaimed actress and filmmaker Nandita Das, who feels conservatives and right-wing groups are increasingly becoming country's moral police.

Yogi Adityanath, the saffron-robed new chief minister of India's most populous state, Uttar Pradesh said some time ago that its most famous monument, Taj Mahal, does not represent "authentic Indian Culture" – presumably because the 17th-century tomb was built

by a Muslim King for his Muslim wife. Minority groups, as well as secular-minded Hindus, are increasingly fearful that the country's diversity is under threat.

7) Practicing Anti-Dalit policies

Since the ascension of BJP to power, there is one in a series of incidents that has revealed the mindset of a party, on the one hand, urging Dalits to unite under the flag of Hindutva but on the other, setting up a delimiter to what extent they can be included. First, the ban on the Ambedkar-Periyar Study circle of IIT Madras, then the burning alive of Dalit children in Haryana and finally General VK Singh allegedly referring to them as animals. The suicide note of Rohit Vemulla, a Dalit scholar, may have summed the heart-breaking sentiment felt across their community. "My birth is my fatal accident. I can never recover from my childhood loneliness -the unappreciated child from my past".

8) Implementing Zero tolerance in Kashmir, and 9) Treating Mythology as Science

Human Resource Administration is busy at work changing curriculum and rewriting history to fit the Sangh Parivar narrative. RSS, the radical organization that is behind this administration, has determined to create a theocratic state and the HRM is more than willing to affect those changes. Jawaharlal Nehru, the architect of modern India, is being made to disappear as well as an iconic figure in Indian history. Democracy and Secularism in India under serious assault. This is the first government in independent India where the RSS is overtly in command. We are further away from both Jawaharlal Nehru and BR Ambedkar than ever before: "from Nehru's contempt for the RSS as a harbinger of fascism to Ambedkar's vision of a casteless India". A constitution exists to create a framework for the

government to function and the constitution of India tries to keep the government inside that framework. That is what Nehru and Ambedkar intended as its authors. It is obvious to any independent observer that the current Modi regime has shown very little respect for that sacred document. Martin Luther King Jr. once said: 'Our lives begin to end the day we become silent about things that matter' (Abraham G., 2019).

Appendix 2

Has India failed because of its Judicial System?

IBTL opinion write up on present state of affairs:

- ‘1. There is a backlog of 30 million cases in India. Even if no new cases are filed, it will take about 350 years to dispose of them all. If a common man gets cheated or assaulted or murdered his family will have to move heaven and earth to get justice which will ultimately be denied to them. This is true of cases where no high-profile individuals are involved.
2. Judgements in high profile cases like the fodder scam have still not been received in spite of having a special court to deal with the issue.
3. The electoral fraud case against the present Finance minister has just commenced. It will probably be a decade before all the appeals are finished.
4. Celebrities like Salman Khan have not appeared in court despite being summoned 82 times. Does the Judiciary not even view this as an insult? Anyone with a little knowledge can manipulate the system at will.
5. Not a single conviction of a single politician has come for the 1984 Sikh carnage.
6. The so-called landmark verdict on black money where a SIT was ordered to be appointed was referred to a larger bench where it has lingered for over a year and a half. This raises serious questions about judicial independence in India.
7. An open and shut case like Kasab's will take 4 years to work its way through the system. Of course, the prosecutor Ujjwal Nikam would claim that it is a great triumph, but if even this case had not ended, we would have been the laughingstock of tinpot republics in Sub-Saharan Africa. Compare the above delays with cases in the US, such as the Rajat

Gupta conviction, Enron scam and Bernard Madoff case. In all these cases the trial was finished in regular courts in 1-2 months.

'Policeman-Prosecutor-Judiciary the lethal trio'

8. India has the lowest citizen to police ratios in the world. The recommended average is a policeman for every 200 citizens. In India, the ratio is close to 700. If one takes into account those tied up for 'VIP security', the ratio will probably be close to 1 policeman for every 1000 citizens.

9. Cops simply don't have the time to investigate any case as they will be called for securing routes for VIP convoys, attend to traffic holdups, escort under-trials to courts, do passport verifications etc.

10. Without training or forensic support all they can resort to is crude torture to elicit confessions and claim to have solved cases. Any confession made before a police officer is inadmissible as evidence. So, this is an exercise in futility. This lack of admissible evidence is a major cause for pathetically poor conviction rates (around 15%) for rapes in India. Is it so hard to do a DNA test in this day and age? It is sheer callousness and criminal indifference on the part of the police.

11. Appointments to inspector, sub-inspector, constable etc. are made after bribes running into several lakhs. These people are just interested in a return on their investment and not doing their job, so they deliberately destroy evidence, botch investigation, bully witnesses to prevent them from coming forward.

