



Laws have failed to check discrimination, says Fali Nariman

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New Delhi : Eminent jurist and president of the Bar Association of India (BAI) Fali S Nariman on Wednesday said Indian laws have not been successful in preventing discrimination. He was speaking at a seminar 'Embrace diversity, end discrimination' at the India International Centre (IIC) here on the eve of the World Human Rights Day.

Nariman said equality was more easily proclaimed than achieved. He said while the Constitution in Article 15 banned discrimination on the basis of religion, caste, race, sex and place of birth, it still existed in various forms.

The constitutional expert also hit out at the "sons-of-the-soil" campaign initiated by regional parties of Maharashtra and Punjab, saying they violated Article 15 of the Constitution which prevented discrimination on the basis of place of birth and added that such parties "should be disenfranchised".

He spoke about India's history of caste and untouchability and the pervasive links it had formed with all aspects of the Indian psyche. He questioned why the Constitution had banned untouchability and yet paradoxically recognised it in the form of Scheduled Castes (SCs) and Scheduled Tribes (STs).

He criticised discrimination on the basis of gender, questioning the relevance of Section 497 of the IPC which deals with adultery. Referring to the fact that at one point of time married women needed court permission before joining the Indian Foreign Service (IFS), Nariman said deep-rooted prejudices were held by men "even in government services".

The BAI president said while laws and judgements had been passed by courts against discrimination, political hypocrisy in their implementation had led to the discrimination remaining a reality. "Politics trumps law," he rued.

He said the solution to discrimination existed not in laws but in a change of mindset. Nariman said the country needed more women judges and needed men to overcome their gender bias.