



DR. B. R. AMBEDKAR NATIONAL LAW UNIVERSITY, SONEPAT

Organises

COMMEMORATIVE SERIES ON
**50 YEARS OF THE
CONSTITUTIONAL DISSENT:
REVISITING JUSTICE H.R.
KHANNA'S LEGACY**



INTRODUCTION

“A dissent in a court of last resort... is an appeal to the brooding spirit of the law, to the intelligence of a future day.”

- Justice H.R. Khanna

The trajectory of constitutional democracies is shaped not only by majority decisions but also by principled dissent. One of the most significant moments in Indian constitutional history is the dissenting opinion of Justice H.R. Khanna in *ADM Jabalpur v. Shivkant Shukla*, delivered during the Emergency (1975–77), a period marked by the suspension of civil liberties.

The central question before the Supreme Court was whether the right to life and personal liberty could be effectively extinguished by suspending the right to constitutional remedies. While the majority upheld the State’s position, Justice Khanna’s dissent asserted that the right to life and liberty is not solely a creature of Article 21 but inherent in the rule of law itself. Even in the absence of explicit constitutional protection, the State cannot deprive an individual of life or liberty without authority of law.

His opinion reaffirmed foundational constitutional principles—limited government, judicial independence, and the supremacy of the rule of law—at a time of institutional strain.

In contemporary times, marked by evolving tensions between liberty and State power, revisiting this dissent is not merely commemorative but normatively significant. It offers a critical lens to examine constitutional resilience, judicial responsibility, and the enduring relevance of dissent in safeguarding democratic values.

ABOUT THE ACADEMIC SERIES

The National Commemorative Series on “50 Years of the Constitutional Dissent: Revisiting Justice H.R. Khanna’s Legacy” is a collaborative academic initiative organised by Dr B.R. Ambedkar National Law University, Sonapat.

The series aims to advance constitutional scholarship and foster interdisciplinary dialogue on questions of liberty, rule of law, and judicial independence. It commemorates the 50th anniversary of Justice Khanna's dissent as a defining moment of constitutional conscience. A year-long academic series will be organised to discuss the development of the right to life and liberty in India.

The event will be conducted in a coordinated manner across the participating institutions through keynote addresses, panel discussions, and paper presentations, bringing together judges, academicians, practitioners, and students from across the country.

ABOUT DBRANLU SONEPAT

Dr. B.R. Ambedkar National Law University, Sonapat (DBRANLU) was established by the State Government of Haryana in the year 2012 under the Haryana Act No. 15 of 2012 under the name of National Law University Haryana enacted by the legislature of the State of Haryana. As a tribute to Dr. B.R. Ambedkar, a great social reformer and architect of our present legal system and the Constitution, the State Legislature of Haryana through an amendment in 2014 changed the name of this University to Dr. B.R. Ambedkar National Law University, Sonapat. The University has firmly resolved to impart advanced legal education, to hone practical legal skills and inter disciplinary understanding, keeping in view the requirements of a just and equitable society.

Hon'ble Mr. Justice Surya Kant, The Chief Justice of India is the Visitor of the University. Prof. Ashim Kumar Ghosh, Hon'ble Governor, Haryana is the Chancellor. Prof. (Dr.) Devinder Singh is the Vice Chancellor and Prof. (Dr.) Ashutosh Mishra is the Registrar of the University.

OBJECTIVES OF THE ACADEMIC SERIES

- ▶ To commemorate the 50th anniversary of Justice Khanna's dissent and its enduring constitutional significance
- ▶ To critically examine the jurisprudence and role of dissent in constitutional adjudication
- ▶ To facilitate scholarly engagement on constitutionalism and civil liberties
- ▶ To promote institutional collaboration and interdisciplinary dialogue

THEME OF THE ACADEMIC SERIES

“50 Years of the Constitutional Dissent: Revisiting Justice H.R. Khanna's Legacy”

The series is anchored in the idea that dissent is a vital constitutional instrument that preserves democratic values, safeguards individual liberties, and contributes to the evolution of law. The series includes the following broad themes:

1. Right to Dissent: 50 Years of Justice H.R. Khanna's Legacy
2. From Authoritarianism to Constitutionalism: Revisiting the 42nd and 44th Amendments
3. Emergency Powers and the Constitution: Limits and Accountability
4. Samvidhan Divas and the Emergency: Reaffirming Constitutional Values
5. Preventive Detention in India: Law and Practice
6. Right to Privacy vis-à-vis Surveillance Laws: Constitutional Challenges in the Digital Age

SUB-THEMES

Participants may engage with (but are not limited to) the following themes:

I. Constitutional Theory and Jurisprudence

- ▶ Jurisprudence of dissent in constitutional courts
- ▶ ADM Jabalpur: contemporary relevance
- ▶ Rights jurisprudence and expanding liberties
- ▶ Judicial independence and constitutional morality

II. State Power, Emergency, and Accountability

- ▶ Rule of law during emergencies
- ▶ Preventive detention and civil liberties
- ▶ Emergency powers and constitutional governance
- ▶ Law, politics, and the sociology of dissent

III. Contemporary and Emerging Challenges

- ▶ State surveillance and privacy
- ▶ Digital constitutionalism and technology
- ▶ Media, AI, and the future of liberty

PROPOSED ACTIVITIES

- ▶ Keynote addresses by distinguished members of the judiciary.
- ▶ The National Conference will feature keynote addresses by Hon'ble Judges, panel discussions, and technical sessions for paper presentations.
- ▶ The commemorative lecture series by members from academia, distinguished judges and professionals.

- ▶ Panel discussions with leading academics and experts
- ▶ Workshops will be conducted to build research capabilities among the students.
- ▶ Paper presentation sessions for researchers and students
- ▶ Essay writing competition for researchers and students
- ▶ A Valedictory Conference will be organised, where key findings and scholarly contributions from the year-long programme will be presented. This event will also include the launch of a series of edited volumes comprising selected peer-reviews.

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