12. Even the rare instance of an upright officer, will be subject to threats and coercion. It is simply impossible for such an individual to function in such an environment.

13. The next stage is the public prosecutor who is a political appointee. Most of these are

ignorant of the law and again susceptible to the same bribery and coercion from higher ups as the policeman.

14. The ignorance of the prosecutor is typically reflected in the size of the charge-sheet. Instead of being brief and to the point, charge-sheets are an example of verbal diarrhea in poor English. All that is required for conviction is 1 witness who will stand firm. Instead dozens of witnesses some of whom are probably unconnected with the case or can be influenced are cited and these will turn hostile during trial and undermine the credibility of the true witness. This is a reflection of the 'history exam mentality' where it is believed that pages and pages of junk is a substitute for facts.

15. The CBI is a classic example of political interference. As Mr. Joginder Singh (ex-Director) has repeatedly stated, it can't even take a bathroom break without permission. The Bofors case is a classic example of how an open and shut case was deliberately sabotaged by the CBI which in fact went out of its way to ensure that Mr. Quatrochi was allowed to go scot free with his loot. We have all seen how the CBI deliberately waters down cases against the likes of Mulayam and Mayawati in return for their support to the government. 16. The final stage is the judges. Judges are appointed from a pool of lawyers, most of whom do not inspire any confidence. The hooliganism and booth capturing seen during bar council elections brings shame to the legal fraternity.

17. Once a bad judge is appointed, he has to just sit tight and keep getting promoted. This is why the quality of judgments in lower and higher courts has consistently gone downhill. Mr. Arun Shourie's book on this subject is a must read for anyone.

18. Judgments instead of being to the point are often long essays in poor English. Some judgments are so bad that they either do not address the issue that is asked or are self-

contradictory or are simply unimplementable. It is widely believed that reserving judgments is a way of demanding inducements.

19. There are many instances of rampant corruption in the lower and higher judiciary.

Noted activist Prashanth Bhushan has even said publicly that 8 of the last 16 chief justices were definitely corrupt. The silence of the judiciary on this allegation is deafening. Are they afraid to take on Mr. Bhushan? The icing on the cake seems to be the rumor going around that a certain female lawyer traded sexual favors to a spokesman of a political party to get appointed as a judge.

20. Lack of reform in the administrative mechanism causes case details to be physically transported from lower to higher courts for appeals. There is a crying need for electronic transfer, tracking and monitoring of petitions. So, a case relating to a property or murder in Nagaland will physically move through 4 or 5 appeals courts, finally making its way to the Supreme Court. At every stage the evidence will be either lost or manipulated.

Law will take its own course. I have complete faith in the law. Have we not heard the above line parroted by every politician accused of graft, rape or murder? What they really mean is that they are absolutely confident that they will be able to get away. In such a situation, what is an ordinary citizen expected to do? Is he expected to run after justice endlessly while the other party 'manages' the system, or should he take matters into his own hands and then 'manage' the system? This is a question that every citizen of this country needs to ponder about. Unless all the above flaws are rectified vigilantism and mob justice will become the norm. After all, when the system has failed, it is but natural that people set right the injustices done to them as they have no-one to turn to' (IBTL O., 2013)

Appendix 3

Distributive Justice-a Case Study-The Politics of Recognition and Redistribution: Development, Tribal Identity Politics and Distributive Justice in India's Jharkhand (Basu I., 2012)

Soon after its inauguration in November 2000, the State of Jharkhand in Eastern India issued the 'Vision 2010' document. The 'vision', rather predictably, was to modernize Jharkhand by prioritizing industrialization through commercial exploitation of its rich mineral and forest reserves, and to enable the 'backward' members of its population to integrate with mainstream development.

What has become of Jharkhand's vision? By August 2008, seventy-four Memoranda of Understanding (MOUs) with a gross investment of Rs. 2,95,857.75 crores (approximately US\$ 70 million) had been signed between the Government of Jharkhand and private companies (Business Standard 2009). However, according to figures disclosed by the Department of Industries in September 2008, these investments would cost around 98,547 acres of land to be transferred from local communities. While there is no accurate estimate of the number of people displaced by these projects, the extent of exclusion and displacement experienced by local communities is evident from the rise of movements against large dam projects (Koel Karo, Suvarnarekha and Masanjore), the Pachwara mining project and the Netarhat field firing range. That the Maoist-inspired Naxalite Movement has gained in strength over the last decade, spreading to eighteen out of twenty-four districts, is another violent reminder of people's disgruntlement with the Jharkhand State's role in

favoring the appropriation of private and community land over instituting a legally binding land resettlement policy.

