



Zürich, October 2019

Seminar:

High-tech, Poverty, 'Untouchables' and Democracy for a Billion: The Constitution of India and Constitutionalism in the Global South

The constitution of India is of particular interest for the understanding of the prospects and problems of constitutionalism in contemporary societies. The constitution of India was created under particular circumstances. It is a revolutionary document and a central element of the struggle for independence of India from colonial rule. It is a rare example of the successful entrenchment of constitutional law and human rights in postcolonial settings. It had great influence on the drafting of other constitutional systems, in particular in the Global South. And, not least, India is the largest democracy in the world and its constitution frames its democratic process.

The constitutional development of India under conditions of postcolonial independence and development has to deal with a plethora of problems. Among them are a multicultural and multireligious society, the phenomenon of a caste-society that seems to contradict the very idea of constitutional democracy which is based on equality, high rates of poverty persisting alongside a high-tech economy and divisive identity politics by powerful forces within the Indian society.

The seminar intends to explore the constitution of India with comparative interest to learn more about the particular challenges faced by constitutionalism in the context of a postcolonial development. It intends to attempt to draw some lessons for the current crisis of constitutionalism that is observable in many constitutional systems around the world.

The seminar will be taught together with Prof. Dr. Arun Thiruvengadam (→ <https://azimpremjiuniversity.edu.in/SitePages/arun-k-thiruvengadam.aspx>), Professor of Law at the School of Policy and Governance at the Azim Premji University in Bengaluru, India and a leading expert on Indian constitutionalism.

Topics include:

1. Historical background: precolonial settings, colonial periods, postcolonial trajectory
2. The drafting of the constitution and Indian independence
3. The structure of the Indian constitution
 - a. Human rights, directive principles
 - b. Human rights case studies (e.g. social rights, gay rights etc.)



- c. Constitutionalism and the caste society – The problem of the Dalit (Untouchables)
 - d. The executive
 - e. Democracy in India
 - f. Federalism and local government
 - g. Technocratic constitutional institutions
 - h. Multiculturalism and religious diversity
 - i. Constitutional change
4. Constitutional theory and constitutionalism in India

The seminar will be held in English and German.

A preparatory meeting will be **October 22, 4pm, room KOL H 321**.

Please apply with a short letter of motivation (to lst.mahlmann@rwi.uzh.ch and youlo.wujohktsang@rwi.uzh.ch). Also, please indicate *three* thematic preferences in your letter.

Best regards,

Universität Zürich
Rechtswissenschaftliches Institut

Prof. Dr. Matthias Mahlmann