The recent history of Jharkhand has been one of betrayal of the hopes and aspirations of the people who had struggled for a separate state. One of the causes of this unravelling of Jharkhand State is the systematic de-radicalization of the Jharkhand Movement. The Movement had mobilized the regional Jharkhandi community to claim ownership over the territory of Jharkhand and its economic resources, as well as to protect the community's political interests and their cultural identity.

This neoliberal turn in the development agenda of Jharkhand coincided with the Hindu right wing coming to power. Systematically, the Bharatiya Janata Party (BJP) government masked the regressive distributive effects of its economic policies with a chauvinistic version of recognition politics in which the adivasi² community was assimilated within majoritarian sentiments of cultural pride and supremacy. At the same time, the distinctive cultural features on the basis of which claims for economic and social rights were once made, were subjected to reform through Hindu codes of ritual purity and Brahminical morality. The leaders of the Jharkhand Movement tried to steer the process of state creation by yielding to rather than challenging the BJP government's development priorities.

Jharkhand State was formed with the rationale of development. The idea and practice of development operates as a kind of central force which structures relations of dominance and resistance, forging coalitions and rival formations between political actors and shaping collective identities that are mobilized for negotiation. In a sense, while the idea

that development is necessary for the progress of Jharkhand endures across the political spectrum, it is also a contested issue around which politics revolves and draws meaning and substance for claims of recognition and redistribution. The unique distributive justice system introduced by the post-colonial Indian state has had a bearing on the nature of recognition politics in India generally and in the case of Jharkhand specifically. The increase in direct and violent action to reclaim distributive justice as a result of the limits of recognition politics in the electoral mainstream and assesses the significance this has on the prospect of any formal resolution of recognition and distributive justice.

In the 1990s, when the BJP entered regional politics, it advanced the idea of a Vananchal state based on the vanvasi identity which considered tribals as originally part of the Hindu caste hierarchy. Jharkhandi activists responded to this communalization of adivasi identity between nature-worshipping sarnaadivasis and Christian converts, by reviving pre-modern adivasi traditions and by asserting the unity and homogeneity between different ethnic groups. The second, more class-based distributive type of politics became prominent from the 1960s, although there were a few antecedents in the early nineteenth century among Marxist-inspired Christian missionary activists (discussed later in this article). When the Socialist model of the Nehruvian era had lost favor to the populist anti-poverty rhetoric of Indira Gandhi's regime (1964–70), an alternative version of class politics inspired by Communist ideology began to materialize.

Currently, radical resource-based agitations have been completely side-lined from the electoral scene. Through a systematic process of suppression sponsored by the state, this type of politics has come to be considered as unacceptable in an electoral democracy and

unhealthy for progressive development. The state discourse on the extreme left movement combines development and security goals to limit contestation over some of the displacing and exclusionary effects of development. As a result, such politics continues far away from deliberative democratic politics through the violent rebellion of the Naxalite Movement.

Distributive Justice as a Formulation of Cultural Difference: The Indian Constitution and the Politics of Recognition

When the founding members of the Indian Constitution introduced the reservation system in 1950, it was meant as a short-term measure to economically uplift historically marginalized communities so that they could integrate on equal terms with the rest of the nation. Since then, even though Indian leaders have made huge policy strides on the road to modernization, the reservation system has remained a feature of the Indian Constitution, continuing to encourage cultural- and status-based political groupings (not income- or needs-based as some experts recommend) to access benefits in the form of seats in higher education, legislative representation and public employment.

Unlike most western democracies, the norm of distributive justice, as enshrined in the Indian Constitution, is a formulation of the recognition of culture. It places formal equality, which deems all citizens to be equal and guarantees protection from discrimination of any form (Article 15), alongside substantive equality, which provides for special treatment of those thought to have suffered from exploitation and discrimination in the past. The latter principle of distributive justice applies specifically to scheduled castes, who are deemed to be disadvantaged because of their ritual status, and scheduled tribes, considered so because of their isolation from the mainstream. While to some extent these provisions

show the Indian state's openness to the politics of recognition — and indeed from time to time it has made provisions for political demands made on ethnic, linguistic and religious lines — it also carries implicit aims to normalize identities which could potentially threaten to break away and rupture the national

Soon the coalition between adivasis and moolvasis crumbled as tribal leaders were able to gain benefits more readily through their scheduled status while moolvasis had a steeper struggle to prove their eligibility for preferential treatment. Since then more factions have emerged. The better-off KurmiMahatos, who were removed from the scheduled tribe list, are pressing for reinstatement, while Hindi speaking communities from UP and Bihar have organized themselves under the banner of the non-tribal sadan community to restrict reservations so that interests of the general category are not overridden. outlines the associations that have formed in response to the reservation system; it shows the different Social Forums, their Presidents and the corresponding political parties they have floated for state assembly elections.

Social Forums Representing Ethnic Communities in Jharkhand

Year	Social Forum	Political Party	Constituency	Leader
2000	Jharkhand Adivasi JanadhikarManch	Jharkhand Disom Party	Scheduled Tribes	SalkhanMurmu
2001	Adivasi MoolvasiJanadhikarManch	Jharkhand Janadhikar Party ^a	Scheduled Caste	BandhuTirkey

2003	MoolvasiJanadhikarManch	Jharkhand Janadhikar Party ^a	Non-tribal minorities	Afsar Imam
2001	ChattraYuvaSangharsh Samiti		Non-tribals from UP and Bihar/Sadan	Uday Shankar Ojha
2000	Adivasi Chattra Sangh		Scheduled Tribe	Chamra Linda
2001	Jharkhand UpekshitYuvaManch		Non-tribals	
2003	Jharkhand Adivasi KurmiSamaj Samiti		KurmiMahatos (demand ST status)	
n.a.	Sadan Vikas Parishad		Non-tribal/Sadan	Himanshu Nath Roy
n.a.	Bahujan SadanMorcha		Non-tribal/Sadan	LalchandMahato

Note: a. Adivasi MoolvasiJanadhikarManch was founded by BandhuTirkey in 2001. Later, as tensions developed between adivasi and moolvasi representatives, Afsar Imam formed a further faction called the MoolvasiJanadhikarManch exclusively for non-tribal minorities. However, the MJM has not yet formed a separate political party and still campaigns through the political wing of AMJM — the Jharkhand Janadhikar Party — for assembly elections.

Consequently, politics around the reservation system slips into violence and inter-group hostility, particularly in the wake of public sector recruitment examinations and elections in

local bodies. By its very logic, the reservation system produces factional and divisive politics as subordinate groups compete amongst themselves for the state's largesse and pay lip service to structural causes of income inequality and displacement. In the context of Jharkhand it prevents consensus for a regional mandate as both national parties and smaller regional ethnic parties act within a framework that encourages narrow political bargains for votes and seats rather than promoting the common good.

The Ascendancy of Hindu Nationalism and Adivasi Cultural Revivalism

The ascendancy of the BJP as an alternative political force in Jharkhand resonates somewhat with the thesis that the party's fortunes are better where there have been marked inadequacies on the part of state governments to provide redistributive policies and basic social services. While this is plausible, given that the BJP's rise has been aided by the expansion of its charitable organization called the Vanvasi Kalyan Ashram (VKA) which offers educational and health services among poorer Tribals, it is still a curious phenomenon for Jharkhand, which has had a history of political activism for distributive justice. The BJP's success therefore has to be seen not just in terms of filling a vacuum left by a state failing to reach its remote tribal population, but rather as the result of the systematic disintegration of the Jharkhand Movement.

From the 1989 assembly elections, however, the BJP began to make inroads among some constituencies and between 1996 and 2000, when Jharkhand State was inaugurated, the BJP swept to power across the region. While upper middleclass voters, including tribals, would have been attracted by the prospect of the BJP realizing their demands for a separate state, poorer rural voters would perhaps have been won over by its charitable work. While

the BJP's success in denuding local disputes of their social context and attaching them to nationalist concerns extends its political reach, it also provides a fertile ground for contesting community boundaries along religious and ethnic lines. Tribal communities are, for instance, encouraged to interpret the material inequality between members of the local community through the fear of a threatening Other. Sarna adivasis (nature-worshipping adivasis) are taught to distrust Christian adivasis, who are believed to be better off because of the Church's missionary activities and who are seen as promoters of an alien religion which threatens to override original Hindu culture. Disputes stemming from local power struggles over land ownership, distribution of local development resources or access to livelihoods are thus taken out of unified political agendas for distributive justice to a divisive politics of hatred for the religious Other. In Jharkhand this took on an added significance as it served to destabilize the Christian missionary involvement in the Jharkhand Movement.

Hindu nationalism has therefore worked not only to create communal tensions between Christian adivasis and sarnaadivasis but has more systematically clouded the legitimacy of the Christian vanguard in the Jharkhand Movement. Although this is a coping mechanism against the rise of Hindu nationalism, its continuities with the cultural nationalist project in terms of promoting a moralist and restricted conception of culture actually shows the success of the BJP in permeating local recognition politics. The BJP has thus achieved its status as a political force in Jharkhand by fracturing the previously united Adivasi community mobilized by the Jharkhand Movement, by using the appeal of cultural nationalism to displace alternative redistributive claims, and by masking the regressive distributive effects of its own development regime. When negotiating for a separate state, Jharkhandi politicians used the notion of unified Jharkhandi identity to reassure the central

government that there would be no risk of national disintegration if administration was put into local hands, and that this would in fact promote just and efficient development. The de-radicalization of recognition-based politics cannot be explained only in terms of the limits of cultural identity-based claims *vis-à-vis* the political and economic structures that produce inequality. Rather, as the case of Jharkhand illustrates, politics in the sense of competition over power and legitimacy between rival political factions plays a major role in determining the extent to which identity-based claims can achieve distributive justice.

The reservation system as a state-sponsored measure for correcting distributive inequality produces politics in which subordinate groups, while conforming to a project of normalization, are also led to fight each other for a limited share of resources. Cultural nationalism as promoted by the BJP in their bid to legitimize themselves as an alternative political force in Jharkhand, simultaneously de-legitimizes the Christian vanguard which played a key role in uniting adivasis to push for indigenous rights over land and natural resources. In a state discourse in which regional identity is couched in a common project for social and economic development, instruments of rule and control are (re)produced to regulate people's lives in the name of development. This removes avenues for making distributive claims for a particular group or community, as regional progress and development are directed towards a collective that is referred to through 'culturally neutral' discourses of secularism and economic management.

Appendix 4

Additional Biblical References (NIV) on Justice

Pr. 21:15; When **justice** is done, it brings joy to **the** righteous but terror to evildoers.

Amos 5:24; But let **justice** roll on like a river, righteousness like a never-failing stream!

Zech. 7:9; This is what the LORD Almighty said: 'Administer true **justice**; show mercy and compassion to one another'. Deut. 16:20; Follow justice and **justice** alone, so that you may live and possess the land **the** LORD your God is giving you. Is. 30:18; Yet the LORD longs to be gracious to you; therefore, he will rise up to show you compassion. For the LORD is a God of **justice**. Blessed are all who wait for him! Eccl. 3:17; I said to myself, "God will bring into judgment both the righteous and the wicked, for there will be a time for every activity, a time to judge every deed."

Heb. 10:30; For we know him who said, "It is mine to avenge; I will repay," and again, "The Lord will judge his people."

Hosea 12:6; But you must return to your God; maintain love and justice and wait for your God always.

Job 12:22; He reveals the deep things of darkness and brings utter darkness into the light.

Pr. 24:24-25; Whoever says to the guilty, "You are innocent," will be cursed by peoples and denounced by nations. But it will go well with those who convict the guilty, and rich blessing will come on them.

Ps. 37:27-29; Turn from evil and do good; then you will dwell in the land forever. For the LORD loves the just and will not forsake his faithful ones. Wrongdoers will be completely

destroyed; the offspring of the wicked will perish. The righteous will inherit the land and dwell in it forever.

Is. 30:18-19; Yet the LORD longs to be gracious to you; therefore he will rise up to show you compassion. For the LORD is a God of justice. Blessed are all who wait for him! People of Zion, who live in Jerusalem, you will weep no more. How gracious he will be when you cry for help! As soon as he hears, he will answer you.

Micah 6;8; He has shown you, O mortal, what is good. And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.

Is. 61: 8-9 'For I, the LORD, love justice; I hate robbery and wrongdoing. In my faithfulness I will reward my people and make an everlasting covenant with them. Their descendants will be known among the nations and their offspring among the peoples. All who see them will acknowledge that they are a people the LORD has blessed.'

Luke 18; 1-8; Then Jesus told his disciples a parable to show them that they should always pray and not give up. He said: "In a certain town there was a judge who neither feared God nor cared what people thought. And there was a widow in that town who kept coming to him with the plea, 'Grant me justice against my adversary.' "For sometime, he refused. But finally, he said to himself, 'Even though I don't fear God or care what people think, yet because this widow keeps bothering me, I will see that she gets justice, so that she won't eventually come and attack me!" And the Lord said, "Listen to what the unjust judge says. And will not God bring about justice for his chosen ones, who cry out to him day and night? Will he keep putting them off? I tell you he will see that they get justice, and quickly. However, when the Son of Man comes, will he find faith on the earth?"

Is. 1:17; Learn to do right; seek justice. Defend the oppressed. Take up the cause of the fatherless; plead the case of the widow.

Ps. 106:3; Blessed are those who act justly, who always do what is right.

Lev. 19:15; 'Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly.'